

November 2024

Challenges in Identifying and Documenting Sexual Crimes Committed During a Raid Terrorist Attack

Lead researcher: Prof. Yifat Bitton

Research team: Adv. Shir Bukra, Adv. Vardit Avidan, Hodaya Shaked



We are profoundly grateful to the many interviewees who worked tirelessly to save lives, to recover and identify those lost in the catastrophe, and to bring closure to grieving families.

This report is dedicated with love and compassion to the victims of the sexual crimes who were impacted by the terrorist attack – to those who survived and carry the memory, to those who lost their lives in cruelty, and whose voices have been forever silenced. Your memory is etched in our hearts and our actions.

In memory of the brave souls who believed in peace,
Chen Nachmias and Roei Levi, who made the ultimate sacrifice protecting innocent Israeli communities.

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1. Introduction

This report reveals for the first time the chaotic conditions created by a terrorist attack and their direct impact on the ability to prove that sexual crimes were committed during the attack. It also offers a set of practical policy recommendations and conceptual tools, regarding the role of emergency responders — primary and secondary — in identifying indications and documenting evidence of sexual crimes committed during a terrorist attack.

This research emerged from the grim reality we encountered after the October 7 attack against Israeli citizens,¹ where our decades of experience and expertise in combatting sexual violence — both in legal and public spheres — suddenly seemed inadequate and insufficient. The unprecedented difficulty in proving that these sexual crimes were committed, particularly the systematic nature that qualifies them as crimes against humanity under international law,² became evident. Despite the mounting evidence, field reports, and survivor testimonies confirming these atrocities, the **global response often amounted to silence or even denial**, further depriving victims of acknowledgment for their suffering. This distortion and injustice rendered it crucial to understand the mechanisms affecting the documentation and verification of sexual crimes in the wake of a terrorist attack. This need ultimately drove the current research, which aims to examine how response systems function in identifying and documenting sexual crimes under such conditions in a way that has never been studied before.

The occurrence of sex crimes during a terrorist attack significantly impedes the ability to identify and prove these crimes. Our comprehensive research highlights two primary impacts — **one conceptual**, the other **practical** — that have not been previously examined. **First** is the prevailing assumption that sexual violence as a tactic of warfare cannot apply in a mass-casualty terrorist attack of limited duration on Western soil. **Second** is the reality of how the ensuing chaos severely damages the mechanisms for identifying sex crimes and documenting their evidentiary marks under the chaos created by such an attack. These impacts were evident in the response to the October 7 Hamas attack on Israel and how Israeli systems attempted to manage the aftermath.

1 Although the attack was generally directed against citizens of the State of Israel, its victims also included citizens of foreign countries who may have been subjected to sexual violence. Sexual violence was also used against female and male soldiers.

2 Rome Statute of the International Criminal Court, Article 7(1)(g), 2002.

This report explores the operational challenges faced by primary and secondary response systems in assessing whether sexual crimes occurred during a terror attack. Based on its findings, the report offers initial, groundbreaking policy recommendations to enhance state and international preparedness, enabling Security, Emergency and Medical emergency forces to identify sexual crimes at the earliest possible stage of a terrorist attack and recognize them for various critical purposes. Rather than focusing on formal legal proof, the report addresses the evidentiary challenges and tools necessary for promptly acknowledging these crimes soon after they occur. Such recognition is vital for several reasons. It enables the rapid establishment of a support system for victims, assigns preliminary accountability to perpetrators, and upholds justice during the chaotic aftermath of an attack. This is possible by leveraging national and international bodies with authority to impose significant accountability, however non-legal.³ The report also posits that this initial recognition could be a significant step toward eventual formal legal acknowledgment (though this report does not pursue it here⁴), which typically requires a higher standard of proof and serves different objectives.⁵

The report seeks to contribute to the universal fight against terror and the long-standing feminist struggle against the denial of sexual violence and the damage resulting from its non-recognition. Our goal is to ensure that the walls of silence encountered by victims in Israel are shattered and fall — not only for them but for victims in all countries of the world.

In powerful Western nations, an extreme dissonance might exist between the severity of the sexual crimes committed and the inability to present evidence in a way that would promote the recognition and healing needed by the victims and that would satisfy international bodies, whose weak response would make it difficult to obtain justice for the victims. As part of the aspiration to build a more just and safer world, we must confront the consequences of sexual crimes of any entity, without any preliminary political bias, with determination and solidarity that express a feminist-universal approach and promote justice for all.

3 An example of this is the UN Women's Organization. See the justifications for the mandate given to this organization and its important modes of action here: <https://ejournal.umm.ac.id/index.php/GLI/article/view/32957/14777>

4 We will qualify these words by stating that the change in the evidentiary paradigm proposed later in the report can be an important tool for legal authorities in establishing legal responsibility for sex crimes in the future, with the necessary adjustments.

5 For the variety of legal responsibility arrangements that can apply to sexual crimes, see International Protocol 2017 2nd Edition.pdf (un.org) pgs, 41-49 (https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict/International_Protocol_2017_2nd_Edition.pdf)

The case analysis and recommendations in this report are relevant to any **Western country** that may face a terrorist attack involving sex crimes and are crucial for enhancing national preparedness. On the international level, the report underscores the need for a global framework for evidentiary documentation to prevent the injustices of denial and impunity, requiring international organizations to contribute to this recognition.

Ultimately, this report and its recommendations aim to strengthen the shared global toolkit for combating terrorism and support the broader objective of international justice and accountability.



Shir Bukra

2. Report Description

2.1. Background

The surprise attack by Hamas against the State of Israel began early in the morning of October 7, 2023, with a massive rocket barrage from the Gaza Strip towards southern and central Israel that lasted many hours. Under the cover of rocket fire, thousands of terrorists infiltrated Israeli territory by land, air, and sea in several waves. The main focal points of this onslaught were to create convenient infiltration routes, such as border crossings; to raid military border posts and infiltrate strategic security headquarters, such as army and police bases; to neutralize IDF observation and communication means, thereby damaging and disrupting the IDF's ability to command and control forces in the area; to invade civilian settlements, including kibbutzim and cities, while carrying out massacres, violence, destruction, kidnapping and looting in local communities, as well as attacking concentrations of civilians who were in the area, especially those celebrating at nature parties. The attack, stretching for dozens of kilometers along the border fence between Israel and Gaza, resulted in a catastrophic loss of life, with thousands injured and approximately 1,200 murdered. Israel's national emergency service MDA labeled it the largest terrorist attack in the nation's history, classifying it as a "mass casualty mega-terror" event.⁶ Given its multiple peculiarities, this attack is identified here for the first time as a **new** type of terror attack: **Raid Terror Attack**,⁷ which will be introduced in detail later in the report.

The terror attack included the use of horrific sexual violence, including acts of gang rape, necrophilia, mutilation of genitals, and other sexual tortures.⁸ These crimes were committed systematically and deliberately, with many of the victims of sexual violence — women, men, boys, and girls — subsequently murdered.⁹ Various sources corroborated these findings:

6 See MDA (Magen David Adom) issue - Zeman Emet, dated October 11, page 12.

7 We thank Prof. Boaz Ganor, an expert on global terrorism, for suggesting the use of this new concept.

8 This statement appears in a report on the subject written by the UN Special Representative for Sexual Violence in Conflict Areas, Attorney Premila Patten. <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/03/report/mission-report-official-visit-of-the-office-of-the-srsg-svc-to-israel-and-the-occupied-west-bank-29-january-14-february-2024/20240304-Israel-oWB-CRSV-report.pdf>

9 In light of the data we have, according to which the majority of victims of sexual acts were women, and only a minority of them were men, we will use female-defined language throughout the report, with the intention of not burdening the reader. However, it is important to emphasize the fact that men are also exposed to sexual crimes during war - Conflict-related sexual violence - Report of the Secretary-General (S/2024/292) [EN/AR/RU/ZH] <https://reliefweb.int/report/world/conflict-related-sexual-violence-report-secretary-general-s2024292-enarruzh>, posted April 4, 2024, pp.6-7.

1. A report by Physicians for Human Rights in November 2023.¹⁰
2. A report by the Association of Rape Crisis Centers in Israel in February 2024.¹¹
3. A report by the UN Special Representative on Sexual Violence in Conflict, Adv. Pramila Patten, in January 2024.¹²

Amid the chaos, the functioning of many SEM (Security, Emergency, and Medical) forces and systems responsible for fighting, assisting, and rescuing in a mass casualty terrorist event was severely impaired. SEM forces are those entities and organizations that operate in an organized manner in response to a mass casualty event (MCE) originating from terrorism. Primary SEM forces, also known as first responders, provide the initial response at the scene, while secondary SEM forces operate outside the scene.¹³

2.2. Purpose of the Report

The purpose of this report is to suggest mechanisms and practices that will enable optimal recognition of sex crimes committed during a raid terror attack while acknowledging the great difficulty in identifying and collecting evidence that will attest to their existence. The report identifies the almost complete absence of these mechanisms for the first time and points to the SEM forces as those who should be given tools for such identification due to their initial and vital — albeit limited — ability to do so.

The report seeks to change the circumstances under which a terrorist organization benefited from the chaos it imposed through its actions, thus making it difficult for states to prove at the evidentiary level that such crimes were committed, along with recognizing the great difficulty in identifying and collecting evidence. This report advocates for a shift in the prevailing evidentiary paradigm, which currently demands proof of sex crimes for their recognition, as is standard in the verification of all war crimes.

10 See https://www.phr.org.il/wp-content/uploads/2023/11/5771_Sexual_Violence_paper_Eng-FINAL.pdf.

11 See Keller-Halamish, Carmit & Berger, Noga. (2024). "Silent cry: sexual and gender abuse in the October 7th war". Association of Rape Crisis Centers in Israel.

12 See Patten's report.

13 The responding forces and a description of their work appear in the appendix to this report.

Due to the paucity of evidence, characteristic of sex crimes in general, and those committed under a terrorist attack in particular, action should be taken to ensure that a terrorist organization that committed them cannot, under the cover of the chaos it caused, benefit from the paucity of evidence it left behind and thus escape responsibility for its crimes. This paradigm, borrowed from another legal field of causing evidentiary damage in a raid terror attack, will allow optimal protection of human rights and women's rights, which are the primary victims of the phenomenon. Moreover, it will promote general security in the international community and among populations exposed to terrorism.

To establish the causal link between the creation of chaos imposed by the terrorist organization and the evidentiary difficulty and change in the evidentiary paradigm as stated, the report progresses in the following stages:

1. Mapping of primary and secondary emergency response forces and exposing the lack of tools at their disposal for documenting sex crimes committed under cover of a terrorist attack, both at the scene as first responders and beyond it
2. Noting the chaotic conditions that limited the ability of emergency response forces to identify the existence of sex crimes during a terrorist attack and caused "evidential damage." These include operating under continued fire, the need to save lives and prevent body abductions, the need to continue fighting continuously for days and weeks, lack of awareness of the possibility of sex crimes (imagine the unimaginable), lack of skill in identifying indications for sex crimes and documenting them; identification under severe secondary trauma of emergency response forces and survivors; lack of organized and coordinated command and control; multiple terror scenes and an unprecedented large mass of victims; an unfamiliar mix between combat zone and crime scene; complete prioritization identification of victims; the mass murder of victims, including victims of sex crimes who were murdered and evidence of the sex crime was destroyed; preference for investigating murder over any sex offense; multiple first responders from a strict religious background, subject to rigid religious modesty norms in handling bodies.
3. Proposing mechanisms and optimal practices to increase the readiness of emergency response forces to identify sex crimes and their scope and to enable maximum evidence collection under the chaotic conditions of a terrorist attack. Due to the inherent evidential damage in such situations, emergency response forces may have the opportunity to act to minimize it, given their initial access to the terror event scene and its victims. This is not to see emergency responders

as bearing any responsibility for the loss of evidence, but as those in whom efforts should be invested to help them prevent massive loss of evidence.

While this research focuses on the Israeli case, its recommendations are relevant to other countries, enabling SEM response organizations to adopt them with appropriate adaptations. Implementing these recommendations will help affected nations establish early recognition of sex crimes in a terrorist attack, provide tailored support to victims, and seek acknowledgment and assistance from the international community in multiple contexts, ultimately promoting the whole measure of justice.

The expected outputs of the report are twofold:

1. Initial practical policy recommendations to increase the readiness of Western countries to identify sex crimes committed during a terrorist attack, to recognize them, and accelerate the rapid treatment of the victims, primarily recommending the establishment of a state body that will serve as a holistic and integrative body that will work to increase national readiness in the field, and will perform the following actions:

Formulate detailed procedures and establish learning doctrines and concrete work methods in the context of identifying sex crimes for various SEM response forces; be responsible for the guided and supervised operation of emergency responders during a terrorist attack; will protect the rights and dignity of direct and indirect victims, mainly by ensuring that victims receive timely quality and appropriate treatment for their injuries; assist the investigative and legal system in all that is necessary to impose responsibility for committing sex crimes.

2. A visionary proposal to redefine the future paradigm regarding proving the committing of sex crimes under a raid terror attack. The **first** paradigm regards the perception that a terrorist attack is intended only to kill innocent people, altering it to include the possibility of committing sex crimes as part of a focused and short-term terrorist attack. The **second** conceptual re-definition regards reconsidering the traditional requirement to "show evidence" for the execution of sex crimes. Instead, **the inherent evidentiary difficulty in proving them must be recognized** precisely because the crimes were committed during a terrorist attack. So, the "evidentiary damage" principle should be applied to them. This would allow for flexibility in how they are proven. This change will lead to widespread recognition and prevention of denial of sex crimes committed in the national and international arena in a way that will enhance the tools to fight terrorism in general and sex crimes committed under the cover of a terrorist attack — in particular.

2.3. Methodology

The work process on this report was four-staged and included various information sources. First, we conducted dozens of personal interviews with Israeli emergency responders to write it. We also aggregated, mapped, and processed various reports, academic research, and policy documents of institutional bodies and civil society organizations on issues of sex and gender-based violence (SGBV), open sources, and the like.

First stage — SEM response forces:

At this stage, a thorough mapping of SEM response forces in the primary and secondary response circle was conducted at the scene of the October 7 terrorist attack and beyond. Out of all the emergency response forces, the research team focused on reviewing the main forces that responded to the terrorist attack in terms of their functionality in optimal evidence collection, such as those who took or could have taken part in identifying and documenting sex crimes. This mapping included carefully examining the resources, protocols, and procedures guiding their work, formulated for emergencies and an MCE before October 7. At this stage, it should be noted that the review findings revealed that **none of the emergency response forces were given any professional guidance regarding how to operate regarding sex crimes.**

Stage Two — Interviews:

The research team initiated and conducted comprehensive interviews with dozens of emergency response personnel who operated at and around the event scenes.

During the October 7 terror attack and shortly after. This included security, medical, and rescue personnel, both military and civilian, from junior ranks who know the work "from the bottom" in the field and from senior ranks who know "from the top" how things were handled in those days and sometimes even dictated it. Both provided a comprehensive factual foundation, critical perspectives, and valuable insights. Through their eyes and harrowing testimony, the research team was exposed to the severity of the shortcomings and failures of all the bodies in the field in terms of identifying and collecting evidence of sex crimes. Moreover, **many interviewees noted that this was the first time they talked to anyone about the subject, either because they were not asked to testify or because they were not emotionally available.** Alarming, some even had evidence they revealed for the first time only in our interview. We strongly recommended all interviewees to contact the police to provide complete official documentation of these materials.¹⁴

14 Our reference was not a condition for participation in the interview, of course, as dictated

The research team conducted interviews following the Murad Code's international ethical guidelines,¹⁵ designed to protect those who provide testimony and have experienced sexual assault. We approached all interviewees with the same careful consideration as direct victims, recognizing that emergency response personnel who arrived at the scenes and witnessed the horrors up close shortly after they occurred might have experienced secondary trauma. Given the extent of the atrocities at various sites, we broadened the definition of "victims" to include these responders to prevent additional harm or trauma during interviews. Although not formal legal "testimony," the interviews carry a significant element of "giving testimony." Although the report draws upon a wide range of interviews with a diverse cohort of participants, certain limitations affected the scope of this source:

1. The research team did not receive any official authorization from a government body in Israel and zealously maintained its civic and professional independence. In light of this, all interviews were conducted voluntarily only, relying on the interviewees' understanding of the importance of the research work.
2. The research team had very modest funding available, so the researchers worked on a full or partial volunteer basis. Although they worked to present a broad scope of investigation of the emergency response bodies, their work was not unlimited.
3. Most interviewees who exposed the shortcomings and failures are still employed or active within the emergency response forces and, therefore, asked to remain anonymous.
4. In some cases, security considerations, confidentiality, or fear of disrupting investigations made it very difficult to conduct the interview or to transfer complete information to the team when it did take place. Ethical considerations regarding victims also drove us not to include some information in the report.
5. All the interviews were conducted amidst war in southern and northern territories, and some emergency response forces were actively involved in it in

by the rules of conduct on the subject formulated in the international protocol on the subject. *International Protocol 2017 2nd Edition.pdf* (un.org). (www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict/International Protocol 2017 2nd Edition.pdf) at p.98.

15 See [The Murad Code](http://www.muradcode.com) (April 2022) www.muradcode.com

a way that sometimes made it difficult to allocate enough time for a relaxed interview. This fact may also have affected the memory of those who gave us a testimony in their interview.

Despite these limitations, the picture presented in the report results from systematic work and numerous interviews conducted to comprehensively grasp the situation and provide an in-depth understanding of the relevant bodies' processes and challenges. These limitations, however, led the team to write a dynamic report, one of which presents a complete research outline, and the second part — the appendix — introduces the emergency response bodies studied in the format of an "open list." The purpose of this structure is to allow further interviewees and additional emergency response bodies to be added to this section over time.

Third stage — Analyze SEM Reactions

At this stage, a thorough examination was conducted of the adequacy and effectiveness of the emergency response forces' operating mechanisms in the areas of identification and investigation of sexual crimes committed during the terror attack. The report points to the challenges and deficiencies in identification skills and practices that this examination revealed. Moreover, throughout the report's writing, it emerged that almost all the emergency response bodies have not yet managed to produce protocols that would correct these deficiencies.

In this context, it is essential to note that even today, no single body consolidates all the findings regarding sex crimes — a fact that also makes it challenging to present a comprehensive and complete report on the subject. The report should, therefore, be read with this limitation in mind.

Stage Four — Recommendations:

The research team identified critical gaps and failures, leading to the formulation of preliminary recommendations for key emergency response bodies to develop procedures that enhance national— and ultimately international — preparedness for the optimal identification of sex crimes in terrorist attacks.

These recommendations aim to guide policymakers, law enforcement, humanitarian-focused international organizations, and other stakeholders in creating and implementing effective practices for identifying, acknowledging, and providing therapeutic support for sex crimes committed under the cover of a terrorist attack.

This research methodology is reflected in the report's structured analysis of each emergency response body, which includes:

- 1. Description** of the SEM response body and its role in managing mass casualty events and emergencies.
- 2. Impact of Chaos** on its ability to function as required under such circumstances.
- 3. Initial Recommendations** for future regulation of its activities to improve the identification and documentation of evidence of sexual assault.

The findings of this research lead to the conclusion that new protocols need to be developed for the proper and appropriate handling of sex crime identification and documentation by SEM response bodies during a terrorist attack. Although the report offers only an initial outline of such protocols and practices, it recommends that the legislator establish a coordinating state body to design them in detail. The protocols and practices should include coordinating the different response bodies and defining their jurisdictions, roles, areas of responsibility, and authority. Additionally, the report proposes a new conceptual evidentiary paradigm regarding the proof of sex crimes occurring under cover of a terrorist attack, based on the legal principle of "evidential damage." This will be discussed later in the report.

3. Terrorism and Sexual Violence

3.1. Background

The strategy of terrorist organizations in carrying out terrorist acts is to weaken and undermine the enemy's resolve through focused, short, and destructive confrontation while sowing terror and fear instead of conducting a broad conflict.¹⁶ Rather than focusing solely on destroying military forces, the goal of terrorism is to undermine public confidence in the government by emphasizing the vulnerability of the general public in the face of the government's inability to protect it.¹⁷ Thus, the victims of terrorism are not the primary target but a secondary target to broader political or ideological goals that a terrorist attack is intended to achieve by causing fear, instability, and a sense of vulnerability among the population. Terrorist attacks are, therefore, often strategically planned not only to cause direct and massive damage to their immediate victims but also to sow widespread chaos and disorder in broader contexts.¹⁸

A terrorist attack will, therefore, typically involve several stages: in the first stage, the primary targets, usually civilians, will be attacked, and in the second stage, the responding forces, the emergency services, will be attacked. This realizes one of the main strategies of a terrorist attack — creating chaos, disorder, and confusion to undermine and neutralize the attacked state's ability to respond to the created crisis, as well as to instill anxiety and a sense of helplessness in the attacked community. Careful observation also reveals that this strategy aims to delay and disrupt the coordination, mobilization, and deployment capabilities of resources and forces needed to halt and respond to the attack. The damage to the response capability caused by the emergency forces continues beyond the immediate results of the attack.¹⁹ It may also delay the monitoring of the terrorist event scene and severely impair the ability to collect evidence from it, evidence which is necessary for understanding the extent and nature of the damage caused by the terrorist attack. Accordingly, long-term recovery and efforts to build resilience and rehabilitation of affected communities are expected to be severely impacted.

16 Gearson, John. "The nature of modern terrorism." *The Political Quarterly* 73 (2002): pp.7-24.

17 Hoffman, Bruce. "The Logic of Suicide Terrorism." *Terrorism in Perspective*, edited by Sue Mahan and Pamela L. Griset (2008): pp.145-53.

18 See for example the following UN resolutions: Council resolutions 2195 (2014), 2253 (2015), 2199 (2015) and 2368 (2017).

19 [Conflict-related sexual violence-Report of the Secretary-General \(S/2024/292\)\[EN/AR/RU/ZH\]](#); Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism.

The use of sexual violence as a cruel warfare tactic is a recognized phenomenon in human history, with women systematically more vulnerable and exposed to this danger than others.²⁰ This phenomenon has been known since the dawn of humanity, and in the last century, it has been documented in various wars, such as the Sino-Japanese War with the rape of Nanking; World War II, where multiple armies raped women across Europe, in Bosnia, South Sudan, Rwanda, Congo, Syria, Iraq, and most recently in Ukraine. This systematic tactic is designed to humiliate, degrade, and shame the enemy based on the symbolic connection between women's bodies and the honor and integrity of the community. Through sex crimes, especially in the early stages of fighting, perpetrators seek to break the social fabric and spirit of the victim's community, terrorize it, demoralize it, establish dominance, and undermine its social cohesion. Sexual violence serves as a planned and organized act aimed at totally undermining the community while activating a kind of self-destruction mechanism. This stems from the way patriarchal mechanisms operate, which transfer shame to victims of sexual assault and attribute national honor to women's sexuality.²¹ The primal fear of sexual violence is sometimes even intended to cause flight and abandonment of the attacked territory.²²

In these circumstances of committing sex crimes under a terrorist attack, the terrorist organization not only further amplifies the cycle of violence and trauma of the attacked community, but it may also exploit the chaos it created to blur its crimes and evade recognition and responsibility for its actions before the international community and its victims. The report points for the first time to this result as an additional and unspoken injury to a state's ability to prove the extent of damage caused to it in a terrorist attack, especially in the context of sex crimes, which by nature are difficult to ascertain and prone to concealment in the first place. We aim to identify how this damage is caused and offer tools to prevent or minimize it as much as possible in future cases.

20 [International Protocol 2017 2nd Edition.pdf](#) (un.org) Women as the main victims of sexual crimes in war. p.21.

21 Catherine McKinnon, *Legal Feminism in Theory and Practice*, edited by Dafna Barak Erez, Resling 2005, p.115.

22 Hayden Robert M., 2000. "Rape and Rape Avoidance in Ethno National Conflicts: Sexual Violence in Liminalized States", *American Anthropologist*, Vol.102 (1), pp: 27-41.

3.2. The unique definition of sexual violence under the auspices of a terrorist attack

Sexual and Gender-Based Violence (SGBV) is an umbrella term that refers to two main aspects.²³ The first is sexual violence, which includes any sexual act, attempt to obtain a sexual act, or any other act directed against a person's sexuality using coercion by any person, regardless of their relationship to the victim. Sexual violence can include rape, sexual abuse and exploitation, forced pregnancy or abortion, forced prostitution, sexual slavery, forced circumcision, castration and forced nudity.²⁴

The second aspect concerns gender-based violence, which is a broad term describing any harmful action directed at individuals or groups based on their gender or sexual orientation and preference. This violence includes acts or omissions causing physical, psychological, and sexual harm or suffering, threats, coercion, and deprivation of liberty — whether in public or private spaces. This violence can also include acts that are not necessarily sexual, such as certain types of domestic violence or femicide.

In this report, we chose to expand the traditional definitions above further to also refer to acts that did not necessarily involve direct physical contact but created exposure to danger, both for the victims themselves and for witnesses exposed to sexual assaults in their environment. This expansion of the definition is a direct result of learning from the October 7 attack, in which Hamas employed sexual violence of both types in various ways and even beyond the expanded definition.

*A list detailing the types of sexual violence in its expanded version appears at the end of this chapter.

23 The definition of sexual violence in the report "Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism".

24 See also the definition World Health Organization (2016) Violence Against Women - Intimate Partner and Sexual Violence Against Women: Factsheet. Geneva: WHO.

3.3. Institutional International Recognition of Sexual Violence²⁵

The legal recognition of the use of sexual violence in armed conflict as a severe violation of international law and human rights law began to take shape at the end of the last century.²⁶ The initial explicit recognition of sexual violence in the form of rape in the context of armed conflicts was expressed in the 1949 Geneva Convention in the context of protecting civilians during war.²⁷ In 1977, an additional aspect of protection for women and children was added in the form of the First and Second Protocols to the Geneva Conventions, which emphasized that acts of rape are prohibited in the context of violent conflicts.²⁸ The discourse on sex crimes in the context of war took center stage in the early 1990s, following the Yugoslav wars and the Rwandan genocide. In these wars, the use of rape and sexual slavery was carried out as part of a policy of ethnic cleansing, and violent methods were used to achieve military and ideological goals. The first official and significant recognition of sex crimes in the context of combat took place during the 1990s, with the establishment of the tribunals for Yugoslavia and Rwanda and the prosecution of sex offenders.²⁹ This was an important milestone in the struggle for recognition of sex crimes in the context of combat, and that it is a shared interest of the international community to recognize and prosecute such crimes.³⁰

The Rome Statute of 1998 represented a significant breakthrough in international legal recognition of sexual violence crimes in the context of armed conflict. This statute, which formed the basis for establishing the International Criminal Court (ICC), explicitly defined gender-based and sexual offenses as crimes against humanity and war crimes for the first time. Thus, the adoption of the statute marked an era in which sex crimes

25 For an extensive review, see [International Protocol 2017 2nd Edition.pdf](#) (un.org), pp.29-37.

26 Kathleen Kuehnast, Chantal de Jonge Oudraat and Helga Hernes, *Women and War: Power and Protection in the 21st Century*, United States Institute of Peace, 2011, p.37.

27 Section 27 of the Geneva Convention Concerning the Protection of Civilians in Time of War, 1949, 21, 1, No. 30, p.453.

28 Regarding the applicability of the Geneva Convention and the Protocols of 1977 to Israel, see: Arena Ben Naftali and Yuval Shani, *International Law Between War and Peace*, Ramot Publishing - Tel Aviv University, 2006, pp.131-133.

29 Statute of the International Tribunal for the Former Yugoslavia, Security Council Resolution 827, U.N.Doc. S/RES/827 (1993); Statute of the International Tribunal for the Rwanda, Security Council Resolution 955, U.N.Doc. S/RES/955 (1994).

30 Obote-Odora, A. (2005). Rape a contribution. *New Eng. J. Int'l & Comp. L.*, 12, 135. Rape and sexual violence in international law: ICTR contribution. *New Eng. Int'l & Comp. L.* 12. 135.

were recognized for their physical and psychological harm,³¹ and that these offenses are not only war crimes, but also serious crimes that violate human dignity and humanity.³²

UN Security Council Resolution 1325, adopted in 2000, was another step towards recognizing sexual violence during armed conflicts as a war crime.³³ It called on member states to protect women during war and ensure that perpetrators of sexual violence during conflict are brought to justice. In 2008, Resolution 1820 was adopted, which states that sexual violence can be considered a war crime and a crime against humanity, and it is a clear expression of international recognition of sex crimes as a tool of war and terror.³⁴

The adoption of important resolutions, such as UN Security Council Resolution 1820, the appointment of special representatives on sexual violence in armed conflicts, and the establishment of international tribunals and investigative mechanisms to prosecute sex offenders reflect the international community's commitment to address this issue.³⁵

The expansion of recognition of sexual violence as an additional weapon in the activities of terrorist organizations only crystallized about a decade ago, when the UN Security Council (hereinafter: UNSC) determined in its resolutions that the use of sexual violence has become another combat tactic in the hands of terrorist organizations.³⁶ In the past year, the Counter-Terrorism Committee (CTC) of the UNSC has initiated the writing of two major reports on the subject.³⁷ The first report was submitted in November 2023 and was dedicated to analyzing sexual violence and enslavement perpetrated by terrorist organizations, focusing on examples of ISIS in Iraq and Syria, Boko Haram in Nigeria, and Al-Shabaab in Somalia. The second report, submitted to the Security Council in April

31 A number of cases at the Rome Convention, in which it was observed: [Panina Sharvit Baruch and Uri Bari, the International Criminal Court, a general guide and the Israeli angle](#), on the website of the Institute for National Security Studies, July 2022.

32 Alona Hagai-Frey, On Exclusion and Exceptional Crimes: Sex Crimes, Gender and International Criminal Law, Law 16 1971 (<https://hamishpat.colman.ac.il/wp-content/uploads/2018/11/10-Hagai-Frey.pdf>). See also Bensouda, F.(2007). Gender and Sexual Violence under the Rome Statute. In *From Human Rights to International Criminal Law/Des droits de l'homme au droit international pénal* (pp.401-417). Brill Nijhoff.

33 Security Council 1325 (2000).

34 Shavit Matias, Miri Sharon, International Criminal Court, Judgment 9 5644, 23, 31.

35 Security Council 1820 (2008).

36 See for example the following UN resolutions: Council resolutions 2195 (2014), 2253 (2015), 2199 (2015) and 2368 (2017).

37 See comment 12 above.

2024, addressed additional issues in the field and expanded its analysis to include sexual violence employed in the Bosnia-Serbia war and in Ukraine. Although these reports make an important contribution to understanding the phenomenon, their findings, including identifying the organizations' modes of operation and recommendations to combat the phenomenon, were formulated in recognition of the fact that these are underdeveloped countries, lacking modern power and regulated liberal mechanisms.

Terrorist attacks inherently involve the use of cruel and inhumane behavior, yet specific and prompt recognition of sex crimes is important for various reasons. Such recognition does not give preference to dealing with these crimes specifically, but rather emphasizes their unique role in sowing destruction in the attacked community, and in implementing patriarchal oppression mechanisms even on the battlefield. It is also particularly necessary in light of the nature of sex crimes as crimes more susceptible to concealment and denial during routine times, but especially in times of emergency, unlike other war crimes. In this context, it is important to clarify that the recognition discussed in this report is not necessarily rigid legal recognition (through national and international judicial mechanisms), but rather social recognition based on a feminist-universalist approach, carried out mainly through "soft" international mechanisms, such as the UNSC and reports of international bodies, both within and outside the UN, such as the European Union.

This current report differs from previous writings regarding sexual violence originating from terrorism in that it **deals for the first time with the evidentiary challenges faced by a strong and functioning western state in whose territory such crimes were committed as part of a raid terror attack.**³⁸ An attack of this type requires a unique cataloging of its chaos characteristics and challenges and warrants separate analysis. Although the lessons presented in this report are intended to serve any state dealing with the use of sex crimes against it as a weapon in a violent conflict in its fight against terrorism, it has unique relevance to western, liberal states with military power and control, which may find themselves in a similar reality in the future.

38 The relevance of this statement to the issue of sexual violence against the Israeli abductees, while they are being held in Gaza, must be qualified.

3.4. Use of sexual violence in a terrorist attack on the soil of a western state — The precedent: If it happened to us, it can happen to you, too

Sexual violence has been used as a tactic of warfare in many armed conflicts since the dawn of humanity, but until now, **widespread use of sexual violence by a terrorist organization operating in a sovereign and strong western state was not known.** This takes on added significance when it comes to a focused and short event of violence, resulting from a one-time attack. These characteristics are what make the Hamas attack the first of its kind in the world.³⁹

The precedent characterizing this attack is also what makes it a universally important test case for dealing with the use of sexual violence in a terror attack: It can be estimated with high probability that this is how terror attacks on western soil are expected to look from now on. Israel, as a victim, has long been a global terror laboratory for new terrorist methods and a model for imitation of pioneering strategies that have been widely adopted. This trend is evident in past cases, ranging from hostage taking, plane hijacking, suicide bombing and similar terrorism tactics.⁴⁰ The world must now recognize that we are witnessing a new era of terrorism, one that is being ruthlessly inflicted on the Israeli population. It is only a matter of time before similar tactics are employed elsewhere in Europe. Triggering and facilitating these imitations are the convenient conditions of isolation of terror organizations in enclaves, without being hindered by the community nor by the state.⁴¹ This is apparent throughout European and now also American states, where they can plot their raid attack in their autonomic territory undisturbed, since the ruling state has gradually lost an effective hold there.

The copying of terror elements from one another, and the significant influence of terror patterns on global terrorism are expected to produce a repetition in future terror attacks

39 This is the place to qualify our statement by saying that during the course of this research, from two sources we heard a claim that suspicion was raised that in the massacre carried out by the terrorist organization ISIS in the Bataclan theater in Paris in 2015, sexual violence was also applied to women who were imprisoned in the theater during the hours that the massacre took place. We were unable to find a source that would verify this, but it is also clear that no investigation was conducted that could confirm or refute this claim.

40 See Boaz Ganor's comments on the subject at <https://blogs.timesofisrael.com/unless-israel-defeats-hamas-isis-the-west-is-next>

41 Boaz Ganor, An Intifada in Europe? A Comparative Analysis of Radicalization Processes Among Palestinians in the West Bank and Gaza versus Muslim Immigrants in Europe. *Studies in Conflict & terrorism*, 34: 587–599, 2011. <https://www.tandfonline.com/doi/full/10.1080/1057610X.2011.582629>.

as well. The international community's familiar picture of terrorism is expected to change accordingly.⁴² The prevailing assumption is that in a modern, functioning western country with a strong military, immediate response capability, seemingly functioning emergency systems, and excellent judicial and investigative systems, there would be no difficulty in proving the existence of sex crimes. However, the opposite is true. When the unimaginable becomes a reality, these mechanisms can be expected to malfunction precisely for the simple reason that they are not prepared for what cannot be imagined to happen to such a powerful country.

A key conceptual shift underpinning this report is the recognition that even one-time terrorist attacks can provide opportunities for sex crimes. This contrasts with wartime sexual violence, whereby the expectation that sex crimes will be committed is higher, and the ability to collect evidence is greater. For instance, the scarcity of surviving witnesses in terrorist attacks often hinders the prosecution of these crimes, a challenge less pronounced in the context of war. Having survivors testify also eliminates the need to exhibit forensic evidence.⁴³ Another example is rape survivors who have become pregnant as a result of their assault. Given their presence within a state system, the long-term effects and injuries of this sexual violence can be more easily tracked.⁴⁴

3.4.1. When the Unimaginable Becomes Reality – Unique Challenges

What created the difficulty in evidential documentation of sex crimes was not only the practical difficulty of collecting testimonies, but first and foremost the mental fixation that prevented the thought that their execution was possible on the soil of a liberal and sovereign state.

42 An extreme example of this is taking credit for an act of terrorism by one group by another: See Hoffman, Aaron M. "Voice and Silence: Why Groups Take Credit for Acts of Terror." *Journal of Peace Research*, vol. 47, no.5, 2010, pp.615–26. JSTOR, <http://www.jstor.org/stable/20798930>. Accessed April 28, 2024.

43 See guidelines for documenting damage to surviving victims *International Protocol_2017_2nd_Edition.pdf* (un.org) pp.82, and the flock *The need to verify evidence*, pp.39 158.

44 See, for example, how sex crimes were proven in Ukraine: *UN Women's Initiatives in Combating Sexual Violence Against Ukrainian Women Amidst the Russia-Ukraine Conflict*. pp.51.

1. Lack of reasonable expectation for sexual assaults during a terror attack

It is difficult to anticipate and prepare for this when sex crimes are used for the first time as a tactic of war by a terrorist organization. The Israeli-Palestinian conflict is deep, violent and has lasted for many decades, but sexual violence was never seen as systematically characterizing it.⁴⁵ Although sporadic use of sexual violence in terrorist acts occurred in the past, it was rare and not systematic. In light of this, Israel did not prepare to adapt its systems to respond as required, both in terms of identification, documentation and even treatment of victims. Moreover, based on its past experience, the State of Israel did prepare for a scenario of a mass casualty terrorist event, which it defined as a 'mega-terror event'.⁴⁶ Against this background, the lack of preparedness for the use of sexual violence and preparation for it is particularly striking, even within such a scenario. Even the army prepared only for the scenario of soldiers being killed in a terrorist attack at its casualty collection stations. **The station has no equivalent to a forensic unit and the concept is that it only deals with "operational death" resulting from weapons or training accidents.**⁴⁷ In the international arena as well, Hamas, unlike organizations such as ISIS or Boko Haram, lacked official identification as a terrorist organization employing sexual violence tactics until the October 7 attack.⁴⁸

2. Rapid and effective response capability to end a terror attack by the attacked state

Under a rapid terror attack, the understanding that it is expected to end relatively swiftly by the state's organized defense forces increases the motivation of terrorists to produce as many casualties as possible in minimal time. This fact

45 There is evidence of sexual assaults in the context of pogroms prior to the establishment of the state, such as the 1929 riots in Hebron: Elide, Uzi. (2017) "Between obscurity and prominence: the Hebrew press in Israel witnessing the events of 1929." p.21 in BaSha'ar. This violence is not typical for either side of the conflict. See Nitzan, Tel. (2006) "The Limits of the Occupation: The Rarity of Military Rape in the Israeli-Palestinian Conflict", Essay for a Master's Degree in Anthropology, The Hebrew University. p.33.

46 <https://projects.mynet.co.il/business2/article/skvvg38pp>.

47 Interview with a senior official in the Medical Corps, dated September 13, 2024.

48 United Nations, Human Rights Council, They Came to Destroy: ISIS Crimes against the Yazidis, A/HRC/32/CRP.2 (15 June 2016), available at <https://www.ohchr.org/en/hrbodies/hrc/regular-sessions/session32/list-reports>; Bureau of Democracy, Human Rights and Labor, Nigeria 2016 Human Rights Report.

affects the extent of killing, including victims of sex crimes. A large number of fatalities requires focus on identifying victims rather than identifying other crimes committed against them. Additionally, such an attack leaves few survivors, who are usually trauma-stricken and terrified, struggling to provide testimony.⁴⁹ In Israel as well, testimonies from the scene only began to be reported weeks after the attack.⁵⁰

3. Military strength and advanced security defense capability

The state's ability to repel a terrorist attack quickly and efficiently has implications affecting the identification of sex crimes:

a. Preventing ongoing sexual and gender crimes — In a short-term terrorist attack, it is more difficult to track and document sex crimes. The pattern of use by terrorist organizations that gain control of territory — as happened for example with ISIS or Boko Haram — is one of ongoing sexual violence with visible consequences, such as: forced pregnancies, use of prostitution and trafficking in women, subjection to standards of rigid patriarchal oppression, and more.⁵¹ This determination should be qualified in relation to the Israeli hostages, whose fate is hidden from the international community, although testimonies of released hostages confirm the use of some of these tactics on some of them, such as rape, dressing in revealing and small clothes, enslavement to cleaning and cooking.⁵²

49 This trauma is twofold, due to the fear of dying [International Protocol 2017 2nd Edition.pdf](#) (un.org) pp.236.

50 First testimony was screened at an event in the UN at the beginning of December, 2023. The evidence that Patten mentions in her report from the beginning of March 2024 and two additional new testimonies in Sandberg's film, released at the beginning of May 2024. Since then more evidence continues to emerge.

51 The UNSC's first report describes these methods at pp.10-12.

52 See details on these methods in the first report of the Security Council, on pp.8-10. A report on an interview with Amit Sosna for the New York Times who was kidnapped and returned from Hamas captivity after 55 days who testified that she was under sexual terror during her entire stay in captivity from her captor "Muhammad", which culminated in brutal rape at gunpoint - www.maariv.co.il/news/military/article-1086956. See also the testimony of Aviva Segal who was kidnapped and returned from Hamas captivity after 51 days and testified that Hamas terrorists bring unsuitable clothes to the "doll" captives, turning the captives into "puppets on a string so that they can do what they want with them when they want". From her testimony she gave at a meeting in the Knesset of the lobby for victims of sexual and gender violence in the war Iron Swords from January 23, 2024. www.knesset.tv/committees/health/articles/63017. See also the report of the mother of the abductee, Liri Elbag, who is still in captivity. Her mother said that she received evidence according to which her daughter is used by her captors for Sisyphian housework, including cleaning, care of children and food preparation www.mako.co.il/news-isra-

b. Turning the crime scene into a clear battle scene by a skilled army — A strong military response impairs the ability to preserve evidence. Evidence collection carried out while conducting full-scale combat is likely to be very inefficient, and sometimes virtually impossible. In Israel, fighting began in the areas where sex crimes were committed in the early evening hours, and it continued for about two days, and at lower intensity, for over a week. Many interviewees described a reality in which resources could not be allocated to identifying and documenting sex crimes, due to various security needs, including evacuating civilians, preventing body snatching, and all this while managing combat and constant danger to life.

4. The existence of a functioning justice system that recognizes the importance of Combating sex crimes

In underdeveloped countries where sexual terrorism is employed, there is concern that the state itself will not care about dealing with sex crimes and may even adopt tactics of shaming victims and abusing them, due to a conservative perception.⁵³ Therefore, it is reasonable to assume that in a western country, victims will act in the opposite manner and be active in exposing the crimes committed against them. Therefore, the absence or scarcity of testimonies is perceived as indicating the absence or scarcity of cases. However, in addition to other reasons affecting victims of sexual abuse, severe trauma, stigma, and fear of harassment on social networks in the international arena produce a similar result of silence or concealment among the few victims and witnesses to sex crimes left alive, even in a western country.

An additional reason for the difficulty in a western country in this context is that the more the affected country is characterized by strong rule of law, and has a developed and independent judicial system that avoids convicting innocent people and operates a criminal system dealing with sex crimes not in the context of terrorism — the less likely it is to produce the "evidence" required for recognition. It is no coincidence that Pattan stated in her report that she cannot create a connection between sex crimes and war (attribution), a requirement that in western criminal law is generally essential for prosecution.

[el/2024_q1/Article-e183ad42af05e81027.htm](https://www.mako.co.il/news-israel/2024_q1/Article-e183ad42af05e81027.htm). Additional testimonies of abductees who returned from captivity told that the abductee who is still in the captivity of Hamas, Agam Berger, is forced to cook and clean for Hamas terrorists - www.mako.co.il/news-israel/2024_q1/Article-

53 The UNSC's first report describes these methods at pp.39-41.

5. The existence of a welfare system that ensures rapid treatment of victims

Given the internal strengths of western countries, the assumption is that the attacked state needs less support from the international community and its assistance in dealing with victims' right to aid, compensation and healing. This may deprive the state of its ability to rely on immediate international mechanisms to establish recognition of sex crimes, such as UN Women. This assumption ignores the enormous functional difficulty characteristic of a country that has undergone such a shocking event, and its need for recognition of sex crimes to protect victims from their denial. But beyond that, it leads international organizations to avoid dealing with sex crimes or even to ignore them, thereby fueling the ability of others to deny their existence. This creates a chilling effect on victims in the present and future and deters them from filing complaints.⁵⁴

6. Ethics of proof in a western country

A western country sees itself as limited in exposing evidence that may humiliate victims of sexual violence, for various reasons: protecting the victim's privacy, which may be exposed to the public eye, perhaps leading to emotional stress, feelings of shame or humiliation, preventing secondary trauma resulting from a public discussion that may evoke past trauma of victims;⁵⁵ stigmatization due to fear of victim blaming; preventing social labeling of the victim due to publication of the publicized event, which may cause her to be labeled or identified with the event throughout her life; ensuring the victim's choice and control over her narrative and how she wishes to process it, and more. All of these may materialize even if there is fundamental importance to public engagement with such events, in order to raise awareness, fight the phenomenon and demand justice. However, in Israeli media, for example, opinion columns were published stating that the issue should be avoided altogether, due to the inability to obtain consent from victims to deal with their sexual assault.⁵⁶

54 See in this context the repeated call of Israeli officials to UN Women to condemn the harm to women in the October 7 attack.

55 This assertion was confirmed in Patten's report, which analyzed the existing challenges in the discourse on sexual abuse. p.13. Note 12, above. See also a report by the Association of Rape Crisis Centers in Israel, where women dealing with sexual trauma testified that the public's preoccupation with sexual crimes during the massacre and captivity overwhelms and produces triggers. Note 11, above.

56 See, for example, an op-ed by Prof. Dafna Hacker: <https://www.ynet.co.il/news/article/s1m5voiea> and also by Prof. Orit Kamir: <https://www.haaretz.co.il/opinions/2023-12-06/ty-article-opinion/.premium/0000018c-3ec7-d826-ab9e-bfdf55cd0000>. Note also an interview with Dr. Sherry Aharoni, stating there is no need to talk about Gender crimes under attack: <https://www.haaretz.co.il/news/education/2024-01-10/ty-article-magazine/.premium/0000018c-ef05-d0b4-a7ce-ff67a0e70000>.

The State of Israel suffered a terrorist attack very different from what it was accustomed to, both in the large number of people murdered in a single day, and in the nature of the crimes committed — severe crimes that are incomprehensible, that could not have been imagined, chief among them, sex crimes. The attack created acute chaos in the state systems, which usually function properly in a western country. Therefore, the existing recommendations in UNSC reports for effectively combating terrorism and its consequences require re-examination and supplementation regarding this type of terrorist attack on western countries. It is precisely because of their strength that they require an understanding of the unique patterns of influence that a terrorist attack has on them — and proposing mechanisms for future handling of identifying sex crimes in them. It is necessary to create recognition of sex crimes in such cases as well, which will lead to the correction of existing systems in western countries and to justice for victims around the world, who may be exposed in the future to sex crimes within a chaotic and unimaginable terrorist attack.

3.4.2. The singularity of sex crimes compared to other crimes

The report's emphasis on the evidentiary challenges posed by sex crimes is not due to a ranking of their severity but rather to the distinct difficulties in proving these crimes, especially when they occur during terrorist attacks. This is reflected in international law, which has developed specific rules of evidence for such cases.⁵⁷

The following are the key factors contributing to the unique nature of sex crimes:

1. In a terror scene, the goal is to cause as much killing as possible, and therefore, victims of sexual assault are also likely to be murdered. Once murdered, an "investigative priority hierarchy" is created whereby the most serious crime at the scene is murder, not the offense that preceded it: **"Every forensic team in the world would say this — they go for the most serious offense at the scene"**.⁵⁸ The limited investigative resources, therefore, are diverted to identifying the crime with the highest normative significance — determining the cause of

57 [International Protocol 2017 2nd Edition.pdf](#) (un.org). pp.64-59.

58 Senior CSI unit interviewee, dated March 5, 2024.

death, which defines the act as murder. **"The cause of death is the shooting, not the rape, if it occurred"**, says a CSI commander.⁵⁹ This perception is what fundamentally allowed progress in the process of handling the body to the stage of personal identification.

2. Often there are no witnesses to sex crimes, which, similar to routine situations, are committed in the dark and are not documented by their perpetrators. For example, many of the torture, kidnapping and murder crimes of Israelis were documented and broadcast on various digital platforms during or after being committed. Documentation of rape acts, on the other hand, is almost non-existent. On October 7, the documentation of sexual violence consisted of crimes in the low range of severity, such as displaying naked bodies in the streets of Gaza, threats of forced pregnancy and marriage, and more.⁶⁰

3. The limitation on the ability to prosecute crimes committed in a war zone, as opposed to a crime scene, also weakens the motivation to investigate sex crimes. As the CSI figure stated: **"Terrorists will be prosecuted for murdering civilians, not for rape."**

4. The relative ease of determining the execution of murder and sometimes the physical torture that preceded it, compared to the need for massive resource investment in conducting an investigation of a sex crime, which requires the involvement of forensic doctors and not just criminal identification investigators.

59 Senior CSI unit interviewee, dated March 5, 2024.

60 See, for example, the documentation of Shani Lok's half-naked body, the documentation of the kidnapping video of the soldiers at the Nahal Oz outpost.

3.4.3. Examples of sexual violence under a terrorist attack⁶¹

The various reports mentioned above utilize a definition for sexual violence under terror attack that may not fully capture its multifaceted nature. The following detailed list better expresses the thematic concepts arising from this type of violence, revealing it as a tool of control and power, that induces harmful psychological impact on its victims, including fear, humiliation, and hopelessness. There's also the need to list the use of technology, such as social media and online platforms which facilitate and amplify sexual violence, extending its reach and impact. The intersection of gender, power, and violence seem to warrant the inclusion of the following:

Rape or act of rape: Constitutes one of the most severe forms of sexual violence inflicted on victims in war situations or terrorist attacks.

Injuries to intimate organs: Deliberate injury to victims' intimate organs is intended to exert additional control and humiliation through sexual violence.

Forced sexual acts: Forcing victims to perform sexual acts on themselves, on a terrorist, or on another victim constitutes a particularly harmful exploitation of power and control.

61 Many of these acts were perpetrated in the October 7 attack. See for example testimonies given in a report on the subject by Patten, pp 15-18. See also Keller-Halamish and Berger's report, where many cases of sexual abuse are described, at pp.12-26. Some of the testimonials include detailed descriptions of gang rape, brutal sexual violence, and genital mutilation and desecration of dead bodies. Also see:

Roni Ben Cnaan and Hadas Ziv, Sexual and Gender Based Violence as a Weapon of War during the October 7 Hamas Attack - www.phr.org.il/wp-content/uploads/2023/11/5771_Sexual_Violence_paper_Heb-1.pdf.

Position paper on behalf of Doctors for Human Rights describing the sexual crimes during the attack of Hamas on October 7, 2023 contains information on various types of sexual vulnerability: rape, gang rape, diverse sexual violence, and abuse of bodies.

Testimony from a discussion in the Knesset in the Committee for the Advancement of the Status of Women about Hamas' crimes against Women in the October 7 massacre, Knesset News, November 27, 2023: <https://main.knesset.gov.il/news/pressreleases/pages/press27.11.23j.aspx>

The New York Times investigation that provides evidence of mass sexual assaults on October 7: www.nytimes.com/2023/12/28/world/middleeast/oct-7-attacks-hamas-israel-sexual-violence.html

An investigation by the "Sunday Times" Regarding evidence of sex crimes on October 7 - <https://www.israelnationalnews.com/en/news/381335>

Real Time Season 7 | The world must know - evidence of Hamas' acts of rape on the black Shabbat - www.youtube.com/watch?v=1hscoEgAFC4

Testimony of Returned hostages Mia Shem, who was required to change a tampon in the presence of her captor's wife, eventually fainting out of pain in her injured arm. The captor told her later that after she fainted, he got to see her without underwear.

Invasive questions: Questions regarding the menstrual cycle, pregnancy, or sex life of the captives serve as a mechanism for humiliation and violation of their intimacy.

Performing invasive examinations: Gynecological examinations forced on victims without their consent constitute a serious violation of human rights and breach of intimate privacy.

Forced medication: Forcing victims to take medications related to pregnancy or fertility, such as birth control pills, violates their bodies and personal freedom.

Body hair shaving: For both men and women, constitutes a violation of human dignity and bodily integrity, and when done on private parts, it constitutes sexual violence.

Viewing intimate situations: Forcing the victim to be exposed in intimate situations, such as during showering, dressing, changing a tampon or using the bathroom, which increases the feeling of vulnerability and humiliation.

Degrading sexual discourse: Conducting offensive sexual discourse among terrorists or with victims. In some cases, they may even contact victims' families and threaten sexual violence to increase psychological suffering.

Forcing childlike speech: This action is intended to negate the adult identity of the victims, making them even more helpless.

Forced clothing and exposure: Forcing the victim to wear clothes that are too small or inappropriate, leading to further humiliation, exposure, and vulnerability.

Making forced marriage threats: Declaring an intent to forcibly marry the victim and making ongoing threats of sexual violence to intimidate and control.

Psychological harm: Psychological threats involving prolonged harm scenarios, such as telling the captive she will have to raise the attacker's children, are designed to deepen feelings of hopelessness and psychological breakdown.

Forced disrobing: One common method of gender-based violence in terrorist attacks is forcing victims, usually women, to disrobe under threats from the attackers. This act is designed to humiliate and degrade the victim based on their sexuality and represents a clear form of sexual violence aimed at damaging the person's dignity and exerting power over them.

Kidnapping with non-consensual touching of genitals: In many cases, kidnapping victims, especially women, suffer from unwanted physical contact with their private parts during the kidnapping. This contact, which is forced and accompanied by threats, constitutes the use of sexual violence as a means of humiliation and forced control over the victims.⁶²

Creating a risk of sexual contact and assault: Even in the absence of direct physical contact, situations where victims are isolated with groups of men create an immediate risk of sexual assault. Such a situation is a gendered act of control and threat, where the constant danger of sexual violence is present in the atmosphere, creating fear and helplessness.⁶³

Exposure to sexual acts and assault: Witnesses to sex crimes, even if they are not directly victimized, experience severe psychological trauma. Witnessing sexual violence in real time leaves the witnesses emotionally scarred, and in some cases, they suffer from severe consequences as a result of the sexual abuse they witnessed.

Technological sexual terrorism: The public dissemination of sexual assaults, whether through social media or the distribution of intimate content online, is designed to publicly humiliate the victims and increase their psychological and social harm. This action uses technology as a tool to expand the humiliation beyond the physical realm and create long-term psychological damage.

62 Returned hostages Moran Stella Yanai and Noa Argamani were kidnapped on motorcycles when forced between two men. Amit Sussana's kidnapping footage also demonstrates a woman being forcibly contained and dragged by 7 militant men. During the abduction, physical contact occurred in their humiliated body parts, without their consent, which indicates the use of sexual violence as a means of humiliating and exerting power towards the victims.

63 Released hostage Yagel Yaakov, for example, was left alone with adults, although he was a minor. Leaving female returned hostage Amit Sussana alone with men allowed the men militant to sexually assault her.

4. The Test Case of Hamas' Terror Attack Raiding Strategy on October 7th

Overview and Analysis of a Raid Attack

Hamas' terror attack on October 7th included the use of a multi-dimensional, multi-stage strategy to create widespread chaos. Broadly divided, it included several main stages: in the first stage, starting at 06:29 in the morning, there was a massive rocket barrage from Gaza towards southern and central Israel, continuing for many hours; in the second stage, under the cover of rocket fire, thousands of terrorists and armed individuals infiltrated by land, air, and sea in several waves. The main focuses of these raid waves were: creating convenient infiltration routes for use, such as the Erez Crossing; raiding military border posts and infiltrating strategic security headquarters, such as army and police bases; neutralizing IDF observation and communication means, thereby damaging and disrupting the IDF's ability to command and control forces in the area; invading civilian settlements — kibbutzim and cities — and conquering them, while carrying out massacres, violence, destruction, kidnapping, arson, and looting in local communities, as well as at civilian gatherings in the area, especially at nature parties. This stage of the terror attack included the use of severe sexual violence against Israeli civilians, including acts of gang rape, necrophilia, mutilation of genitals, and other sexual tortures.⁶⁴ In the third stage, Gaza civilians joined the terrorist activities in the settlements and party areas. In this stage, hundreds of Hamas terrorists (according to estimates) also positioned themselves in various locations in order to lure the emergency response forces in the field into planned ambushes and impair their response and rescue capabilities.⁶⁵

4.1. Defining the SEM Response Mechanisms' Activity Under Raid Terror Attack

During terror attacks, emergency forces respond in two main stages: primary response forces and secondary response forces, with each force having a key role in providing an immediate response to the attack.

64 This assertion was confirmed in a variety of ways, mainly in Patten's report. Note 12, above.

65 www.haaretz.co.il/news/politics/2023-10-13/ty-article-magazine/.premium/0000018b-23d5-dd34-afdf-f7d755f10000.

First Response Forces are the first to arrive at the attack scene, and their response focuses on the immediate time frame within the scene and the surrounding area. These forces usually include security forces and emergency medical services. Their main role is to neutralize the threat, treat and evacuate casualties, and control the situation. As part of the initial control of the event, primary response forces are also responsible for delimiting and isolating the area and establishing command centers and coordination with additional authorities for further treatment.

Secondary Response Forces are activated after the immediate threat has been removed, with their response focusing on longer-term goals. These forces include follow-up medical teams, investigation and intelligence gathering units, criminal and personal identification experts, and infrastructure positioning specialists.

In this way, first responders are trained to handle severe stress situations where time is critical for saving lives. In contrast, secondary response forces are equipped with special skills for more complex management of investigation and response required after the immediate danger has passed. This division between primary and secondary response forces is based on principles of emergency management and critical incident response, aimed at ensuring a rapid, efficient and orderly response to emergency situations. This approach serves as a model for emergency management worldwide.

This basic division seemingly offers a simple distinction, but does not reflect the range of roles of the various units operating under each body. Some emergency response bodies contain numerous units with different purposes at different stages of the attack. For example, while the IDF is classified as a primary response force, the Military Rabbinate operates as a secondary response force to an attack. To address this complexity, we decided to adopt a multi-layered approach in the report. In the first layer, a dichotomous division into primary and secondary response forces was made. In the second layer, the various units that operated under each emergency response body were classified under the category relevant to their function (as a primary or secondary response force).⁶⁶ This approach will help present more clearly and in-depth the roles of the various units and the connections between them, and allow readers to understand the complexity of responding to terrorist events.

66 See a table providing a brief explanation of each SEM and its role in the field - in Appendix A.

A complex terrorist attack on the scale of October 7th is currently defined in Israel as a mega-terror mass-casualty incident,⁶⁷ requiring the activation of many emergency response bodies, centered on security forces, emergency and rescue services, assistance services and casualty identification.⁶⁸ Most of these bodies have a specific procedure or protocol for actions the organization should take in such an event. It is worth noting here that our examination revealed that no existing procedure addressed the possibility of sex crimes being committed and the obligation to collect evidence about them. Additionally, amid the chaos, the ability to identify "in real time" on the ground the crimes that occurred, and engage in documenting them was particularly disrupted.

Although the analysis below describes the basic designated role of each entity, it's important to emphasize that from the many interviews conducted, a picture emerges where, at least in the first hours of response to the attack, there was a multitude of emergency responders arriving on the scene, some without any coordination, under partial coordination, and even contrary to instructions. Additionally, civilian volunteer groups arrived. They operated independently or joined either the army or rescue and extraction forces, a fact that made it very difficult to control the actual conduct of forces. Particularly notable in this context is the testimony of a military commander with the rank of lieutenant colonel, who stated in an interview: "I simply grabbed a weapon and arrived."⁶⁹

67 definition from a [Dictionary of Emergency Terms](#), Israeli National Emergency Authority, 2021.

68 In addition to the individual procedures of each body, in the case of MCE (mass casualty event) used on behalf of the ministry of the interior - the ERS procedure (evacuation, relief, spaces) aimed at dealing with emergency situations where it is necessary to evacuate the population from risk areas and provide immediate assistance to the victims. The procedure refers to the organization and coordination between emergency bodies, such as the IDF, the police, Magen David Adom, the fire brigade and the local authorities, with the aim of ensuring a quick and organized evacuation of the citizens from dangerous places. The procedure includes several key stages: **Evacuation** - removal of the population from danger areas to safe reception areas. **Relief** - providing first aid, which includes medical treatment, supply of food, water, and essential equipment to the evacuated population. **Casualties** - treatment of casualties and **Collecting and Disposing** of bodies in an orderly and respectful manner. Primary responsibility for the operation of this procedure rests with the National Emergency Authority of the Ministry of Defense (on the functions of the National Emergency Authority, see: www.mod.gov.il/Departments/Pages/rahel.aspx). The Authority was harshly criticized for its poor functioning (see <https://shakuf.co.il/49421>) regarding the ERS procedure: https://www.gov.il/Blob-Folder/dynamiccollectorresultitem/regulation-pessach-32/he/emergency_pessach_regulation-pessach_regulations-pessach-32-2.7.23.pdf.

69 Interview with Colonel A, dated 30.8.24. Much evidence of independent actions by citizens appears in countless open sources.

4.2. Defining the SEM Response Forces in the October 7 Raid Terror Attack

For the purpose of writing this report, we used the field of knowledge dealing with "first responders" arriving at the scene of a terror attack, adding to it a new section regarding their readiness to identify and document sex crimes. In our analysis, we introduced an additional division between primary and secondary emergency response forces, in accordance with the policy practiced in Israel regarding the division of labor between different forces. In the State of Israel, there are several emergency bodies that operate during a mass casualty event originating from a major terror incident.⁷⁰

First responders are:

A. Security bodies

The main responsibility of security bodies during a terror attack is prevention, neutralization of the threat, and protection of civilians. This involves rapid deployment of security forces and counter-terrorism teams to affected areas. These forces are trained to confront armed terrorists, secure critical infrastructure, and establish a comprehensive system of barriers to halt the spread of the attack. Additionally, intelligence agencies play a crucial role in gathering information to identify perpetrators and prevent further attacks.

a.1. Army:

The Israel Defense Forces (IDF) has a crucial role in responding to terrorist attacks against civilians in Israel and its territories. Its main objective during such attacks is to protect civilians, neutralize the threat posed by terrorists, and restore order and security. In the event of a terrorist incident, especially near the country's borders, the IDF is among the first responders.

The IDF has many units skilled in providing a broad initial response to a terrorist event, including:

Special commando units — These units are trained to deal with a variety of complex scenarios. Their fighters are skilled in counter-terrorism and guerrilla warfare, in providing operational response to extreme situations

⁷⁰ This report is focused on the response forces reaction alone, not dealing with the overall state reaction bodies. Also within these bodies, it pertains to these bodies' potential task of identifying the evidence for the commission of sex crimes. Therefore, for example, fire and rescue forces were not included in this list, despite their important role as first responders.

in complex terrain conditions, as well as in responding to complex events such as hostage situations and rescue operations.

Military Medical Corps — The Israel Defense Forces Medical Corps provides life-saving first response to “operational casualties.” While primarily designed to aid soldiers, it also treats civilians, especially in situations where civilian medical services may be inaccessible, such as during a terrorist attack. IDF medical units, including field hospitals and medical evacuation teams, are deployed to treat casualties and evacuate them to permanent civilian medical facilities. The IDF Medical Corps operates in coordination with Magen David Adom (MDA, the Israeli equivalent of the Red Cross or the Red Crescent) and other civilian medical services to provide comprehensive initial care to the wounded.

Search, Scan and Rescue Units — The IDF has dedicated search, scan and rescue battalions that are dispatched to battlefield and disaster sites to rescue people trapped under rubble.

a.2. Police

The Israel Police are often the first responders to terrorist attacks, thanks to units deployed in civilian areas for security, evacuating civilians, confronting attackers, and coordinating with other emergency services. The police have several operational units, each with a different specialization and level of expertise to respond to security incidents. Units like the Border Police (Magav), for example, operate routinely with other security forces to provide an immediate response during a security incident, whether by securing roads, setting up checkpoints, or participating in combat and military operations (arrests, etc.). In addition to these units, there are also special units that serve as rapid response teams, trained in unique combat tactics. The most prominent of these is the Israel National Counterterrorism Unit (Yamam).⁷¹ Yamam is an elite unit specializing in rapid response to extreme situations arising from terrorism.

B. Civilian Emergency and Rescue Services

Medical service teams are dispatched to the scene of a terrorist attack to assess the severity of injuries and provide immediate medical care. Hospitals and trauma

71 See the [Yamam unit, on the Israel Police website](#).

centers are on high alert to receive and treat patients, with medical staff trained to handle MCE. Israel's medical response to terrorist attacks is one of the most advanced in the world. Unlike military medical units, the civilian medical units' documentation of the medical treatment they provide serves as important legal evidence in any legal proceedings. The court relies on the medical records in any decision regarding the condition and statements of the injured party.

Lack of medical documentation is a criminal offense. The courts have even ruled that when doctors do not properly document a medical procedure, they will be the ones who need to prove to the court that the medical procedure was done correctly and reasonably (reversal of the burden of proof).

This category includes: Magen David Adom organization and United Hatzalah organization.

Secondary responders are mainly:

C. Organizations responsible for identification and handling of casualties, pathological institutes and investigation bodies

This category includes organizations dedicated to identifying, treating and protecting the dignity of casualties and victims in terrorist events. These bodies work in cooperation with security forces and emergency services to collect information, perform scientific identification and document. In addition, this category also includes organizations and authorities involved in crime investigation, evidence analysis and collection of information relevant to terrorist events. These bodies work to ensure justice for victims, survivors and their families, using advanced technologies and professional investigation methods.

Casualty collection stations are established during various extreme emergency scenarios. At these sites, a scientific process of collecting identification data from the casualties will be carried out, for the purpose of identifying them and bringing them to burial. The purpose of such a station is to serve as an emergency casualty collection point before burial, where a professional (scientific) process of collecting identification data from casualties is carried out in conjunction with the Israel Police and the National Center for Forensic Medicine. This station has a central role as the last organized factor in collecting evidence from the bodies of terror victims.

This category includes: Disaster Victim Identification organization (ZAKA), the National Center for Forensic Medicine (Abu Kabir), Criminal Identification Division, and the IDF Chief Rabbinate.

The Israel Police is responsible for the investigation system, as part of the state's secondary response system. Criminal identification units and special investigation teams play a role in collecting evidence and identifying victims at the scene of an attack. Police officers work alongside medical staff to document and process the scene, while preserving evidence for forensic analysis. The various investigation departments are responsible for investigating crime in Israel with the help of the forensic analysis of evidence which they have received. Approximately a month after the attack, the police decided to centralize the investigation of sex crimes in the hands of Unit 105, a specialized unit dedicated to combating crimes against minors in the online sphere.⁷² This was done instead of assigning the investigation to a team skilled in sex crimes or assembling such a team for the specific purpose of large-scale sex crimes. The unit did not issue a formal call within organizations to come forward and testify. Many of the interviewees told us that they did not testify, or that they testified to other police units, or that they testified only after a long time had passed since the terrorist attack.

D. Trauma centers in hospitals and therapeutic facilities

Hospitals and trauma centers in Israel play a critical role in treating victims of terrorist attacks. Hospitals across the country are equipped with specialized trauma units and emergency departments capable of handling MCE. In the event of a mass casualty incident, hospitals must transition from routine care to emergency care, in accordance with the Ministry of Health guidelines.⁷³ In addition to the Ministry of Health guidelines, there is an additional procedure from the Israel Police regarding cooperation between them in a mass casualty event, regarding unknown wounded or deceased.⁷⁴ In such a situation, the hospital must activate a "mass casualty information center" that will centralize

72 See <https://www.police.gov.il/join/unit-105>.

73 Hospitals focus on the preparation and operation of trauma rooms and operating rooms and preparations towards the essential treatment of the injured, managing and determining the order of priorities the treatment of casualties. According to the protocol, hospitals must increase personnel, stop non-urgent procedures and make room in the emergency departments. See: Principles of the health system's dealing with MCE, Ministry of Health.

74 Procedure 03.300.014 - Cooperation between Police and the Ministry of Health regarding identification of victims of the high-impact event.

information about the wounded/deceased who arrived at the hospital.

Regarding sexual assaults, it should be noted that the various departments in hospitals are generally trained to identify women who are victims of domestic violence during medical treatment. However, as far as identifying victims of sexual assault and providing trauma-informed care for them, there is still a long way to go and, as of today, there is no such training. Regular emergency rooms are not equipped to receive victims of sexual assault and there is no questioning about sexual assault unless it is voluntarily stated by the victim. Acute Care Center have been established where a multidisciplinary team provides physical and psychological care to those who come forward. The centers are intended for initial treatment within the first seven days after the injury and are relevant only to self-identified sex crime victims.

Under this category, all hospitals and therapeutic facilities in Israel are included.

4.3. Presenting the SEM response forces' actions

As part of the mapping we conducted, we identified all the bodies involved in providing primary and secondary response to the attack. From all the bodies, we chose to focus on the units relevant to the collection required for the evidentiary basis of committing sex crimes, as well as bodies that proved functionally relevant to the evidentiary issue. Our choice is based on their special roles and potential to provide access to important evidence that can contribute to investigation and legal proceedings.

The examination was conducted according to the following parameters:

1. General description of the SEM response body:

Review of its assigned roles and operational context (combat doctrine) at the time of the mass casualty event, as of the day of the attack.

2. Disruptions caused by terror and chaos:

Examining how the events affected the force's ability to operate according to operational requirements.

3. Initial recommendations:

Presenting future practices designed to maximize evidence for identifying and proving sex crimes in situations of terror attacks.

The description of the different SEM forces and their response on October 7th, based on the interviews' findings, can be found in – [The report's appendix](#)

Appendix to this report details the activities of the various emergency response forces in the October 7 attack. This section is based on dozens of interviews conducted with a wide range of field personnel, from which emerges the chaos within which these forces had to function. This appendix sheds light on the circumstances that led to the severe evidentiary damage regarding sex crimes. **Many field testimonies** detailed in the appendix of the report describe these difficulties from the perspective of first and secondary responders — the various emergency response forces. These testimonies, collected from various field personnel, including security, medical and rescue personnel, point to the challenges in collecting evidence in complex crime scenes, under fire and under the pressure of immediate rescue. For clarity, the difficulties are summarized in Chapter 7.1 "The Principle of Chaos — Evidentiary Damage", in order to illustrate how they directly affected the potential for evidence and the damage caused to it. The purpose of Chapter 7.1 is to expose the direct impact of these difficulties on evidence management, even when reading the current part of the report, thereby illustrating the significant challenges in proving sex crimes under these difficult conditions.



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5. New evidentiary paradigm for proving sex crimes were committed During a terror attack

5.1. The principle of chaos: damaging the evidence

The identification and documentation of sexual violence during terrorist attacks presents unique evidentiary challenges. This complexity stems primarily from two factors. First, there is often scarce recognition that sexual crimes can occur even during brief, mass-casualty attacks where the primary objective appears to be maximizing deaths. Second, terrorist attacks differ fundamentally from conventional warfare in their deliberate creation of chaos — characterized by widespread disorder, destruction, and the systematic disruption of emergency response systems. This disruption forces response teams into survival mode, paralyzing even the very basic standard identification and documentation processes.

Analysis of evidence and interviews with MES forces reveals distinct patterns in the chaos deliberately orchestrated during Hamas's attack.

The widespread chaos significantly impaired the state's capacity to correctly identify and document Hamas's sexual crimes through conventional evidentiary procedures. While evidence of these sex crimes exists, the systematic disruption resulted in substantial damage to potential evidence, necessitating a reevaluation of how we approach and establish proof in such cases. This situation demands a fundamental shift in assessing the scope and standard of evidence required to prove these crimes occurred.

The chaos inevitably resulted in compromised evidence, which can be categorized into several main types:

Evidence Collection Under Combat Conditions and Body-Snatching Threats

The terror attack created an active combat zone that severely compromised evidence-collection efforts. First responders faced dual challenges: operating under continuous fire while racing against the threat of bodies being taken by attackers.

This created several critical limitations:

Priority of Immediate Life-Saving Actions: Emergency personnel prioritized rescuing survivors over evidence preservation. As one security force member stated:

"It was crucial to saving whoever we could, not attend to those who were already lost."⁷⁵ A police officer reported noticing scattered women's underwear but focused on assisting surviving victims.⁷⁶

Time Constraints Under Active Fire: Personnel consistently reported unprecedented conditions: **"We were under fire"** and **"We never experienced emergency treatment and evacuation under fire."**⁷⁷ Non-combat MES forces were especially vulnerable, forcing rapid scene departures, and medical teams operated under "minimal delay" protocols, often bypassing standard procedures.⁷⁸

The threat of Body snatching: Fear of bodies being taken necessitated the rapid mass evacuation of casualties. Bodies were hastily transported from exposed border areas to secure locations. As one responder described: **"People were piling up tens of dead bodies on a platform, bringing them to us."**⁷⁹

Challenges of Evidence Collection Across Multiple Complex Crime Scenes

The widespread destruction created unprecedented challenges for forensic investigation, primarily due to the nature and scale of the crime scenes. Unlike typical crime scenes, which are contained and controlled, these incidents involved multiple open areas characterized by massive physical destruction. Collapsed and burned structures severely compromised access to many locations, creating additional risks for first responders and requiring extraordinary safety precautions.

The complexity of scene processing presented its own set of formidable obstacles. Delicate forensic evidence was scattered across vast areas, with multiple battle scenes overlapping with crime scenes. The non-sterile conditions severely impeded standard CSI procedures while maintaining any semblance of scene integrity proved exceptionally difficult.

Perhaps the most challenging was the task of victim identification. The sheer number of unidentified remains, combined with their random distribution across multiple

75 Senior combat army commander interview, dated August 30, 2024.

76 Senior police commander interview, dated April 2, 2024.

77 Hatzala Rescue interview, dated August 29, 2024.

78 Medical Corps Commander interview, dated September 13, 2024.

79 Commander of the Scan Unit interview, dated October 21, 2024.

locations, created unprecedented difficulties for forensic teams. Traditional crime scene documentation methods proved inadequate in these conditions, and crucial findings were often inaccessible due to the extreme field conditions. One investigator noted: **"Such scene format is the opposite of a sterile scene, hampering the CSI work."**⁸⁰

Evidence Collection Under Secondary Trauma Conditions of SEM Response Forces

Terror scenes present a fundamentally different challenge from typical sex crime investigations, characterized by the overwhelming presence of victims who suffered barbaric injuries and murder. This environment creates extraordinary difficulties in identifying and documenting sexual crimes specifically. The particularly heinous nature of these sex crimes further complicates investigators' ability to maintain the organized, methodical approach typically required for evidence collection.

Trauma, defined as a psychological and emotional response to events threatening physical and mental well-being, manifests differently in these scenarios. While primary trauma affects direct victims, secondary traumatic stress affects those indirectly exposed to others' traumatic experiences, leading to similar symptoms despite not being in immediate danger themselves. This secondary trauma significantly impacts evidence collection and documentation.

The psychological impact on first responders was profound and immediately evident in their testimonies. Many interviewees reported "erasing" or repressing memories of the scenes they encountered. One senior police officer described her coping mechanism: **"I tried not to look at bodies, not even the police officers' bodies I evacuated."** She further recounted observing partially unclothed female victims but consciously avoided dwelling on these observations, recognizing that **"there was no longer any way to help them."**⁸¹ The ongoing impact of this trauma continues to affect evidence collection, as one interviewee noted: **"There are some people who possess pictures yet to be seen by the police due to the lingering trauma of their possessor."**⁸²

80 Senior CSI unit interviewee, dated March 5, 2024.

81 Senior police commander interview, dated April 2, 2024.

82 Otmezgine, ZAKA commander interview, dated June 18, 2024.

Collecting Testimonies Under Trauma Conditions of Survivors

The process of gathering testimony from terror attack survivors presents unique evidentiary challenges, as witnesses must reconstruct traumatic events while still processing severe personal and collective trauma. The psychological burden of these experiences significantly impacts survivors' ability to provide the kind of coherent, detailed accounts typically required for legal proceedings or international investigations. Trauma's impact on testimony is particularly pronounced in cases involving sexual violence in conflict zones. The psychological effects of experiencing or witnessing such acts, directly or indirectly, create substantial barriers to clear communication and recall. This is evidenced by multiple interviewees who reported delaying their police testimonies for months. In contrast, others remained unable to provide testimony at all, highlighting how trauma fundamentally disrupts the traditional evidence-gathering process.

A primary response to severe trauma is avoidance behavior, where individuals find themselves either unwilling or unable to engage with the traumatic experience.⁸³ This psychological defense mechanism was particularly evident in the Nova Party scene, where mental health professionals made a deliberate clinical decision to restrict survivors from publicly recounting their experiences. This decision was rooted in concerns that such discussions could trigger secondary trauma in other survivors.

Instead of encouraging immediate testimony, therapy teams prioritized immediate psychological stabilization. One professional noted, **"The focus was on helping survivors understand their current situation and stabilize their condition."** This approach was based on the understanding that trauma processing would occur later in the more controlled and private environment of individual therapy sessions, where each survivor could work through their experiences at their own pace.⁸⁴

Collecting evidence under a scarcity of survivors

In mass casualty events, many victims of sexual crimes do not survive to share their stories, effectively silencing their voices. Unlike other forms of violence that leave visible physical evidence, sexual assault injuries are often not immediately apparent during external examination, leading to potential oversight of these crimes.

83 See [International Protocol 2017 2nd Edition.pdf](#) (un.org), p.240.

84 Manager of the Healing Farm interview, dated October 10, 2024.

Collecting evidence while sustaining numerous unidentified victims:

The overwhelming number of casualties creates immense pressure on medical and investigative teams, forcing them to prioritize immediate concerns such as evacuation and victim identification over investigating secondary crimes. This was evidenced in Israel's response, where all CSI personnel were redirected to focus on identifying bodies. As one police officer noted, with such an unprecedented number of casualties—309 dead soldiers within the first 72 hours, far exceeding the prepared capacity of 50 per day—there was little bandwidth to investigate crimes beyond the obvious murders. **Even determining precise causes of death became challenging, with many cases labeled as "operational causes."**⁸⁵

Lack of specialized training for evidence recovery:

Another significant challenge lies in the lack of specialized training among medical corps personnel in identifying sexual crimes. This deficiency leads to inadequate documentation and unreliable identification processes, making it difficult for experienced investigative teams to analyze field materials later.⁸⁶ Strict adherence to standard protocols sometimes impedes proper documentation, even in extreme situations. For instance, a high-ranking Scan Unit commander reported following standard procedure by **immediately covering a naked female victim rather than photographing potential evidence.**⁸⁷

Collecting evidence with multiple uncoordinated factors involved:

The complexity of managing multiple teams at crime scenes presents additional challenges. Various groups operate sequentially or simultaneously: combat forces, rescue teams, explosive ordinance disposal units, and identification teams. This uncontrolled movement of personnel contributes to evidence contamination. A senior rescue official described arriving first in the southern region to find approximately 100 bodies that

85 Medical Corps Commander interview, dated September 16, 2024.

86 This assertion was confirmed in Patten's report, on pp.12-14 of the report. The reasons include difficulties in coordination between the authorities, a paucity of testimonies from survivors and witnesses, extensive damage caused to the bodies found, unprofessional intervention at the crime scenes, as well as loss of evidence due to rescue and rescue operations. The report also describes the team's difficulties in the task itself of collecting direct evidence of sexual assaults, mainly due to the severe trauma that the survivors go through and the desire of many of them to maintain their privacy

87 Commander of the Scan Unit interview, dated October 21, 2024.

had already been moved to a central location, potentially compromising crime scene integrity.⁸⁸

The lack of coordination between military and civilian factors operating in the field, each following different protocols without a shared understanding of evidence preservation, further complicates the situation. This absence of coordinated effort creates gaps in documentation and systematic evidence collection.

These characteristics of chaos during terrorist attacks underscore both the difficulty in gathering solid evidence and the moral and practical responsibility of terrorist organizations for deepening the evidentiary challenges through the chaos they create.

The comprehensive analysis of evidence collection challenges presented above hand draws heavily on firsthand accounts from various first responders, and complete details are provided in Appendix A. These testimonies come from a diverse group of field operators, including security forces and medical and rescue personnel, who worked under dangerous conditions and active combat. While this section presents a condensed overview of their experiences, even these summaries clearly demonstrate how the extreme circumstances impacted the identification and preservation of evidence. For readers seeking a deeper understanding of the evidential challenges and their severity, Appendix A offers detailed narratives from these first responders, thoroughly examining how the chaotic conditions compromised evidence collection and preservation.

5.2. The "Evidential Damage" Doctrine in Terrorist Attacks

Recognition of sexual assaults during a terrorist attack is important and critical, primarily for the victims, but also for the free world as it seeks to fight terrorism with various tools at its disposal. This report illustrates the difficulty of establishing this recognition from an evidential perspective necessary in situations of chaos created by terrorist organizations like Hamas. The chaos creates significant difficulties in using the identification, documentation, and investigation mechanisms required in a proper state. These difficulties delay the recognition of crimes not only in the formal legal context of prosecution but also in the non-legal realm addressed by the report, which also requires such recognition.

88 Otmezgine, ZAKA commander interview, dated June 18, 2024.

In light of this, the organizing principle through which to view the evidential challenge in proving sex crimes under the cover of a terrorist attack must change to reflect the inherent existence of evidential difficulties and the moral and practical responsibility of the terrorist organization for the chaos that created them. It is important to emphasize that the use of this principle is intended for the unique situation of committing sex crimes under the cover of a terrorist attack and is not proposed for use in cases of "independent" sex crimes that do not originate from a terrorist attack. Nevertheless, it appears that the evidential paradigm underlying the proof of the existence of sex crimes committed under a terrorist attack is similar to that applied in any other evidential context and does not reflect these evidential difficulties.

A possible solution for dealing with the enormous evidentiary difficulty in proving sex crimes under a terror attack may be found in adopting the idea underlying the legal doctrine of "evidentiary damage".⁸⁹ The doctrine of evidentiary damage is a legal principle developed in tort law that imposes liability on a party who has harmed another person's chances of proving their justified claim following damage caused to them. In other words, when a certain party acts in a way that makes it difficult for another person to prove the damage caused to them, they may bear legal responsibility for this harm to the chances of proof, not just for the direct damage itself. The logic behind the doctrine is to ensure justice and equality between parties in a trial. If a person refrains from presenting evidence or damages it or makes it difficult to collect, they unfairly harm the opposing party's ability to prove their claims and receive relief for their damages.

This doctrine was created in light of the legal rule that the burden of proving various components in causing damage to impose liability for it generally falls on the injured party. Leaving this burden on the injured party even in situations where the injurer has harmed the victim's ability to establish the damage evidentially created a reality in which the injured party is left without compensation, precisely because the injurer has harmed their ability to prove their claim. Given that the strategy of terrorist organizations is to impose chaos with severe evidentiary consequences, a terrorist organization that sabotages through imposing chaos the ability of the attacked state to operate its routine or emergency mechanisms to prove the commission of sexual war crimes should be seen as responsible for this.

Understanding how terrorist organizations operate, as detailed above, allows us to establish specific conditions for applying the evidential damage doctrine to these

89 Stein, A., & Porat, A. (1996-1997). Liability for uncertainty: Making evidential damage actionable. *Cardozo Law Review*, 18, pp.1891-1929.

cases. These conditions would consider both the deliberate chaos created by terrorist organizations and their responsibility for compromising evidence collection.

1. The occurrence of a raid terrorist attack, in which "concrete indications" were found for the commission of sex crimes.⁹⁰

These indications include inter alia, injuries to genitals, handcuffing or leg cuffing, shooting at genitals that may obscure evidence of sexual assault, burning of bodies that may obscure evidence of sexual assault, bodies stripped of their clothes, exposed genitals, hematomas next to genitalia. Particularly regarding women, one should notice bodies with spread legs, bodies of women found together in a secluded space or moved to a secluded space, and underwear scattered in the scene. Further strong indications are testimonies of survivors that appear credible, and so on.⁹¹

The concept of using indicators to infer sexual violence has been explored in the context of armed conflict. A comprehensive protocol outlines general circumstances suggesting these crimes, specifically enumerating "raid." However, the list of indicators proposed here is more rigorous, demanding evidence that would establish a prima facie case of sexual violence.⁹²

2. The attack was carried out by a terrorist organization that had effective dominance over the place and that do does not consider itself bound by international law and the rules of international humanitarian law. Therefore, it can be assumed that it acted without being bound by them, and without any restraining factor.

3. The terrorist attack caused chaos and disruption to the functioning of the first and secondary responder systems of the attacked state and its ability to retrieve evidence.

90 In this context, it should be clarified that although these testimonies have not yet been examined in court, they are testimonies of considerable evidentiary weight. This is based on the fact that they come from objective witnesses who have no personal relationship between them, and/or victims who testified to a similar and systematic pattern of action in different locations. This is a low threshold, considering that even routinely, convictions of sexual offenses are possible even when it is a conviction based on the single testimony of the complainant, with no external evidence. Although the purpose of this report does not include a comprehensive discussion of formal legal issues, it is appropriate to develop a deeper and broader discussion regarding the legal definition of these initial testimonies, while establishing and distinguishing existing doctrines that are similar in essence..

91 Some of these indicators can be found, for example, in the COI report above in note 5.

92 [International Protocol 2017 2nd Edition.pdf](#) (un.org). See the list of indicators - pp.24.

The practical application of the evidential damage doctrine can be illustrated through two specific examples from field reports:

In the first case, an official involved in body recovery operations observed a discarded condom on the floor of a safe room in a house that terrorists had invaded.⁹³ This evidence strongly suggests that a sexual assault occurred at this location. Although the official didn't document this finding, believing DNA evidence would be insufficient for prosecution, under the proposed doctrine, this would establish a prima facie case of sexual assault that would be counted among confirmed attacks unless explicitly disproven.

In the second case, a police officer reported seeing women's undergarments scattered along Route 232. Despite the officer's failure to document this evidence for various reasons, this observation would constitute substantial evidence of sexual crime under the proposed framework.⁹⁴ It would be included in the official record of assaults unless contradictory evidence emerged.

The core rationale for implementing this doctrine stems from the understanding that while killing may be the primary objective in terrorist attacks, sexual violence might still be carried out as an additional tool of terror. Sexual violence represents an asymmetric warfare tactic employed by groups that operate outside international law and perceive themselves as not subject to it. Given this reality, the chaos deliberately created during terrorist attacks should be viewed as a mechanism that inherently disrupts evidence collection. Therefore, the terrorist organization should be presumed to have compromised the state's ability to prove sexual crimes unless they can demonstrate otherwise.

While this doctrine traditionally operates in civil law to establish legal liability, its proposed application exists outside formal legal frameworks. This does not suggest the doctrine couldn't be adapted for legal proceedings. Still, such an application would require extensive analysis and careful consideration to align with various legal contexts, whether national, international, criminal, or civil.

The evidential damage doctrine thus becomes another tool in counter-terrorism efforts, potentially deterring terrorist organizations from relying on the inherent difficulties of

93 ZAKA volunteer interview, dated April 11, 2024.

94 Senior police commander interview, dated April 2, 2024.

proving sexual crimes committed during attacks. **This framework would allow states and international bodies to presume, when preliminary evidence exists in the form of indications, that sexual crimes occurred during terrorist attacks, shifting the burden of disproof to the terrorist organization.** This burden shift aims to facilitate faster recognition of sexual crimes at both national and international levels, acknowledging the critical importance of such recognition for healing, justice, and recovery.

This approach becomes particularly relevant as sexual violence increasingly appears to be integrated into terrorist organizations' tactical arsenal.

5.3. The importance of recognizing the commission of sex crimes under terrorist attack

The importance of recognizing sexual crimes has long been established, and this need becomes even more critical in the context of terrorist attacks. The universal feminist principle of preventing victims from being silenced or shamed applies equally in these situations.⁹⁵ **Clear recognition encourages victims worldwide to speak** about crimes committed against them or those they witnessed. This recognition is particularly vital in terrorism cases, where identification and documentation face unique challenges. The reasons for the importance of rapid recognition are varied and include, among others:

1. Recognition as a Foundation for Healing: When traumatic experiences go unrecognized, victims often develop severe psychological symptoms. These include intrusive thoughts, a shattered sense of security, profound distrust of others, overwhelming feelings of shame and guilt, inability to acknowledge the trauma, and significant impacts on daily functioning.⁹⁶ These symptoms create an additional layer of suffering beyond the primary trauma, as victims become obsessively preoccupied with seeking validation of their experience.

However, when society acknowledges the traumatic event, it helps neutralize these destructive feelings and allows victims to focus on their healing journey.⁹⁷ The correlation is clear: the shorter the time gap between a sexual assault and its social recognition, the

95 Herman, J.L. (1992). *Trauma and recovery: The aftermath of violence*. Basic Books.

96 Urrieta, L. (2019). *Indigenous Reflections on Identity, Trauma, and Healing: Navigating Belonging and Power*. *Genealogy* 2019, 3, 26.

97 From the lecture of Dr. Rivi Fry, Seminar: "Sexual Violence and War", Achva Academic College, 10.3.2024.

quicker the victim's healing process can begin and the higher their chances of recovery.⁹⁸

In the specific context of sexual crimes committed during terrorist attacks, the impact extends far beyond the immediate victims.

1. Secondary trauma affects multiple groups

witnesses who observed the sexual assaults, emergency responders exposed to severe atrocities, and members of the public — particularly past victims of sexual violence⁹⁹ — who experience renewed trauma through exposure to these crimes might also sustain secondary trauma.¹⁰⁰ The denial of these events inflicts a particularly heavy psychological burden on the broader public, especially women. Therefore, recognition serves not only individual victims but plays a crucial role in the collective healing of these wider affected groups.

2. Legal Justice

Initial recognition outside the justice system is essential for launching legal proceedings and obtaining remedies. The activation of legal mechanisms creates a sense of justice in both individuals and societies by establishing moral boundaries and deterrence.

3. Empowerment and Shame Transfer

Recognition helps transfer shame from victims to perpetrators (terrorist organizations). Even in unambiguous cases of sexual assault during terrorist attacks, shame can silence victims. Recognition counters denial, empowering victims to speak rather than remain silent.¹⁰¹

98 From the lecture of Prof. Gabi Schreiber, Seminar: "Sexual Violence and War", Achva Academic College, 10.3.2024.

99 See a study by the "Women and their Bodies" Association on the subject of "The effect of war on the health of young women", which shows that 80% of the respondents who were exposed to the denial of sex crimes experienced emotional harm as a result. www.wtb.org.il/israel-today-article.

100 Greinacher, A., Derezza-Greeven, C., Herzog, W., Nikendei, C. (2019): Secondary traumatization in first responders: a systematic review, *European Journal of Psychotraumatology*, 10.

101 Schnittker, J. (2022). [What makes sexual violence different? Comparing the effects of sexual and non-sexual violence on psychological distress](#)

4. Establishing Treatment Mechanisms: Recognition serves both domestic and international purposes

Internally: It helps overcome institutional denial and resistance, enabling proper investigation and support systems for both primary and secondary trauma victims. Ignorance, and even resistance to acknowledging the existence of sex crimes, for various reasons, primarily fear of demoralization stemming from collective humiliation might affect the state's inactions. In one case, a senior police figure stated that **"this whole matter is too difficult for the public to bear."**¹⁰² This allows energy to be directed toward treatment rather than proving crimes under difficult evidentiary conditions.

Externally: It activates international support mechanisms and expertise, particularly important when crises overwhelm states. Recognition helps international organizations fulfill their mandate to address mass sexual assault through streamlined procedures.¹⁰³

5. Recognition as a Counter to Misinformation

In today's digital age, information spreads at an unprecedented and nearly uncontrollable pace. Social networks are often flooded with content from unreliable sources and those who seek to create chaos through the spread of false or fabricated information. This makes official recognition of sexual assaults particularly crucial, as it can effectively neutralize the proliferation of unreliable information.

The spread of misinformation can come from two opposing directions: those who deny that assaults occurred and those who make unsubstantiated claims about attacks. Both types of misinformation can harm victims equally and interfere with their treatment process. This dynamic was illustrated in a recent case where a volunteer gave multiple interviews about alleged sex crime indication he claimed to have witnessed, only to have his account later discredited by official Israeli authorities.¹⁰⁴

102 From a conversation between Prof. Bitton and a senior and central investigative figure, dated March 17, 2024.

103 See, for example, the guiding documents issued on behalf of UN Women, regarding their ability to drive an essential course of recognition in the commission of sex crimes. (www.unwomen.org/en/about-us/guiding-documents).

104 See www.ynet.co.il/news/article/ryzodvj1r.

Quick and authoritative recognition of sexual assaults serves as a powerful antidote to this problem. Establishing a clear, official record of events reduces the space for denial and exaggeration, helping to ensure that victims' experiences are neither dismissed nor exploited for ulterior motives.

6. Preventing Improper Investigation

Swift recognition reduces the risk that investigative bodies might resort to illegitimate means to "produce" evidence, ensuring compliance with international law. Recognition transcends mere proof — it represents a crucial step toward recovery and a better future for victims, their families, and society. This recognition is particularly vital in terrorist attacks, where the usual challenges of documenting sexual crimes are compounded by chaos and destruction.

6. General Policy Recommendations and Best Practices

The conclusions and recommendations chapter will provide deep insights into the topics discussed in this research report. Considering the data and different perspectives, taking several essential steps to prepare optimally for future attacks appears crucial

Our recommendations focus on developing and implementing comprehensive best practice protocols to enhance how investigative bodies identify and document sexual crimes during terrorist attacks. These recommendations encompass three key areas of action:

1. Strengthening collaboration between investigative teams
2. Enhancing coordination between security forces and police departments
3. Developing thorough preparation protocols for serious crimes, with special emphasis on sexual violence during terrorist incursions

Implementation of these recommendations would establish more systematic and thorough investigative processes, ultimately leading to improved security outcomes and more effective investigations.

These conclusions and recommendations are grounded in rigorous research methodology, incorporating

- Extensive data collection and analysis from multiple sources
- In-depth interviews with investigation force personnel across various roles and responsibilities
- Comprehensive evaluation of current practices and procedures

This methodical approach ensures our recommendations are both practical and evidence-based, drawing from real-world experience and expertise in the field

During the research, we focused on understanding the dynamics of the terrorist event and the conduct of investigation forces, which, in the face of the reality of a terrorist attack, became those with the ability to reduce the extent of damage to evidence loss caused under the chaos of the attack. These actions allowed us to identify trends and patterns and expose the difficulties and gaps in coordination between the various investigation bodies.

The conclusions derived from the research are critical for preparing for similar future attacks, as they offer a basis for processes that can improve the readiness and response of the investigation bodies system and help prevent the recurrence of serious events. Understanding these factors and dynamics improves professional knowledge, saves lives, and protects vulnerable distressed populations.

1. Cooperation among investigation bodies and between them and additional bodies

Improving Inter-Agency Cooperation in Sexual Crime Investigations:

Our research revealed several significant failures in how security and investigative bodies coordinate their response to sexual crimes during terrorist attacks:

- 1. Delayed Witness Testimonies:** Many interviewees reported that, even by the time of their research interviews, they had never been called to testify about sexual crimes they had witnessed. This represents a crucial missed opportunity to gather time-sensitive evidence.
- 2. Lack of Official Communication:** No formal protocol existed for communicating the occurrence of sexual crimes within security forces. This absence of clear channels prevented the initiation of proactive investigative processes when such crimes were discovered.
- 3. Sequential Rather Than Parallel Investigation:** Sexual crime investigations were not integrated into the initial security and intelligence investigations during the terrorist attack. Instead, they were only addressed after intelligence investigations were completed, creating significant delays in evidence collection and documentation.
- 4. Delayed Inter-Agency Cooperation:** The connection between intelligence bodies and criminal enforcement authorities was only established at very advanced stages of the criminal investigation, well after many witnesses had already been interrogated for other purposes.

This systemic failure in coordination appears to reflect two fundamental problems

- A general lack of awareness about the possibility of sexual crimes in terrorist attacks
- An implicit prioritization of “national” security concerns over sexual security concerns as reflected in sidelining sexual violence investigations

This artificial separation between security priorities has potentially compromised the effectiveness of both investigations and victim support services.

Early Integration of Sexual Violence Intelligence

Intelligence and security agencies must proactively investigate potential sexual violence as a component of terrorist activities. Rather than waiting for police requests, agencies should gather relevant intelligence during initial terrorist suspect interrogations and investigations. This approach ensures crucial evidence and testimonies are captured when they are most reliable.

Enhanced Agency Cooperation

Law enforcement and intelligence organizations need a structured system for immediate information exchange.

This system should:

- Enable real-time data sharing between agencies
- Prioritize sexual violence investigations alongside investigating other terrorist activities
- Prevent delays that could compromise evidence collection
- Support parallel investigations by multiple agencies

Sexual Violence Training for Intelligence Officers

Intelligence investigators need specialized training to recognize sexual violence patterns in terrorism cases. Many investigators traditionally focus solely on combat and security aspects, overlooking potential sexual crimes. Enhanced training will:

- Help identify sexual violence indicators during terrorist incidents
- Guide more effective suspect interrogations
- Enable earlier detection and documentation of sexual crimes
- Support timely evidence collection for criminal prosecution

Joint Investigation Units

Create specialized teams combining intelligence and police personnel to:

- Conduct parallel security and criminal investigations
- Share expertise across agencies
- Enable immediate coordination from investigation onset
- Streamline information flow between departments

Evidence-Based Questioning Approach

When interviewing first responders, focus on asking about sexual crimes indications rather than asking about "sexual crimes" directly.

This approach should:

- Ask about detailed physical and behavioral indicators.
- Document all potential, however initial, evidence.
- Allow investigators to identify patterns and scope of the crimes.
- Enable proper analysis and classification of crimes during formal investigation. Completing the process of inference of such crimes will be done separately, upon commencing the investigation.

2. Preparing for Future Attacks: Enhancing Readiness Comprehensive Emergency Response Training

Emergency response to terrorist attacks demands thorough preparation, with particular attention to identifying and responding to sexual violence. Security forces and medical teams need **specialized training beyond traditional counter-terrorism protocols**. Through intensive workshops and lectures, responders must learn to recognize indicators of sexual violence and understand proper evidence preservation, even in chaotic conditions.

Theoretical training must be reinforced with realistic scenario exercises. These simulations should recreate the stress and disruption of terrorist incidents, allowing teams to practice critical decision-making under pressure. Responders must learn to maintain professional standards and careful evidence documentation of an optimal level, in light of the confusion and urgency of a raid attack scenario.

The training program should emphasize a **systematic approach to evidence collection and preservation**. Responders must master protocols for documenting potential sexual

violence, handling evidence correctly, and maintaining an unbroken chain of custody—all while managing the immediate crisis.

This comprehensive preparation ensures teams can respond effectively to complex terrorist incidents while preserving crucial evidence for later investigation.

Optimizing Evidence Collection authorities in Combat Zones

Collecting forensic evidence during active combat requires carefully identifying the most capable military units. These units must possess both combat readiness and forensic expertise, particularly in documenting sexual violence. The ideal units should combine tactical proficiency with evidence preservation skills—a specialized combination that needs proper resourcing and authority.

Addressing the Forensic Crisis

A critical shortage in Israel's forensic capabilities has emerged. Crime Scene Investigation (CSI) teams are overwhelmed with disaster victim identification, leaving minimal capacity for standard forensic work. This situation demands an immediate expansion of qualified post-mortem experts to maintain basic forensic services.

Protocol Reform

Current regulations have hindered evidence collection. ZAKA volunteers, though present at crime scenes, often avoided taking photographs due to perceived restrictions.¹⁰⁵ Similarly, Scan Unit personnel operate under strict non-photography orders. These protocols require urgent revision to explicitly authorize and mandate documentation of evidence, particularly in cases of sexual violence.

Resource Enhancement

To address these challenges, key improvements are needed:

- Expand forensic investigation teams
- Provide specialized field evidence collection training
- Allow adequate time for thorough documentation while managing operational risks
- Update protocols to clearly authorize evidence collection
- Increase material and personnel resources for designated units

¹⁰⁵ Otmazgin, ZAKA, commander interview, dated June 18, 2024: "even when I urged people to use their smartphones, some were too accustomed to the prevailing rule of a ban on taking photographs at a crime scene."

A high-ranking member of ZAKA revealed that although volunteers were told to take photos, many chose not to, knowing that it was normally against police regulations. A shift in protocol is required to ensure volunteers feel authorized, even obligated, to document these events. Similarly, the Scan Unit commander confirmed that his troops are under strict orders not to take photographs. **"It's evident that any change in their behavior will require a corresponding change in their mission protocols."**¹⁰⁶

3. Documentation and Evaluation

Advanced Documentation Systems

When immediate scene documentation is limited, establish a comprehensive retrospective documentation system that balances thoroughness with ease of use.

The system should:

Create a secure, encrypted database that protects victim and witness privacy while preserving crucial evidence. This is particularly important given that an interview with a ZAKA commander revealed that some ZAKA volunteers currently withhold sensitive photographic evidence they haven't showed the police, due to the risk of breaching the victims' privacy.¹⁰⁷

The documentation system serves multiple critical purposes:

- Analyzes patterns in terrorist attacks
- Records field operations and challenges
- Captures new criminal tactics, particularly sexual violence in Western contexts
- Enables thorough post-incident analysis
- Supports continuous improvement of response procedures

Regular after-action reviews should evaluate:

- Effectiveness of response procedures
- Areas needing improvement
- Lessons learned from field operations

This systematic approach to documentation and analysis helps rebuild public trust in security services, which often suffers after terrorist incidents. Through transparent

106 Commander of the Scan Unit interview, dated October 21, 2024.

107 Otmazgin, ZAKA, commander interview, dated June 18, 2024.

evaluation and continuous improvement, agencies can demonstrate their commitment to learning from experience and enhancing their response capabilities.

4. Raising Awareness and Training

Awareness Training for Sexual Violence in Terrorist Attacks

Security and medical personnel must be trained to recognize that sexual violence can be a component of terrorist attacks. Without this crucial awareness, responders may overlook or misinterpret critical evidence, even when directly confronted.

A telling example occurred at Camp Shura, where a medical officer examining a female victim with severe mutilation (severed breast) did not investigate or document this potential sign of sexual assault. This oversight demonstrates how preconceptions about terrorist behavior can lead to missed evidence and incomplete investigations.

Enhanced awareness training should:

- Challenge assumptions about terrorist tactics
- Teach recognition of sexual violence indicators
- Establish clear documentation protocols
- Emphasize early evidence preservation
- Develop systematic examination procedures

By acknowledging sexual violence as a potential element of terrorist attacks, response teams can better preserve evidence, conduct thorough examinations, and maintain professional standards even in traumatic situations. This awareness forms the foundation for effective investigation and documentation.

Professional Training: Evidence Documentation in Traumatic Crime Scenes

First and Secondary responders need **specialized training** to effectively document evidence while managing the psychological impact of disturbing crime scenes. This dual-focused training serves two critical purposes: developing technical skills to identify and document crucial visual evidence, even in emotionally challenging situations, and building psychological resilience to maintain professional effectiveness when confronted with distressing scenes.

A revealing case study involves a senior police officer who instinctively avoided looking directly at a female victim's unclothed body, attempting to protect herself from

psychological trauma.¹⁰⁸ This natural but problematic response resulted in missing important evidence markers.

As first and secondary responders who handle bodies and secure crime scenes, must be equipped to overcome instinctive avoidance responses and maintain professional focus under extreme stress. The training enables them to systematically document all relevant evidence while processing traumatic scenes in a way that protects their mental health. This comprehensive training approach ensures thorough evidence collection and the psychological well-being of law enforcement personnel.

Specialized Training: Identifying Indicators of Sexual Violence in Crime Scenes

Law enforcement personnel require focused training to recognize distinct physical evidence that may indicate sexual assault or extreme violence accompanying a homicide. While gunshot wounds are common causes of death, specific trauma patterns warrant heightened scrutiny and specialized forensic examination.

Key physical indicators that necessitate deeper investigation include, inter alia, specific skeletal trauma (particularly to the pelvic region), genital injuries, distinctive corpse positioning or placement, and bruising patterns inconsistent with the apparent cause of death. Recognition of these distinct markers enables investigation teams to identify cases where sexual violence may have occurred, ensuring appropriate forensic protocols are initiated and critical evidence is preserved for a comprehensive examination.

This targeted training enhances investigators' ability to detect subtle but significant evidence that might otherwise be overlooked during initial crime scene assessment, ultimately supporting more thorough case investigation and documentation.

Standard Operating Procedures: Evidence Documentation for First Responders

First responders require specialized training in basic but rigorous evidence documentation techniques to ensure immediate, effective field response. This training should establish a systematic approach to preliminary scene documentation and evidence collection that meets legal evidentiary standards, even with limited resources.

The training protocol should cover traditional and improvised documentation methods,

108 Senior police commander interview, dated April 2, 2024.

including proper photography techniques and the appropriate use of readily available tools like mobile devices for initial documentation. It should also establish standardized marking systems for scenes where specific types of crimes are suspected. Documentation must extend beyond the victim's body to include contextual evidence such as disturbed clothing or environmental indicators. This represents a shift from current practices, such as in military contexts where protocols are limited to identifying and documenting "operational injuries and medicine",¹⁰⁹ thereby overlooking crucial evidence like stripping a soldier from her uniform.

Ethical Considerations in Evidence Documentation

A critical component of this training must address the ethical and legal complexities of documenting deceased victims. Personnel needs clear guidance on balancing thorough evidence collection with maintaining victim dignity, considering the following:

- Universal moral principles
- Victims' rights
- Religious and cultural considerations
- Legal requirements for evidence collection

This framework ensures that first responders can collect legally admissible evidence while preserving the deceased's dignity and respecting broader ethical obligations.

The protocol should provide practical solutions for everyday field situations while maintaining high professional and ethical standards required to protect the dignity of the victim, even in challenging circumstances with limited resources.

5. Retrieving Evidence

Advanced Evidence Collection Technologies: Field Documentation Standards

MES teams require **sophisticated technological tools** for professional evidence collection and documentation that meet legal evidentiary standards, particularly in combat conditions. Body-mounted cameras during rescue and identification operations serve as a primary tool, significantly enhancing the quality and reliability of initial documentation.

A comprehensive digital mapping system must complement video documentation, enabling precise location tracking of evidence sources and supporting systematic

109 Senior officer in the medical corps interview, dated September 16, 2024.

review of digital evidence. However, **“field conditions often present technological challenges, such as internet disruptions or unavailable equipment”**, as experienced by ZAKA teams with their specialized application.¹¹⁰

For these situations, contingency protocols must be established. These include standardized procedures for using personal mobile devices as backup documentation tools. Such protocols must detail specific instructions for proper documentation techniques, accurate location recording, and methods to maintain evidence integrity throughout the investigative process. This ensures continuity of evidence collection even when optimal conditions or equipment are unavailable.

This dual approach — implementing advanced technology while maintaining reliable backup systems — ensures consistent, legally admissible evidence collection under various field conditions.

Advanced Technology Integration for Crisis Response and Investigator Protection

The chaotic nature of terrorist attacks demands **sophisticated technological solutions** for evidence collection and investigator protection. Security agencies' cyber units must develop adaptable tools, such as satellite-based devices, that function effectively in unpredictable field conditions. These systems must enable rapid digital evidence collection while providing real-time analysis capabilities, particularly for identifying and tagging potential victims.

Artificial intelligence and advanced data analytics serve dual purposes in this context. First, they enhance operational efficiency by facilitating immediate information collection and distribution to relevant parties, enabling swift response coordination. Second, and equally crucial, these technologies help protect investigators from psychological trauma through intelligent content filtering.

Sex crime investigators face repeated exposure to disturbing content, a challenge amplified by the proliferation of digital evidence in the modern era. To address this, **AI-powered systems must be developed to pre-screen and filter graphic content** while preserving essential evidentiary value. These tools can provide advance warnings for particularly disturbing material and help manage investigators' exposure to traumatic content through measured distribution and viewing protocols.

110 Otmazgin, ZAKA, commander interview, dated June 18, 2024.

This technological framework balances the competing demands of thorough evidence collection with the psychological well-being of investigation teams, ensuring both effective case processing and sustainable investigative practices that protect personnel from secondary trauma.

AI-Powered Evidence Authentication and Analysis

The digital age presents unique challenges in evidence verification, particularly with the rapid spread of misinformation. Advanced artificial intelligence systems serve as critical tools for distinguishing authentic evidence from fabricated content. These sophisticated image and video recognition algorithms enable rapid analysis of digital materials, efficiently identifying and filtering false content that might otherwise undermine investigations of sexual crimes.

The scale of digital evidence in modern investigations is staggering, with interviewees mentioning that security forces handle between 200,000 and 500,000 distinct digital items from networks and seized devices. This volume necessitates advanced AI systems capable of processing vast amounts of data to identify subtle indicators of sexual abuse, even when such crimes are not explicitly documented. By programming these systems with specific markers and patterns associated with sexual violence, investigators can more effectively process enormous evidence databases.

These AI tools serve two essential functions: they **validate** authentic evidence while **filtering** out misinformation and identify potential indicators of sexual abuse that might otherwise go unnoticed in massive data sets. This technological approach allows investigators to focus on the most relevant materials, making the investigation process more efficient and thorough. The system's ability to detect subtle indicators, for instance: female naked bodies, helps ensure that critical evidence is not overlooked while protecting investigations from being undermined by false information.

Emergency Authority Expansion and Specialized Response Teams

Mass casualty events create critical resource shortages among specialized personnel, particularly forensic professionals qualified to process sexual assault evidence. The challenge is compounded when emergency protocols force investigative teams to prioritize critical functions, such as victim identification, over others, like documenting evidence of criminal acts committed during the attack.

To address these operational constraints, **investigative authority must be strategically expanded beyond its traditional boundaries.** This expansion should enable qualified personnel, such as forensic investigators, who typically operate under limited scope, to document and preserve critical evidence in emergency situations. This flexibility helps

prevent the loss of vital evidence while maintaining investigative integrity.

Furthermore, a **dedicated reserve force should be established**, comprising professionals with expanded emergency powers activated during terrorist incidents. This specialized team would operate independently, focusing on collecting time-sensitive evidence, including that related to sexual assaults, without disrupting broader emergency response efforts. Their authority would be carefully defined to ensure rapid deployment and clear operational boundaries.

This dual approach — **expanding** existing authorities and **creating** specialized response teams — ensures critical evidence collection continues even when primary investigative resources are diverted to immediate life-saving priorities. The system maintains investigative standards while adapting to the unique challenges posed by mass casualty events.

Local Evidence Collection Teams: Building Regional Response Capacity

Terrorist attacks require immediate evidence preservation, yet specialized national emergency services often face deployment delays. This critical gap necessitates developing robust local response capabilities through enhanced training of existing regional law enforcement personnel.

Professor Almog, former head of the forensic department, advocates for equipping local crime scene technicians with **intermediate-level evidence collection skills**.¹¹¹ These technicians, already stationed at local police facilities and experienced in routine crime scene processing, can provide crucial initial response before specialized teams arrive. Their existing presence in communities enables rapid deployment and immediate evidence preservation.

This localized approach requires implementing **standardized training protocols** that focus on identifying and documenting unusual findings, particularly those indicating sexual crimes. The training must enable these teams to properly secure and preserve evidence until more specialized units arrive, ensuring no critical evidence is lost during the response gap.

This model was recently adopted in emergency medical services, where local Medical Emergency Response Teams were established after October 7 exposed security restrictions as limiting access to terror sites. These locally based teams rely on the idea that distributed expertise can maintain critical response capabilities despite operational constraints.¹¹²

111 Former CEO of the CSI Unit (Prof. Yosef Almog) interview, dated May 7, 2024.

112 See the MDA magazine - Zeman Emet, dated October 11, 2023, p.32.

This systematic development of local expertise is intended to bridge immediate response needs and specialized investigation requirements, ensuring vital evidence is preserved while maintaining professional standards throughout the investigative process.

Balancing Religious Traditions with Forensic Requirements

In Israel, as is in many other countries, death investigation procedures must navigate complex religious considerations, particularly given the significant role of religious personnel among first responders and in managing deceased bodies. The intersection of sexual crime investigation and religious practices presents unique challenges requiring a careful balance between religious law (Jewish halacha) and forensic necessities.

Three critical areas demand specific attention and protocol development:

- **Sacred Treatment of the Deceased:** Jewish law mandates profound respect for the dead, requiring preservation of dignity and minimal body exposure, especially in cases of sexual desecration or trauma. This presents significant challenges in disaster aftermath scenarios where thorough documentation conflicts with religious imperatives to cover exposed bodies, particularly female victims. While deeply important, these religious principles must be carefully balanced with investigative requirements.
- **Burial Timing Protocols:** Jewish religious law traditionally requires prompt burial following death confirmation. However, criminal investigations, particularly those involving sexual assault, may require delayed burial for evidence collection. Religious authorities must establish clear guidelines permitting “flagging” bodies for investigation as sufficient justification for temporary burial delay, ensuring critical evidence preservation while respecting religious principles.
- **Documentation Standards:** The documentation of bodies, especially in cases of sexual crimes, raises concerns regarding modesty and dignity. **While ZAKA volunteers have received special religious permission for handling female victims, cultural impulses to immediately cover exposed bodies can impede evidence collection.¹¹³ Another Scan Unit commander’s account of covering rather than documenting an exposed female victim illustrates this challenge as well.¹¹⁴** Clear protocols must ensure that while religious sensitivity is maintained, it does not override necessary forensic documentation.

113 Otmazgin, ZAKA, commander interview, dated June 18, 2024.

114 Commander of the Scan Unit interview, dated October 21, 2024.

This framework requires establishing precise guidelines that enable thorough evidence collection while respecting religious traditions. Emergency response personnel must receive training in managing these dual obligations, ensuring that religious considerations inform but do not impede crucial investigative procedures.

6. Integrated Emergency Response Management

Emergency management in complex crisis situations demands a coordinated multi-agency approach that clearly delineates responsibilities among Israel's various security and emergency organizations. This framework must establish distinct operational boundaries and collaborative protocols among the Israel Defense Forces (IDF), Mossad, Shin Bet (Israeli Security Agency), and Israel Police.

Each organization brings unique capabilities and jurisdictional authority to crisis response. **Clear role definition prevents operational overlap, eliminates jurisdictional confusion, and ensures efficient resource deployment.** This systematic coordination enables rapid information sharing and creates clear chains of command during critical response periods.

The integrated approach transforms potentially competing agencies into a cohesive response network, maximizing each organization's strengths while maintaining operational clarity. This coordinated strategy ensures that each agency can execute its specialized functions effectively while contributing to the broader emergency response effort, ultimately delivering faster and more effective crisis management.

Such systematic coordination becomes particularly crucial in complex scenarios involving multiple crime scenes or when evidence collection must occur alongside ongoing security operations.

Sexual Assault Alert Protocol Implementation

A formalized alert system must be established for suspected sexual assaults during crisis events. Experience has shown that amid chaotic emergency responses, evidence of sexual crimes can be overlooked without specific protocols triggering a systematic investigation. The absence of such protocols was evident when no official announcements regarding suspected sexual assaults were issued by police or other authorities, resulting in missed opportunities for proactive evidence collection.

This specialized alert system should function as a distinct "**Special Code**" activation

that initiates immediate, coordinated responses across all emergency services. When triggered, this protocol would automatically launch systematic evidence preservation procedures and mobilize specialized investigative resources, ensuring that potential sexual crimes receive appropriate attention even during complex crisis management.

The implementation of this alert system addresses a critical gap in current emergency response frameworks, where the urgency of immediate crisis management can overshadow the need for careful evidence collection related to sexual assaults. By formalizing this process through clear activation protocols, emergency services can maintain awareness of potential sexual crimes while managing other critical response activities.

Creating a New System for Reporting an Indication within SEM Forces

There is an urgent need in establishing a reporting mechanism for cases where an indication is identified by a SEM force personnel. Appointing a dedicated professional ensures all indications are properly documented and special inspection is promptly provided. This is particularly evident in the testimony of a physician who volunteered in the Shura base: **"There were many bodies of young women who arrived without underwear... I quickly realized that something was wrong. I asked myself a hundred times, 'Why did she come without underwear?' In retrospect, I can say that if you connect all the dots, there is an indication of harm here".**¹¹⁵

7. Psychological Treatment

Specialized Mental Health Centers for Terror-Related Sexual Trauma

Terror incidents involving sexual assault require dedicated mental health facilities integrated within the broader emergency medical response system. These specialized treatment centers must be strategically located within hospitals near incident sites, ensuring immediate accessibility for survivors requiring psychological support.

The centers must serve a broader scope than traditional trauma units, accommodating survivors with varying levels of injury. While physical trauma centers handle immediate medical needs, dedicated mental health facilities must support those experiencing psychological trauma without physical injuries, as well as those with minor injuries not requiring hospitalization. This comprehensive approach recognizes that psychological trauma can be severe, even in the absence of physical wounds.

115 Interview with a doctor who volunteered in the Shura camp, November 20, 2024

The timing of psychological intervention is particularly critical given the nature of sexual trauma in terror events. Survivors often experience dissociation and early signs of PTSD during the chaotic aftermath, potentially compromising both their recovery and the evidence-collection process. Additionally, these events can trigger severe psychological responses in previous sexual assault survivors, necessitating specialized support services for this vulnerable population.

These centers must provide immediate crisis intervention while establishing foundations for long-term psychological care, recognizing that trauma from terror-related sexual assault often requires sustained therapeutic support beyond the initial crisis period.

Professional Mental Health Support for Emergency Response Personnel

Emergency responders exposed to sexual violence in terror scenarios require dedicated psychological support systems. The traumatic nature of these events affects not only the primary response teams — security forces and medical personnel — but also extends to secondary responders including mental health professionals providing victim support.

The psychological impact on these professionals stems from repeated exposure to extreme trauma scenes and evidence of sexual violence. This exposure can result in PTSD and other significant psychological effects that, if left unaddressed, may compromise both their professional effectiveness and personal wellbeing.

Treatment centers must therefore implement comprehensive support programs specifically designed for response personnel. These programs should combine preventive training with ongoing psychological support, enabling staff to process traumatic experiences effectively. The support framework must recognize that different responder roles may require different forms of psychological intervention, from immediate debriefing for front-line personnel to long-term support for healthcare providers and counselors managing survivors' ongoing care.

This systematic approach to staff mental health ensures the sustainability of emergency response services while protecting the psychological well-being of those who provide critical care to victims of terror-related sexual violence.

Collaboration among Relevant Entities: Treatment centers should collaborate with healthcare providers, human rights advocates, and women's organizations to provide comprehensive care for survivors. These partnerships serve two crucial purposes: they enhance support services for survivors of sexual violence and help bring these issues into public discussion, combating denial and silence around sexual assault.

8. Central Coordination Hub

The current situation reveals critical challenges: multiple organizations working independently, **no central authority to set policies**, and significant knowledge gaps between organizations. This points to one clear solution: **establishing a central coordinating authority to address sexual violence during terrorist attacks**.

This authority would:

- Develop standardized protocols with security forces for identifying and documenting sex crimes
- Coordinate activities across different security force divisions
- Partner with law enforcement, NGOs, and subject matter experts
- Define clear roles and responsibilities for all involved parties
- Resolve conflicts between different professional approaches

For example, current disagreements highlight the need for such coordination. Contrary to some recommendations suggested here, one hospital's gynecologist we interviewed decided to avoid asking about sexual violence, and another psychologist we interviewed argued that separate specialists should handle evidence collection to protect the mental health of morgue staff.¹¹⁶ A central authority could establish consistent protocols to resolve such differences.

Composition of the Central Authority:

The authority's critical role demands careful selection of its members, drawing from diverse areas of expertise:

- Counter-terrorism and emergency management
- Sexual violence and victims' advocacy
- Digital ethics
- Legal investigation and prosecution

In alignment with **UN Security Council Resolution 1325**, which requires women's participation in decisions affecting their rights during armed conflict, we contend that a woman should lead the authority and maintain strong female representation across all expert positions.

¹¹⁶ See, accordingly: Interview with a senior gynecologist at a hospital in the south, dated May 1, 2024 and Interview with a senior psychologist in Shura, dated October 21, 2024.

Standardizing Sex Crime Investigation Protocols:

Our research reveals a critical gap: no security or investigative agencies currently have established protocols for identifying and documenting sex crimes, post October 7.

Coordinating Field and Follow-up Operations:

A clear framework is needed to coordinate all agencies involved in sex crime investigation, both during and after field operations. This includes:

- Establishing protocols for police cooperation with other organizations
- Defining clear guidelines for information sharing
- Setting specific standards for evidence collection and documentation
- Creating step-by-step procedures for photo documentation and record-keeping

This coordination prevents duplicate efforts, reduces agency interference, and increases operational effectiveness.

Implementation and Training Management

A central authority will:

- Integrate sex crime protocols into existing operational procedures
- Develop comprehensive training programs
- Ensure effective adoption across all agencies
- Monitor and evaluate implementation

Joint Investigation Teams

Create coordinated teams that:

- Begin collaboration at investigation outset
- Include all relevant stakeholders
- Share information through a centralized system
- Actively engage field personnel and volunteers
- Maximize evidence collection efficiency
- Streamline data flow between agencies

This integrated approach ensures thorough investigations while maximizing resource utilization and investigative effectiveness.

Ethical Framework for Documentation

Documentation of sex crimes requires strict ethical guidelines to:

Protect Victims and Investigators

- Prevent re-traumatization of survivors
- Safeguard victim privacy
- Support the mental health of documentation personnel
- Establish secure database management protocols
- Address Identification Concerns
- Develop sensitive methods for identifying survivors
- Avoid stigmatizing labels or markers
- Create respectful documentation procedures
- Balance Competing Interests
- Maintain victim confidentiality
- Raise public awareness of sex crimes as weapons of war
- Support counter-terrorism efforts
- Find an appropriate balance between privacy rights and public security needs

This framework ensures both effective documentation and protection of all involved parties.

9. International Standards for Sex Crime Investigation and Documentation

Clear global protocols must be established for investigating sex crimes in both cases with surviving victims and those without.

These standards should:

- Provide detailed guidelines for evidence identification and documentation
- Protect victims' dignity and privacy
- Create uniform, binding procedures for all participating nations
- Streamline investigation and prosecution processes
- Prevent critical evidence loss

Additionally, international legal standards should be updated to:

- Adapt burden of proof requirements for sex crimes during terrorist attacks
- Apply evidentiary harm doctrine to strengthen deterrence
- Enable broader counter-terrorism measures, including targeting financial networks

This standardized approach would enhance both investigation effectiveness and global prosecution capabilities.

7. APPENDIX

Description of SEM forces and their response on October 7th

SEM Forces — First and Secondary Responders

Prologue

We extend our profound gratitude to the numerous interviewees who worked tirelessly and with unwavering dedication to save lives, recover those who perished in the inferno, and identify bodies for their return to families for burial. The primary responsibility for the loss of evidence regarding the commission of sexual crimes rests with the Hamas terrorist organization.

The objective of the interviews in this section is to elucidate the operational methods of the primary and secondary responders on October 7 in the context of evidence collection and to propose initial policy recommendations and best practices to enhance preparedness for identifying and documenting sexual crimes in future incidents. It is crucial to acknowledge that increased preparedness cannot negate the inherently destructive impact of a terrorist attack on the identification and documentation of sexual crimes.

The content derived from the interviews informed the descriptions of the forces' activities on October 7, as detailed below. Specific quotes from the interviewees were referenced only when particularly specific details or exceptional information were revealed. In places where quotes were provided consecutively from the same interviewee, no additional references were added to avoid overburdening the text.

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- 2.2 Hospitals in the South (Soroka and Barzilai)
- 2.3 Disaster Victim Identification Organization (ZAKA)
- 2.4 Shura Military Camp – Casualty Collection Station (Shura)
- 2.5 National Institute of Forensic Medicine (Abu Cabir)

1. First Responders

1.1. National Rescue and Evacuation Unit (NRE)¹

Background

The National Rescue and Evacuation Unit of IDF's Home Front Command (NRE) is designated to carry out rescue missions in complex and unique scenarios, providing a particularly rapid response both within Israel and abroad. The unit's forces primarily consist of reservists who are on constant alert. Its members are trained to provide a rapid response and have the capability for extremely quick mobilization and deployment (within 3 hours of a call to action).² They are primarily prepared for rescue and first aid for survivors from natural disaster areas or mass casualty disaster areas, such as chemical incidents or extensive physical destruction, like earthquakes and terrorist attacks. To accomplish their mission, the unit's teams use advanced rescue tools, such as special saws, scanning cameras, heavy engineering equipment, and cranes.

In addition to professional rescue training, the unit's teams receive combat training and are engaged in routine security operations, conducting exercises in coordination with other units, joining ambushes and arrests, and even working as breaching teams in events where an enemy-controlled area may need to be breached.

MCE (Mass Casualty Event) Management: The unit works alongside the Israel Police, Magen David Adom, and Fire and Rescue Services as part of the Home Front Command's system.

Addressing Sexual Crimes in Routine: Within the unit's operational doctrine, there are no specific guidelines or training regarding the possibility that those rescued may have been sexually assaulted. Consequently, no evidence related to sexual crimes is collected, as the unit is not defined or sees itself as an identification or documentation body for this mission.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Functioning: During the Hamas terror attack on October 7, the unit was among the first forces mobilized. According to interviewees, the unit's arrival at the combat zones was significantly delayed due to the concentration of fighters in central cities, kept there out of concern that the massive rocket fire would hit high-rise residential buildings and necessitate ex-

1 For information about the unit, visit the [IDF website](#).

2 Commander of special units in the ZAKA organization interview, dated June 18, 2024. Major (Res.) Otmazgin led the founding of the volunteer unit in the YAHATZ unit.

tensive rescue operations. This may have been a deliberate deception by Hamas, as part of its chaos strategy, aiming to divert the unit's response from Israel's southern settlements to which the unit's personnel were dispatched only after several hours. The instruction given to them was to rescue victims as quickly as possible under fire, focus on collecting bodies in bags, and transfer them to handling units—ZAKA or SSU (IDF's Search and Scan Unit). Upon arrival, the unit encountered other forces operating in the area, including IDF soldiers, ZAKA personnel, and civilians, who were also engaged in rescue and bodies evacuation operations.³

The unit's fighters were required to carry out rescue and evacuation missions under fire, equipped with rescue tools but almost no weapons for self-defense. This situation arose due to prioritizing their equipment with rescue tools over weapons. The chaos in the field and the urgent need to rescue possible survivors and bodies from collapsing buildings, the Nova party area, and burned vehicles on the surrounding roads created a situation where the unit had to operate at maximum speed. Interviewees noted that due to time pressure and harsh conditions, they did not have the necessary means for proper evidence collection, and the order was to focus solely on collecting bodies: **"The order was clear, to collect the bodies in bags and transfer them to the Shura camp... there was a clear order from the commanders not to deal with evidence but only with collecting bodies."**⁴ An interviewee who operated in the field testified that the harsh sights of the bodies, in addition to the time pressure and working under fire, imposed significant mental pressure: **"There was a limit to what the soul could handle."**

Although the unit's fighters undergo training focused on dealing with harsh sights, the training mainly addresses such sights resulting from building collapses and the like, not from a brutal terror attack massacre, which particularly weighed on the fighters' mental state.

Conclusions — Steps to Improve Emergency Collection and Documentation Processes

Although this unit is among the first to arrive at the scene, its operational doctrine does not address evidence collection, focusing instead on searching and scanning for the purpose of rescuing casualties and bodies. Additionally, the field conditions—including the need for rapid body rescue, ongoing enemy fire, and lack of appropriate equipment—did not allow for proper evidence collection.

3 Reservist in YAHATZA interview, dated May 12 2024.

4 Ibid.

— **Conceptual Change and Awareness Raising:** The linkage between awareness of the possibility of crime and forensic identification is significant, even if it does not guarantee full coverage. It is important to raise awareness during routine training about the possibility of sexual crimes during a terror attack, as well as in mass disaster areas. Deciphering physical signs or findings in the field, such as body positioning, as indications of sexual assault, is critical. Lack of awareness can be a professional barrier, translating in the field to ignoring essential findings or not understanding their professional significance.

— **Specialized Training:** Consider special training that includes basic forensic documentation skills, focusing on identifying unusual sights. The ability to identify unusual signs of sexual crimes in real-time can improve awareness of the presence of potential evidence and prevent its loss. Since the unit focuses on rapid rescue, using body cameras such as GoPro cameras may be crucial. Additionally, a mechanism for managing and digitally documenting the findings should be established, allowing for the identification of the exact location and time of the recording camera.

— **Establishing a Coordinating Body:** Interviews indicate that there was significant chaos at the terror scene, with multiple forces operating simultaneously for rescue and body identification. The lack of coordination between the various forces led to the loss of important evidence. Hence, the need to establish a coordinating body to synchronize all the entities operating at the scene, preventing evidence loss and improving order and organization.

— **Enhancing the Unit's Competence in Evidence Collection Under Fire:** Being an armed unit with combat skills, alongside its primary professional mission of non-combat operations, NRE unit is uniquely positioned for evidence collection under fire. However, it is necessary to increase its personnel and expand its training to include an additional area of responsibility and authority for rapid rescue operations, which also involves basic forensic identification and treatment, especially in cases of suspected criminal injuries, with an emphasis on sexual assaults. The equipment required for the unit, beyond self-defense weapons and rescue heavy tools, should include technological tools for initial documentation. Additionally, extending the unit's stay in the field, while considering the operational risk to the forces, may improve the quality of documentation and evidence collection.

1.2. Search and Scan Units (SSU)⁵

Background

The Search and Scan Unit of the Chief Military Rabbinate (SSU) is responsible for evacuating fallen soldiers from the battlefield and ensuring their burial in accordance with Jewish law. Its role is not to replace the evacuation forces in the field, but to handle the evacuation of the fallen from their place of death in situations where the complexity of the evacuation requires professional expertise, such as in cases of severe bodily dismemberment resulting from fire, explosion, crash, etc.⁶ The unit consists of hundreds of fighters, former combat unit members, whose task is to search for, locate, and rescue IDF soldiers killed in conditions that do not allow for their complete evacuation by medical forces due to operational-logistical difficulties, even under fire if necessary. The unit operates as an augmented reserve force, with some members being religious, and also part of the Military Rabbinate. Reserve service is relatively infrequent, with most training focused on combat doctrine and scanning techniques.⁷

Each scanning team consists of a draftsman, a photographer, and a recorder who have undergone appropriate training. The first rule in the field is to document before the scene is contaminated. Then, the manual sketching begins (on an A4 sheet), including delineating and marking the scene, and marking findings according to their type—bodies have a specific marking, and objects have a different marking. Additionally, numbered zip ties are used to mark findings at the scene. An interview with a senior unit commander revealed that photographers are equipped with GoPro cameras for documentation at the scene. He emphasized: **"For years, soldiers have been taught not to pull out smartphones. There is an absolute prohibition on documenting with personal means. Those who did so, were judged and punished; there was fear and prohibition from documenting outside the limited framework of scanning rules."**⁸

5 For information about the unit, visit the IDF website; Ariel Kahana, "YASAR South: Recovering Over 600 Casualties Since the Beginning of the War - Even Under Fire" Israel Hayom (November 19, 2023); Ariel Kahana, "Holy in Uniform: The Story of the Military Rabbinate's Search & Scan Units" Israel Hayom (December 3, 2023).

6 For further reading on the subject, see Shimon Pertzik, "Identification of Casualties in the Israel Defense Forces" HaMaayan 247, Tishrei 5784; Investigative report on "The Rabbinate's Patrol: The Unit Still Searching for Remains", Kan 11 www.kan.org.il/content/kan-news/newstv/p-11894/s1/654373/ (December 13, 2023).

7 Combatant in YASAR unit interview, dated April 2, 2024.

8 Senior commander in YASAR unit interview, dated October 21, 2024.

The soldiers' skill in evidence collection pertains only to personal identification. According to a senior official in the Military Rabbinate: **"Identification is not released without two out of four identification means: fingerprint, dental records, personal acquaintance, and DNA."**⁹ The skill focuses on identifying the bodies of the fallen for burial and religious observance, not for collecting findings related to criminal offenses.

- **MCE Management:** The unit regularly practices reference scenarios of mass casualties among soldiers and is prepared for such events. The most complex and extensive scenario practiced was a missile strike on a military base, involving handling the bodies of up to 20 casualties.¹⁰ The unit is not supposed to handle civilian casualties.
- **Addressing Sexual Crimes in Routine:** The operational doctrine of this unit does not include any specific reference to situations involving sexual violences in terror events. The unit's training focuses on evacuating and identifying the fallen for burial according to religious laws purposes alone.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Functioning

On the day of the attack, the SSU was sent to the south and stationed in the city of Be'er Sheva, from where the unit's soldiers went out daily to various scenes. Under harsh conditions and fire, the unit's defined mission was to collect the bodies of the fallen in bases and kibbutzim in the area ("cleaning the scene"), and to search for and locate missing persons and evidence regarding their whereabouts.¹¹ In practice, the attack created significant chaos that disrupted the unit's ability to perform its work and realize its expertise in identification and scanning, as detailed below:

- Scanning activities began at IDF bases and then moved to kibbutzim in the area, so the unit transitioned from dealing solely with soldiers to also addressing civilians. Every finding was reported to the "Yaara" unit, under whose command the unit operated. At this stage, which lasted several days, scanning was carried out under fire in some scenes, and the large number of bodies—IDF soldiers,

9 Senior (Res.) in the Jewish Identity and Awareness Branch of the Military Rabbinate Unit, who served at Shura Camp Interview, dated July 18, 2024.

10 Ibid.

11 Senior commander in YASAR unit interview, dated October 26, 2024.

civilians, and terrorists – created a situation that did not allow for the implementation of the unit’s existing combat doctrine. One interviewee noted that if they had operated according to the standard combat doctrine, identification would have taken many months. According to him, the main activity in the field focused on the rapid collection of bodies, primarily to prevent body-snatching events by the enemy. Due to operational pressure, the teams had to focus on quickly evacuating the bodies from danger zones rather than the full identification process: **“We made sure to collect the bodies and not identify them... the unit’s existing doctrine was not used.”**¹² Moreover, teams or mechanisms trained to perform specific roles could not fulfill their tasks due to the complex reality imposed on them, and the unit had to fill the gap with people without appropriate training or previous experience.

— There was significant difficulty in collecting evidence from the various massacre scenes, as many areas in the surrounding and IDF bases were completely burned by Hamas militants, including houses, posts, and vehicles. These deliberate fires were part of Hamas’s strategy. This significantly hindered evidence collection, especially body identification, let alone proof of additional crimes. Archaeologists (mainly around burned scenes) and bone experts (to distinguish between animal and human bones) accompanied the scanning work.

— The chaos created by the attack led to many bodies being evacuated without sufficient documentation. According to a unit soldier who participated in its activities in the days following the attack: **“In the first days of the fighting, the team gathered bodies in assembly areas and ensured their transfer to Shura camp.”**¹³ Subsequently, the main work of the unit’s soldiers at the Shura facility was unloading bodies from trucks, vehicles, and trailers, through which the bodies were brought to the camp, an action not usually performed. According to the top command directive, the main goal was to bring the fallen to burial as quickly as possible.

— The lack of documentation impaired the ability to collect significant information about the fallen and document according to the unit’s existing procedures. As a unit soldier testified, sometimes the documentation was minimal and included

12 YASAR unit combatant (Res.) interview, dated March 28, 2024.

13 Combatant (Res.) in YASAR unit interview, dated May 15, 2024.

only visual documentation (photographing the fallen body) without any forensic documentation. According to him, **"civilian bodies were evacuated without sufficient documentation of their place of discovery... even when documentation was done by photography, it was not forensic documentation... not every fallen was photographed."** This contrasts with an existing and clear directive in the unit's combat doctrine, which states that fallen bodies must be photographed for documentation. Even when bodies were documented, there was no uniformity in the identification reports filled out by the soldiers. An interviewee described how **"the unit's combat doctrine advocates covering the dead body of a fallen female soldier."**¹⁴ Moreover, the same interviewee recounted that he **"did not report to a superior about a woman"** he saw **"tied to a pole with her upper body unclothed and exposed."** According to him, he did not examine indications of sexual crimes at all. Another interviewee from the unit presented a research team member with two photos he took in the field, one showing a close-up of a tattoo on a woman's back. According to him, **"this woman was lying on her back, naked in her lower body,"** but he did not think to document her entirely, only photographing the tattoo he saw as essential for her identification. In the second photo he presented to the research team, a man is shown **"lying on his back with his legs spread, his clothes appear torn, and his genitals bruised"**.¹⁵

— The terror scenarios practiced until the events of October 7 focused mainly on physical and mental injuries, with no reference to sexual assaults. Due to the significant chaos during the terror attack, no attention was given to indications of sexual crimes by the scanning units. Testimonies from within the unit indicate that possible evidence of sexual assaults was not marked or taken for examination. For example, one interviewee from the unit testified: **"I remember entering one of the houses in the surrounding area and finding a used condom on the bed... the finding was not marked or taken for examination... it didn't cross my mind at that moment."**¹⁶ Another interviewee stated, **"The thought of sexual assaults didn't cross my mind. The chaos was great, and the mission was defined as body evacuation, not identification... entire mechanisms trained to perform specific roles did not carry them out and were required to perform tasks they received without appropriate training."**¹⁷ The testimonies indicate

14 Senior commander in YASAR unit interview, dated October 21, 2024.

15 Combatant (Res.) in YASAR unit interview, dated April 11, 2024.

16 Ibid.

17 Senior commander in YASAR unit interview, dated October 21, 2024.

that even when “rumors” about sexual assaults by terrorists at the Nova party scene began to reach the unit’s teams, no special instructions were given to the scanning teams on the matter.

— Although some unit members had previously been exposed to bodies or injured individuals during their service in the unit, many experienced secondary trauma or paralysis due to the magnitude of the horrors during the attack. As one interviewee expressed: **“The great cruelty, the number of dead, the condition of the bodies... these are things that no person is immune to, the mind cannot contain such an amount.”**¹⁸

Conclusions — Steps to Improve Emergency Collection and Documentation Processes

As described, the SSU was not trained to handle the massive scale of casualties following the attack. The unit’s soldiers had to identify and collect bodies quickly, foregoing detailed information collection and precise documentation of the casualties, as they were trained to do in routine situations. This occurred while they were handling the bodies of civilians and terrorists in scenes that were not always isolated as required, with untrained civilians and organizations entering the scenes, which disrupted the evidence collection and documentation process. Another challenge identified was the gender issue in handling bodies. In routine situations, efforts are made for female bodies to be handled by women, which might have facilitated the identification of indications for sexual violence. Due to the chaos during the attack, men handled female bodies, which could have hindered such identifications. As an interviewee described: **“Initially, it is better for a woman to handle a woman, as is customary in the IDF – handling deceased women is done by women. There is a matter of maintaining the dignity and sanctity of the deceased, so it is preferable that the body be handled according to its gender. Due to the great chaos during the events of October 7, bodies were handled without gender distinction, even when they were undressed. Due to the large number of female bodies, men also had to lend a hand and assist in the task.”**¹⁹

— **Raising Awareness and Tailored Training:** It is important to raise awareness that sexual crimes may occur as part of terror attacks and that they must be addressed,

18 Combatant (Res.) in YASAR unit interview, dated April 11, 2024.

19 Funeral female attendant who prepared female victims of October 7 to burial interview, dated April 15, 2024.

even if they do not pertain to body evacuation. Accordingly, the unit's forces should be trained to identify indications and evidence of sexual assaults, so they know how to identify and document them as required.

- **Updating Operational Doctrine:** The operational doctrine should be adapted to include awareness-raising and explicit professional guidelines for dealing with sexual assaults and evidence collection under terror conditions, even if on a basic professional scale.

- **Training for Quality Photography:** Since the soldiers are skilled in carrying documentation devices, they should be trained to ensure full, even if quick, photography of bodies, as the current perception is that the camera automatically captures what is needed. Instead, they can be instructed to perform deliberate, conscious, and complete photography of the body. The photos should serve not only for physiological identification purposes (such as photographing a tattoo or other identifying physiological feature) but also for identifying additional findings such as possible sexual violence.

- **Flexibility in Religious Procedures:** To ensure proper and comprehensive documentation of the attack scenes and bodies, full photography of bodies should be mandated. This approach is necessary to preserve forensic evidence and document important findings for identification and to prevent future disputes regarding the identity of the deceased and the circumstances of their death, considering the religious dominance of the unit's soldiers.

- **Tailored Training:** Conduct large-scale MCE drills, including precise role definitions, appropriate authority allocation, and close coordination between different bodies for efficient operation in complex scenes.

- **Internal Unit Coordination:** During the unit's field activities on Oct. 7, a lack of uniformity was revealed between the actions of different teams. Each team operated documentation according to different approaches, creating confusion and causing non-standardized work. Therefore, there is a need to establish a coordinating and integrating body to improve internal standardization within the unit and between external entities in real-time. The coordinating body will be responsible for guiding all actions in the field, from evidence collection, proper documentation, to organized and orderly body evacuation. This will prevent internal coordination issues that arose between the unit's teams in the field, as well as coordination with command bodies and other organizations.

— **Precise Role Definition, Reallocation of Authorities, and Coordination Between Bodies:** A national coordinating body should be appointed to coordinate between the bodies involved in collection, evacuation, and documentation at terror scenes. This body will be responsible for ensuring that all entities operate in a coordinated manner and in coordination with command bodies. Additionally, to prevent confusion and lack of coordination between different bodies, the body will formulate an overarching protocol that defines the scope of authorities and roles of all entities involved in emergencies. This protocol will provide a clear framework for managing the scenes, clarify the division of responsibilities between the different bodies, and ensure that each operates within its area of expertise while closely cooperating with the other involved parties, from documentation to evacuation. In this context, the authority for identification and documentation, which is not suited solely to this unit, will be reallocated, given the unit's overall skill set.

1.3. Magen David Adom (MDA)²⁰

Background

Magen David Adom (MDA) is Israel's national rescue organization, providing pre-hospital emergency medical services. The organization operates under the Magen David Adom Law of 1950, which defines its roles and purposes, including serving as a national association to provide emergency medical services in accordance with the Geneva Conventions. MDA serves as an auxiliary service to the IDF's medical system during wartime; it prepares for civilian emergencies and participates in drills for such scenarios; provides first aid services to the general population; and maintains a system for storing blood, plasma, and their derivatives for medical use. The organization performs additional functions defined in its bylaws, primarily relevant to this report's analysis: evacuating accident victims and the injured and maintaining a volunteer system and training them to provide basic and advanced life support.²¹ The organization regularly participates in joint exercises with the IDF, Israel Police, and other emergency organizations, and is also responsible for transferring injured individuals from the IDF to hospitals. MDA is subordinate to the Ministry of Health, and since 2006, it has been a member of the International Red Cross. According to the Emergency Centers Law of 2016, MDA is responsible for both the nation-

20 Evacuation is usually carried out to the nearest hospital designated as the "Supreme Hospitalization Authority" in the event area. For information about MDA Organization, visit [the official website](#).

21 MDA Organization Regulations, 1992, Section 49.

al emergency center and the dispatching of ambulances, and it is defined as the coordinating body responsible for managing all evacuation operations.²²

MCE Management: In general, the Emergency Division of the Ministry of Health is the body responsible for operating health services for the population during emergencies.²³ The level of readiness during emergencies for MDA specifically, and the health system in general, is determined by the National Emergency Authority (NEA) in coordination with the IDF.²⁴ The NEA prepares a reference scenario for the home front, defining various possible threat scenarios to the home front that need to be planned for. From this scenario, the Ministry of Health derives the sectoral reference scenario for the health system.²⁵ In 2013, the Ministry of Health and the Israel Police issued a procedure stating that an MCE with casualties due to security reasons is under the command and control of the Israel Police,²⁶ which operates in the field of emergency medical services in coordination with MDA.²⁷ Regarding the distribution of casualties among hospitals, the military is authorized to handle this in a mass casualty event.²⁸

22 Ministry of Health, Director General's Circular No. 5/2017, Section 3 (June 3, 2017) established the coordination procedures between MDA and United Hatzalah to streamline casualties' treatment. According to the Circular, the dispatch of responders will be determined based on time, distance, and training considerations, regardless of organizational affiliation. For more information visit [the official unit website](#).

23 For more information visit Ministry of Health the official unit website.

24 Emergency preparedness includes readiness for various scenarios in addition to war, such as natural disasters, pandemics, fires, and more. Visit NEA [the official authority website](#).

25 State Comptroller's report on "MDA's Operational Array in Routine and Emergency Times and the Regulation of Pre-Hospital Emergency Medicine" (2019) criticized the fact that the Supreme Hospitalization Authority operates according to a health sector reference scenario, despite it not meeting the needs of emergency situations. It also noted that MDA warned about its competence not meeting the required level of emergency medical services under these conditions.

26 A procedure regarding Police responsibility and activity of medical rescue forces in events including casualties due to criminal security background was published on October 23, 2013. To review the Procedure visit [The committee's report on examining the methods of operation and control for the initial response to first aid services in the emergency medical services array](#) (2013).

27 In 2014, the Israel Police published a Master Procedure regarding the cooperation between the Police and emergency and rescue organizations during an emergency event. For more information see Procedure 90.221.109.001, "Master Procedure for Cooperation between the Israel Police and Emergency and Rescue Organizations in an Event", partially available on [The committee's report examining initial response operation and control methods of first aid services in the emergency medical services array](#) (2014). See particularly [Appendix D](#)

28 Circular No. 41/1996 available on [the official website of the Ministry of Health](#). Normally, the Ministry of Health's Emergency Division has detailed internal procedures and circulars, distributed in emergencies to all bodies in the health system, in various scenarios in addition to those mentioned in this report. Due to space constraints, only central ones are mentioned.

As a well-organized, long-standing organization, MDA has hundreds of internal procedures. In the case of a major terror MCI, there are specific guidelines in MDA's procedures regarding the functioning of the immediate medical response team in the field.²⁹ MDA teams operate according to principles of rapid triage in the field, and the initial aid provided on-site focuses solely on whether the casualty is salvageable or not.³⁰ A casualty deemed salvageable is immediately evacuated to the regional hospital. This process is based on rapid field diagnosis, using a triage tag called the "Triage and Evacuation Tag." This tag contains identifying details of the patient, information on their basic medical condition, the first aid received, and a description of the injury sustained (such as airway injuries, shock, changes in consciousness, etc.). This information allows the hospital teams receiving the casualty to get an initial picture of the patient's medical condition and provide tailored treatment.

Addressing Sexual Crimes in Routine: Our investigations reveal that there are no specific procedures in MDA regarding the identification, treatment, or documentation of sexual assault victims.³¹ Volunteers in the organization told a team researcher that "if we suspect sexual assault, we will report it to the police," but these statements are intuitive and not formally regulated. Another volunteer mentioned that "there is specific training, but only for cases of domestic violence."³² Therefore, the organization's personnel are neither trained nor instructed to identify and classify the circumstances of the injury as related to sexual violence.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Functioning:

During October 7, MDA handled an unprecedented number of 21,772 calls—more than four and a half times their usual number.³³ In response to the attack, most ambulanc-

29 For example, a professional compendium for ALS teamwork, MDA (April, 2022). Additionally, MDA procedure "[Determining the Scope of Assistance in Public Events](#)" (October 20, 2020) refers to MDA "order of operations", which we could not locate as it was not published publicly. Note that the numerous materials we reviewed included procedures and documents published publicly only, located through extensive research on the official websites of the relevant government ministries, mentioned medical organizations, etc.

30 Ibid, report on pp. 166.

31 Interview with Mr. Dovi Meisel, United Hatzalah Operations Vice President, also a former MDA employee: "Handling a Mass Casualty Event" United Hatzalah, available on [the official website](#).

32 Interview with 3 MDA volunteers regarding MDA volunteer training content, dated November 19, 2024.

33 Idan Yosef, "[21,772 calls were treated by MDA on October 7](#)" News1 (March 3, 2024).

es nationwide were activated and moved to the southern region. Despite Israel's ingrained culture of emergency preparedness, the health system, especially in the south, found itself facing an unprecedented challenge that both civilian and military emergency-medicine forces were insufficient to handle.³⁴

Firstly, due to the unusual military nature and complexity of the event, there was no central authority in the field that created and maintained a complete situational picture of the event or controlled all treatment and evacuation resources in the field. This situation, combined with the exceptional number of casualties, created significant difficulties in managing the event, both at the national level and within MDA's organizational level. Additionally, during the planning of scenarios for dealing with MCIs or mega-MCIs, MDA did not anticipate a scenario in which the organization would be unable to evacuate casualties within Israeli territory due to ongoing combat activities. The IDF's instruction to MDA teams was not to enter combat zones, so the medical teams could not reach the event scenes and evacuate most of the casualties without real risk to their lives. As a result, temporary first aid stations were set up at selected locations and main routes outside the settlements and kibbutzim controlled by Hamas militants, where casualties were treated on-site until safe evacuation to hospitals could be carried out.³⁵ In some cases, the IDF used military vehicles, and civilians even used their private vehicles to transport casualties from active combat areas to the temporary first aid stations set up in the field.

The terror attack severely impacted MDA's operations, with the organization's teams, including ambulance drivers and medics, being injured and even killed in the field, and ambulances destroyed and rendered inoperative.³⁶ Additionally, they had to operate under immense time pressure and provide life-saving treatment with immediate response, making it difficult to adhere to basic guidelines. As one interviewee noted in the media: **"Every first aid provider knows that the basic instruction is 'safety first,' meaning you must first protect yourself to continue treating the injured... When I arrive at a terror scene, the police and the army navigate us. But in this event, the army was engaged in combat and could not secure our teams while thousands of casualties were waiting for help."**³⁷

34 ["Medical Teams Testimony Project - October 7"](#), Ministry of Health website.

35 For more on MDA's functioning, see "Managing Mass Casualty Event: MDA's Lessons from the October 7, 2023 Attack", [International Journal of Public Health](#).

36 Ibid.

37 Yana Pevzner, ["Hot Blood"](#) Mako (December 14, 2023).

MDA's teams focused mainly on providing rapid first aid to live casualties and did not deal with bodies or the occurrence of sexual crimes at the scene, questioning survivors, or tagging them, either due to the general chaos or the lack of a dedicated protocol on the subject. The urgency and pressure to quickly evacuate as many casualties as possible, including a large number of evacuees in each ambulance, made it even more challenging to conduct interviews or specifically identify cases of sexual assault.

Conclusions — Steps to Improve Emergency Collection and Documentation Processes:

- **Raising Awareness and Tailored Training:** MDA teams should be trained to identify possible sexual crimes during terrorist events, emphasizing the identification of signs and indications of sexual assault. Additionally, the evidentiary importance of accurate and rapid initial medical documentation should be emphasized.
- **Interviewing During Evacuation to the Medical Center:** Despite the time pressure and need for evacuation, MDA, after receiving the casualty from United Hatzalah teams, has a slightly more extended period during the evacuation and travel to the medical center, which can be utilized, if possible, for sensitive questioning or checking additional indications of sexual assault. It should be ensured that the questioning is conducted discreetly and while maintaining the survivor's privacy.
- **Improving the Tagging System:** It is recommended to add a dedicated category for sexual assault victims in the existing MDA triage tag. It should be emphasized that this tagging is intended to indicate suspicion only and does not confirm the assault definitively. However, it will allow for continued tailored treatment in hospitals based on discreet and concealed tagging, while maintaining the survivor's privacy.

1.4. United Hatzalah³⁸

Background

"United Hatzalah" was established in 2006 as an organization based on thousands of volunteer responders with the aim of providing professional and initial medical response to save lives. Due to overlaps with MDA regarding the provision of initial medical response,

38 For more information about United Hatzalah, visit [the official website](#).

the Ministry of Health regulated the criteria for employing the organization's teams, establishing procedures for cooperation between both organizations to efficiently increase and deploy the number of responders within the national center operated by MDA.³⁹

The organization was later recognized as an official emergency assistance body by the Ministry of Health,⁴⁰ and in 2018 it was officially declared a national rescue organization.⁴¹ A unique feature of this organization is its fleet of first aid motorcycles, which includes about 1,200 emergency medical motorcycles. The "motorcycle ambulances" fleet was established due to the shortage of ambulances in Israel and the difficulty in providing immediate response in situations with multiple emergencies calls for medical assistance. The motorcycle ambulances are deployed across the country, allowing emergency medical responders to quickly and efficiently reach the scene, provide initial treatment, and stabilize the injured until the arrival of an ambulance for hospital evacuation.⁴² Thus, the organization's teams serve as a primary medical response, with on-scene treatment time usually not exceeding 20 minutes, after which the injured are evacuated, and the volunteer is free to continue assisting other casualties.⁴³

MCE Management: Regarding command and control of medical organizations at an MCE scene, the procedures and practices detailed under MDA in the previous chapter also apply to United Hatzalah, which is operated by the MDA national center. Sharing and managing information in a single center allows each organization to independently deploy its emergency responders. Subsequently, information about located United Hatzalah responders will be transferred to the organization's center, where their presence and availability will be indicated. The center will contact the responders, ensure they are dispatched to the event, and relay the information to the MDA center to dispatch the responders and provide them with event details.⁴⁴

39 Director General's Circular 1/14 (January 1, 2014): "Regulating First Aid given by Emergency Medical First Responders" and Director General's Circular 5/17 (July 3, 2017): "Cooperation between MDA and United Hatzalah Operating Drive Responder Array".

40 ["The Ministry of Health recognizes 'United Hatzalah' as a professional body engaged in emergency medicine and life-saving"](#) Ministry of Health (October 7, 2015).

41 Dr. Itai Gil, ["Competition for MDA: 'United Hatzalah' officially recognized as an emergency medical body"](#) Ynet (October 6, 2015).

42 Ibid, [the official website](#).

43 Senior manager at United Hatzalah, a volunteer paramedic, and a member of the organization's Resilience Unit interview, dated August 29, 2024.

44 Ministry of Health Director General's Circular ["Cooperation between MDA and United Hatzalah in Operating a Drive Responder Array"](#) (July 3, 2017) pp. 4.

On its official website, the organization's MCE procedure and the principles it operates under in such situations are mentioned, determining the tagging and triage of casualties according to the level of medical urgency.⁴⁵ Despite the ongoing training and preparation of the organization's volunteers to handle such events, the organization has had little experience in managing large-scale MCIs, beyond up to 50 fatalities and up to 200 injuries.⁴⁶

Addressing Sexual Crimes in Routine: Although there are no written guidelines on the subject, interviews indicate that medic training includes attention to identifying signs of sexual violence in any violent incident.⁴⁷ Teams are instructed to be aware of the victim's behavior or appearance that may indicate sexual assault, although there is no list of these indications. In cases where such suspicion arises, "there are instructed to ensure a 'female transfer,' meaning the information is passed to the medical team to which the victim is referred, ensuring that the treatment is carried out by a female team."⁴⁸ At this stage, according to the training, no questioning of the victim is conducted due to the lack of social skills. These practices were developed as "oral law" by a senior female official in the organization we interviewed, due to her individual commitment to the issue.

Recently, the organization adopted the "MAASHE" model, originally developed for the IDF, to provide psychological first aid to soldiers who experienced trauma.⁴⁹ This model was later adopted by the Ministry of Health and offers verbal and behavioral techniques aimed at strengthening the sense of capability and mental resilience of trauma victims. These techniques do not include questioning about the circumstances of the event and the injury, out of concern that such action would exacerbate the victim's stress and distress, having survived a life-threatening situation.⁵⁰

45 Dovi Meisel, "Handling a Mass Casualty Event" United Hatzalah, [the official website](#). It should be mentioned that in this source, the Mass Casualty procedure is mentioned and described, but we were unable to locate it in public sources.

46 For example, the Mount Meron disaster (about 50 dead and 100 injured) and the Turbine Collapse disaster in Givat Ze'ev (2 dead about 200 injured). Also see footnote 2.

47 Senior manager at United Hatzalah interview and volunteer in the organization serving as a paramedic and ambulance driver interview, both dated August 29, 2024.

48 Ibid.

49 For reading about the resilience unit in the organization, see [the official website](#). For reading about the model, see [the International Center for Functional Resilience website](#).

50 The model is based on four simple principles: commitment (of the responder, creating a sense of security), encouragement (motivating the victim to utilize effective activity), thought-provoking questions (focusing the victim on thinking rather than on emotions), and structuring the event (clarifying that the event is over).

In an interview with a senior official in the organization, it was clarified that based on past experience, the issue of sexual crimes was raised in the specific context of the reference scenario written for earthquakes. According to her, in this scenario, during the rescue process from the rubble and transfer to medical care, it was found that there is an increased risk of sexual exploitation of children, who often manage to escape the rubble relatively quickly or are rescued first but may remain without close adults, putting them at risk of exploitation. **"In the 'reference scenario,' everything depends on this. For example, in earthquakes, there is an understanding that orphans and young girls need a protective framework and that children survive more and are immediately at risk."**⁵¹ As a result, the organization emphasizes that their activity does not end with the rescue operation itself but with transferring the surviving children to authorized and protected hands, such as institutions or official entities, to ensure their physical and mental well-being.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Functioning

Various interviews with the organization's volunteers published in the media revealed that the IDF instructed all civilian medical organizations not to enter active combat zones due to the high risk to the medical teams' lives, treating these areas as closed military zones.⁵² Therefore, the volunteers received only survivors who managed to rescue themselves to various rear points or those rescued by forces operating in the field to medical treatment points deployed at various checkpoints outside the combat range. However, there were medical teams from United Hatzalah and MDA who chose to enter the combat zones under real risk to assist the injured in the line of fire and evacuate them to safety.⁵³ Some managed to rescue the injured and provide medical assistance despite the

51 Senior manager at United Hatzalah interview, dated August 29, 2024.

52 See for example, Yana Pevzner, "[Bad Blood](#)" Mako magazine (December 14, 2023); Gali Levita Leibovitz, "[The stronger the MDA, the more lives will be saved here](#)" TheMarker (June 20, 2014); Yitzkhat Abukhatzeira, "[The budget at MDA, the speed at United Hatzalah: a shocking document](#)" Channel 14 (October 29, 2023).

53 See for example, Ben Shani, "Uvda" on Channel 12: "Avi, Avi, and Emmanuel, volunteers from United Hatzalah on Saturday, October 7th, Simchat Torah, jumped into the United Hatzalah ambulance and headed to the front lines of the fighting and massacre in the south to save lives," [available here](#) and here; testimony of a United Hatzalah volunteer on the organization's website, "A Muslim doctor, a volunteer of the national volunteer organization – United Hatzalah, was shot and held hostage and used as a human shield by Hamas in the early hours of the fighting, until he was finally rescued by a YAMAM force," [available here](#); Yael Chekhanover, "[After a long shift, a trip abroad, or a wedding anniversary celebration: the heroes who rushed to help on the morning of October 7th](#)" Ynet (December 12, 2023); Nitzan Shapira, "[The terrorists shot at him, a MDA medic managed to escape and save lives | Documentation from Sderot](#)" N12 (November 1, 2023).

danger to their lives, some became targets themselves, either within the ambulances or at evacuation points,⁵⁴ and some lost their lives in the attempt to save others.⁵⁵

From the interviews we conducted, it emerged that the main organized activity of the medical teams focused on southern cities under Hamas attacks, such as Sderot and Ofakim.⁵⁶ Given the large number of casualties and the immediate need for their evacuation, the organization's volunteers received the injured at checkpoints outside the line of fire and primarily performed urgent actions in preparation for the rescue and transport of the injured to hospitals, mainly to Soroka Hospital. The teams' operations took place under intense pressure and dangerous conditions, where both the injured and the volunteers themselves were at risk of life.⁵⁷

Regarding sexual assaults, a senior organization official present in the field noted that "there was no awareness of sexual crimes occurring."⁵⁸ The teams were entirely focused on saving lives and evacuating the injured under conditions of chaos and severe time pressure, so no systematic questioning or examinations were conducted to detect sexual assaults at that time.

Conclusions — Steps to Improve Emergency Collection and Documentation Processes

- **Raising Awareness and Tailored Training:** Medical and rescue teams should be trained to identify possible signs of sexual assault even in chaotic situations, such as terrorist events. Raising awareness among staff about the importance of medical documentation and its evidentiary significance is critical, as proper documentation can serve as important evidence later. Additionally, the organization should develop a unique protocol for terrorist scenarios, similar to the existing earthquake protocol,

54 See for example, Smadar Shir, ["Without saying a word, I felt he was fighting for me. Luckily for me, he won' | The medic who saved the doctor on October 7"](#) Ynet (April 23, 2023); Ariela Ayalon, ["I was not afraid of the terrorists' fire or the sights, I wanted to save people"](#) Ynet (November 14, 2023).

55 For details about the medical teams who lost their lives trying to save others, both from MDA and United Hatzalah, see the position paper ["Harm to Medical Teams and Facilities during the Hamas Attack on October 7th"](#), pp. 3-6, Physicians for Human Rights (November 15, 2023).

56 Interviews revealed that most of the organization's volunteers were unable to enter the surrounding kibbutzim or the Nova party compound, except for one volunteer who managed to reach the area.

57 See also footnotes 16 and 35.

58 Senior manager at United Hatzalah interview, dated August 29, 2024.

which includes guidelines for identifying suspicious physical and psychological indications and how to tag the victim (e.g., using the "tagging" system) discreetly. This tagging will allow the victim to be transferred to dedicated medical teams, such as female teams, and update relevant entities, such as trauma rooms.

— **Development of Interviewing Capability:** Creating a protocol for the rapid identification of sexual assault victims under pressure may include a short and sensitive interview adapted to extreme situations like MCIs. This interview should be gentle and non-intrusive, focusing only on initial indications. The information gathered will allow teams to carry out informed and tailored evacuations to the unique needs of the victims, understanding that they may have experienced sexual trauma in addition to physical injuries.

— **Expansion of the Tagging System:** The existing tagging system in emergency events should be upgraded to include a dedicated category for sexual assault victims. This tagging will be discreet and concealed to protect the victims' privacy but will allow for continued tailored treatment in hospitals. It should be emphasized that this tagging will be based only on initial suspicion and will function as a hypothesis requiring further in-depth examination later.

1.5. Military Medical Units

The IDF Medical Corps provides life-saving treatment as the first responder to "operational injuries." Consequently, combat medics often accompany commando units and other military first responders, such as the Reconnaissance and Rescue Units. IDF medical units, including field hospitals and medical evacuation teams, are deployed to treat casualties and evacuate them to permanent civilian medical facilities. The Medical Corps coordinate with MDA and other civilian medical services to provide comprehensive initial care to the injured. In an interview with IDF's Chief Medical Officer, it was clarified that the treatment provided by these units focuses solely on trauma as defined according to the Military Trauma Life Support protocol for Medical First Responders. Since this protocol is designed to assist in immediate trauma situations under fire, it is very limited, especially compared to the more extensive civilian protocol. "Under these conditions, the only concern of the medical personnel in the field is saving lives, with no attention given to any other visible injuries."⁵⁹

59 Senior commander at the Medical Corps interview, dated September 03, 2024.

Conclusions – Steps to Improve Emergency Collection and Documentation Processes

Given the life-saving nature of emergency activities, we recommend that the protocol for military medics should not be changed beyond raising awareness during training.

2. Secondary Responders

2.1 Crime Scene Investigation Unit (CSI)⁶⁰

Background

The Investigations and Intelligence Division at the National Headquarters of the Police is responsible for coordinating and centralizing investigative and intelligence activities in the police force to combat various types of crime. Forensic identification in the police is based on two main frameworks: (1) the Forensic Identification Division and (2) the Crime Scene Investigation Unit, which includes identification officers and crime scene investigators deployed nationwide.

The Forensic Identification Division of the Israel Police (Mazap) includes specialized laboratories in various scientific fields, alongside mobile laboratories. Experts in the mobile laboratories are responsible for collecting exhibits and evidence from scenes of heinous crimes, such as sexual assault and murder. The division is responsible for conducting scientific examinations of evidentiary findings collected at crime scenes and providing expert opinions to establish forensic evidence within the criminal investigation framework. Its primary goal is to advance and develop the field of forensic identification to improve the efficiency of investigation processes, prosecution, and proof of guilt in criminal trials. The crime scene investigators in the mobile laboratories are the operational arm of the division's laboratories, working at crime scenes to conduct scene investigations and collect exhibits and evidence for further forensic investigation. Typically, the unit does not operate at terrorism scenes but mainly at civilian crime scenes.

The prominent Mobile Laboratories Department is responsible for handling the investigation of serious crime scenes using advanced equipment and new technologies. Investigators in the department conduct detailed documentation of the crime scene using

⁶⁰ For more information about the unit visit [the Israel Police website](#). The information was also obtained from interviews with 3 senior members of the unit, past and present, as detailed below.

various means, including still photography, video, drones, 3D scanners, and laser scanners. Additionally, they specialize in investigating shooting trajectories, analyzing bloodstains, and using various scientific methods to analyze the scene and produce critical forensic evidence for the ongoing investigation. Israel has only 6 mobile laboratories, to which 30 investigators are assigned, and a total of approximately 220 crime scene investigators in the police. However, each police station nation-wide has an "identification technician" who is the first to arrive at the scene in their vicinity, mainly for property crimes. A mobile laboratory is summoned only to scenes defined as "serious crime scenes."

The division operates to collect findings and analyze them in the laboratory, except for biological DNA findings, which are transferred to the Institute of Forensic Medicine. CSI unit investigators are also tasked with the mission of personal identification of deceased individuals in crime scenes. This role is usually assigned to the Institute of Forensic Medicine, which is under the Ministry of Health and not the police, complicating investigative communication. Those who are supposed to make the first contact with bodies are physicians, not CSI investigators. A senior CSI official describes the routine investigative resources as follows: "A simple murder scene, with 1-2 bodies, requires a full day at the scene for one mobile laboratory, which includes three investigators. Analyzing the findings from the scene in the unit's laboratories takes about a week, and writing the report takes a few more days. In total, about 20 days are required for a forensic investigative cycle in what is called a 'sterile scene,' meaning a scene where the victims are known, and access to it is banned."⁶¹

MCE Management: The Police Ordinance [New Version], 1971 stipulates that the police shall engage, among other things, "in maintaining public order and the safety of persons and property," and that in an event considered a "civil emergency" the police are responsible for command and control. Additionally, the ordinance specifies cases in which the Minister of Defense is authorized to transfer responsibility for handling the event from the police to the IDF, such as an event occurring in an area declared a "special situation on the home front." If the responsibility is transferred to the IDF, the police will assist it, and its assisting forces will be treated as rescue bodies.

In MCE scenes, a unique role for CSI investigators is formed, focusing on the personal identification of disaster victims. According to the police's MCE procedure,⁶² the

61 Senior commander in the CSI interview, dated March 5, 2024.

62 Procedure 300.17.232 "[Investigation of a Mass Casualty Event](#)" Investigations and Intelligence Division, Israel Police (February 1, 2014); Procedure 03.300.014, "[Cooperation between Israel Police](#)

investigation of the incident scene will be conducted alongside ZAKA volunteers as body part collectors and alongside police investigators and intelligence officers. Although CSI has gained experience in past MCEs involving dozens of fatalities, the events of October 7 revealed significant operational difficulties due to the chaotic conditions accompanying the terrorist attack, the enormous number of dead and the inability to anticipate sexual assaults at the scene. In this context, it is important to note that the procedure also addresses the need to investigate the scene from a "criminal/security aspect, including the investigation of looting." This suggests that at most there was concern about exploiting chaos to looting as an additional crime to the mass casualty event itself.⁶³

Handling Sexual Crimes in Routine: If a sexual crime victim survives, the police procedure requires referring them to an Acute Room in the hospital for sampling by a forensic doctor, subject to the victim's consent. If they arrive at the hospital first, a police officer will arrive there at the request of the hospital's social service team to begin questioning.⁶⁴ In the case of the death of a sexual crime victim, the sampling will be done at the Institute of Forensic Medicine. The CSI unit will receive the sampling report from the medical authority at the institute within 48 hours. Beyond sampling, CSI investigators are authorized to conduct various tests to discover evidence that will substantiate sexual crimes, including collecting and examining additional exhibits from the scene or outside it, photographs, DNA tests, and more.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Performance

The events of October 7 dramatically changed the operational doctrine of the CSI unit. The teams focused mainly on identifying the victims and transferring the bodies to the families for burial, in the absence of other forces authorized and skilled in this process. As a result, a systematic investigation of the scenes did not take place in real-time, and the bodies were not documented at the scene as required by protocol.⁶⁵ Only later,

[and the Ministry of Health on Victim Identification in Mass Casualty Events](#)" Investigations and Intelligence Division, Israel Police (November 1, 2011); Procedure 221.110.03, ["Operational Preparedness in Mass Events"](#) Investigations and Intelligence Division, Israel Police (July 29, 2020).

63 Section 4(b)(3) of Procedure 300.17.232, ["Investigation of a Mass Casualty Event"](#), Investigations and Intelligence Division, Israel Police (February 1, 2014).

64 Procedure 300.13.013, ["Police Handling of Sexual Offense Complainants"](#) Investigations and Intelligence Division, Israel Police (February 1, 2014).

65 Section G(1)(5) of Procedure 300.17.232, ["Investigation of a Mass Casualties"](#) Investigations and Intelligence Division, Israel Police (February 1, 2014).

about a month after the attack, were mobile laboratories sent to the villages and the Nova party scene.⁶⁶

The Hamas terrorist attack immediately disrupted the implementation of the MCE procedure, as it created a large and "open" scene, meaning it could not be confined and isolated by routine means. A senior interviewee noted that **"CSI's preparation for a terrorist attack, as known so far, did not include numerous bodies subjected to atrocities leading to their death, but scenes of victims killed by gunfire or stabbing."** Initially, only the southern unit division's personnel arrived at the war zones on the evening of October 7 to focus on collecting samples for body identification. This was done under fire, so **"evidentiary documentation of the bodies was limited to 1 to 1.5 minutes per body and minimal documentation."**⁶⁷ Many elements present at the scenes dramatically contaminated them through combat, rescue, and evacuation acts, severely disrupting the ability to investigate the scenes.

As the unprecedented number of fatalities became clear, it was decided to open a civilian casualty concentration station at the "Shura" military camp, instead of transferring civilian bodies to the Institute of Forensic Medicine as customarily done. All CSI investigators in the country, including the teams that went south, settled in "Shura" camp and worked there with one sole purpose: personal identification of the massacre victims aimed to bring them to burial as quickly as possible. At "Shura," the investigators had to take samples and document bodies in field conditions that were not adapted, without essential technological equipment, and not under the usual and critically needed laboratory high-end conditions. As such, a senior CSI official describes: **"The division did not have the necessary space, time and resources to collect evidence, and the activity was reduced solely to identifying the bodies, foregoing the identification of the cause of death and/or the nature of the injuries that occurred before or after death."** He further shared: **"All considerations were pushed aside, and even the ultra-professional CSI was under 'tremendous pressure to identify and remove' the bodies due to the families' pain and the religious need to prevent desecration of the dead."**

Therefore, the investigators had to work in continuous shifts for long hours to operate the identification process 24/7 for many days, being exposed to the burden of body bags and mutilated bodies, in heat and the stench of decay. **"Working in such harsh physical**

66 Very senior commander in the CSI interview, dated January 24, 2024.

67 Senior commander in the CSI interview, dated March 5, 2024.

and mental conditions required even highly skilled investigators in particularly difficult scenes to have frequent ventilation and resilience-enhancing activities.”

The overarching goal of identifying the dead also dictated the forensic documentation method: the vast majority of body photographs taken at “Shura” were from the shoulders up and not in concealed areas, with the mental difficulty also dictating avoidance of further harm to the investigators.

The investigators’ working assumption was that the victims’ cause of death was known – murder by Hamas militants. **“The possibility of sexual assaults in these conditions was probably not examined,”** said a very senior official in the division.⁶⁸ Under these conditions, CSI’s perception is that the most severe crime of murder will be the focus of the investigation, rendering the investigation of sexual crimes marginal. In some interviews, it was noted that **“even when hints of this were evident, the investigators knew they did not have the resources to investigate the matter as usual and required in routine.”** They also noted that **“since these were crimes by terrorists, it would be difficult and perhaps impossible to identify them and establish criminal attribution.”** Additionally, **“investigators did not have the ability to interrogate a ‘person with access’ to a woman suspected of being raped, as required in routine rape investigations.”** Furthermore, CSI investigators are not authorized in routine to sample rape kits at ‘body orifices’, to be examined by forensic doctors alone. In the chaotic reality, it was impossible to send bodies to the national Forensic Institute for further medical examination, as there was also a significant shortage of forensic doctors, who worked tirelessly to identify bodies that were mutilated beyond recognition. Due to all these reasons, the investigators practically abandoned dealing with the issue in terms of the documentation expected in such serious crimes.

The chaos had severe implications for CSI’s work: The mobile teams remained at the crime scenes for only a few hours, and almost no evidence was collected from the scenes – no scene or body photographs, no evidence to assess the cause of death or additional crimes. Only about a month later did teams return to investigate the scenes themselves, which by then had been disrupted and contaminated beyond recognition. Moreover, since the unit’s investigative-criminal role was entirely reduced to identifying bodies, non-forensic security forces handled the scenes, becoming a central and flawed “evidentiary database.” During the report interviews, several SEM forces personnel presented evidence they had and testified that they **“were never asked to report to the**

68 Ibid.

police for testimony.”⁶⁹ The research team of this report referred these interviewees to the police’s 105 Unit for evidence and testimony submission.

Another and final characteristic of the chaos was the classification of the crime scene as an “open scene,” meaning one where the victims were not pre-identified, delaying the cross-referencing of information for quick identification. The Nova party and other parties nearby scenes were crowded with random partygoers, many of whom joined without informing anyone at home. Even in the settlements, where the victim group was more defined, the fact that it was a Jewish holiday with many guests visiting family members added to the personal uncertainty and contributed to a severe increase of identification time. One tool to cope with this reality was sending all the victims’ fingerprints for comparison with the biometric database of the State of Israel, held by the National Cyber Directorate. **“This massive comparison yielded 100 identification results out of approximately 1,000 bodies.”**⁷⁰ Despite the relatively small number, a CSI interviewee defined these identifications as “critical” and having a **“tremendous effect, given the resources each identification required at ‘Shura’”**.⁷¹

Conclusions – Steps to Improve Evidence Collection and Documentation Processes in Emergencies:

— **Change in Operational Doctrine:** The perception that CSI investigators have a primary task of personal identification alongside investigating the most serious crime, which in terrorist events is usually murder, should be altered. Instead, a rule should be established that any evidentiary collection that does not interfere with the identification task is essential, including in cases of identification under extreme conditions. Simultaneously, the operational doctrine should incorporate the recognition of the importance of collecting evidentiary materials beyond examining the “most serious crime.” A veteran Head of the CSI emphasized in an interview that this has

69 Some have not yet handed the evidence they hold. One interviewee shared he was on reserve service for months, and saw “no point” in handing them after so long. Another shared he finally found the strength to approach a police station to share his account, but was referred to another unit, which he found to be too exhausting for him.

70 Employee of the National Cyber Directorate interview, dated March 28, 2024. She stated: “Through the police data (national database), we were able to help identify 100 people.”

71 Senior commander in the CSI interview, dated March 5, 2024. Following this, the National Cyber Center interviewee clarified that it was decided to change the approach to recognizing the importance of creating a fingerprint database for such events.

“immense learning and statistical value for the unit’s work, even if at the moment of operation it seems there is no point in the investigation, as in the case of raid terrorism.” He also mentioned that sometimes evidence collection allowed for “late justice,” due to future scientific advancements, whose limits we cannot necessarily understand and anticipate in the present.

- **Raising Awareness:** Regarding the possibility of committing sexual crimes under a terrorist attack and the obligation not to ignore them, even as a hierarchical “secondary crime” to terrorism.

- **Expanding Authority and/or Reallocating It:** It is important to delegate quasi-investigative powers to defined first responders, due to the fear of losing evidence in an exceptional emergency, such as a mass casualty terrorist event. Due to the need to adhere to this in routine, these powers can be exercised only in emergencies. For example, it should be considered to allow military police investigators to participate in technical procedures such as fingerprinting or taking DNA samples for scanning. The authority to sample sexual assault kits from dead bodies should also be considered transferring from forensic doctors to CSI investigators. It is important to consider adding personnel who will deal not only with identification but also with preparing legal opinions based on the evidentiary foundation, as well as training skilled CSI investigators or non-forensic doctors to perform tests currently only within the authority of a forensic doctor.

- **Training Teams at Local Police Stations:** A team should be trained for criminal evidence collection at every local police station, where “identification technician teams” already exist. This will allow high and immediate availability of skilled teams for criminal evidence collection with quick access to the field, even before CSI personnel from the national unit manage to arrive, given barriers stemming from emergency situations.

- **Developing a Tool for Tagging Bodies:** Bodies “suspected” of being those of sexual assault victims based on indications can receive special tagging to allow exceptional focus on them, beyond identification itself. The idea is to transfer them to a unique team that will also enable tracking their handling.

- **Balancing Identification Considerations Against Religious Practices:** Flexibility is warranted in identification time, so that it prevails over the schedule dictated by religious laws, to be applied in exceptional cases of mass casualty terrorist events.

- **Photography Techniques:** Ensuring full-body photography, even if quick, not just for identification purposes (such as photographing a tattoo or other identifying physiological feature); training security and emergency forces to document findings at the scene using basic photography skills. The training will be conducted by the police.

2.2 Regional Hospitals (Soroka and Barzilai)⁷²

Background

The scale of the massacre that occurred on October 7 presented the healthcare system, particularly the rescue services and hospitals in southern Israel, with an unprecedented challenge. Soroka and Barzilai hospitals (the largest hospital in the south) bore the brunt of the casualties and received most of the wounded from the onset of the war. Barzilai Hospital in Ashkelon has a large underground hospital to which most operations were transferred, but it still has unprotected infrastructures such as the blood-bank, pharmacy, and neonatal units. At Soroka hospital, some departments are still unprotected, so only urgent activities are usually carried out.

On the day of the attack, Soroka and Barzilai hospitals quickly began operating according to their mass casualty incident (MCI) protocols, even before receiving official instructions, and started internal triage and reinforcement of systems and teams to increase acute care capabilities.⁷³ According to the Ministry of Health's protocol, hospitals must reinforce their staff, halt non-urgent procedures, and free up space in emergency departments.⁷⁴

A review by the Ministry of Health of the healthcare system's performance in the first days of the attack indicates that both hospitals quickly and efficiently increased their capacity to treat casualties. Actions taken included discharging patients whose condition allowed it ("patient diluting"), converting internal beds to surgical beds, and transferring patients from intensive care units while increasing their capacity. Various sources indicate that hospitals in the south reached their capacity limits in admitting casualties in departments and intensive care units, and the main failure was the lack of distribution of

72 For information about the hospital, see [the official website of Clalit Health Services](#).

73 See [the letter from the CEO, Mr. Bar Siman Tov](#), on this subject.

74 Principles for the health system's response to mass casualty incidents, Ministry of Health. At the time of preparing the report, the procedure was published to the public.

casualties among other hospitals nationwide, forcing Soroka and Barzilai to handle unreasonable numbers of casualties.⁷⁵ In addition to treating most of the casualties, these hospitals were also the closest to the Gaza border, suffering the most from rocket attacks and having to operate under constant threat.⁷⁶

Barzilai Hospital is relatively small and not a trauma center, receiving about 370 wounded – a number the hospital is not equipped to handle.⁷⁷ Soroka Hospital received a significantly higher number of casualties, approximately 600-700 wounded.⁷⁸

MCE Management:⁷⁹ The medical teams are trained in MCE protocols. According to the cooperation protocol between the Ministry of Health and the Israel Police, various principles concerning hospital operations and the hospital's interface with police investigative forces are detailed.⁸⁰ In a media interview, Dr. Shlomi Kodesh, director of Soroka Hospital, noted that the hospital responded to the needs and changing reality on the day of the attack and the days following.⁸¹ For example, an additional intensive care unit, an emergency surgical department, gynecological operating rooms for treating the wounded, and an additional rehabilitation department to address the rehabilitation needs of war casualties were opened.⁸²

Handling Sexual Crimes in Routine: Hospitals have a protocol whereby if a patient reports sexual assault and/or arrives at the hospital's designated Acute Room (on their own will), they must be referred to a social worker who will assist them in initially coping with the sexual trauma and refer them for further follow-up. It is important to note that referral to a social worker is made only in cases where the patient reports sexual assault, and suspicion

75 See extensive information on the subject, as well as various testimonies, in the position paper of Physicians for Human Rights on "[The Cost of Weakening the Public Health System: Its Response Since October 7, and the Steps Needed for Its Rehabilitation and Strengthening](#)", pp. 5-7 (January 2024).

76 See above footnote 25 and the report mentioned there.

77 "[Special Monitor Report, Iron Swords War: The Health System in War](#)" the Center for Citizen Empowerment (November 30, 2023).

78 Yonatan Rieger "[Soroka War Room: A Day at the Hospital that Received Most of the Injured from the Envelope](#)" N12 (October 23, 2023).

79 For information about the hospital's emergency preparedness, see [the official website of Clalit Health Services](#).

80 See above footnote 73.

81 "[A Month into the War: Hospitals Treated 7,262 Injured](#)", DoctorsOnly (November 8, 2023).

82 Ibid.

alone is not sufficient to initiate it.⁸³ Another claim was heard in an interview with a senior official in the social services department of one of the hospitals, who said there is a **"protocol for identifying indications of sexual assault and training medical teams to identify women with indications of sexual assault."** However, she also clarified that protocols were not implemented at all in the chaotic reality that prevailed in the hospital.⁸⁴

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Performance

As exemplified by Soroka Hospital, Media sources indicate that the first casualty arrived at Soroka Hospital at 7:37 AM, about an hour after the attack began. Only 23 minutes later, the hospital officially declared a mass casualty event.⁸⁵ Consequently, a large number of personnel were urgently summoned to the hospital. During this time, sirens were heard in Be'er Sheva where the hospital is located, causing delays in admitting patients, as hospital departments did not have time to move to protected areas.⁸⁶ Most of the casualties who arrived at Soroka were evacuated by ambulances and private vehicles, and a few by helicopters. The number of casualties that arrived at the hospital in the first 24 hours was four times the highest number ever to be treated at Soroka in this time frame. To make room for new casualties that continued to arrive, 80 patients injured in the Hamas attack were transferred to other hospitals nationwide.

Due to the overload, various hospitals sent Soroka assistance of 18 doctors and 28 nurses. During the first hours, with the understanding of the scale of the event occurring outside the hospital, a public information center was activated, which also included a unique system for identifying unknown casualties.⁸⁷

83 Circular No. 07/2022 "Regulating the Care Provided in the Health System After Sexual Assault" Ministry of Health (June 13,2022).

84 Senior official in the social system at Barzilai Hospital interview, dated October 22, 2024.

85 Meir Marciano, "[Hour by Hour: How Soroka Hospital Operated on October 7](#)", Channel 13 (January 7, 2024); Sarit Rosenblum, "[I Have a Dream to Gather All the Injured Who Came Here on October 7. To Close the Circle, Both for Them and for Us](#)" Ynet (May 10, 2024).

86 Ibid; Adi Cohen "["Choosing Between Patients' Lives and Workers' Lives' The State Saved on Hospital Fortification"](#) The Marker (October, 22, 2023); Adrian Filut, "[State Comptroller: 'Only 50% of Operating Rooms at Soroka Hospital are Protected'](#)" Calcalist (December 12, 2023).

87 See footnote 81, testimony of Dr. Shlomi Kodesh, Director of Soroka Hospital.

The scope and number of casualties arriving in a short time were mostly concentrated in field medicine frameworks or in the hospital. The main goal of the treatment was to triage the casualties according to their injuries and focus mainly on those who needed urgent treatment, as they were in life-or-death situations. In such a response time, doctors were not mentioning the possibility of sexual assaults to patients in real-time, especially when there is no routine instruction for such act, except if a victim voluntarily provides information or arrives at acute centers.

Due to the chaos created by the Hamas terrorist attack, most treatments in the Acute Rooms in hospitals, especially at Soroka Hospital, were not useful, due to the need for manpower and the clear focus on "terrorism, not crime." A senior official in Barzilai's social services department added: **"Nothing worked according to protocols on October 7."**⁸⁸ When asked if there were specific interactions with patients around the issues, a very senior doctor at Soroka responded with an absolute "no." The doctor also noted that **"no contact was maintained with the many female casualties who arrived at the hospital, and there was no follow-up with them, a process that is important to consider implementing in the future."**⁸⁹

After the attack, reports began to arrive from women who survived and reported to the Ministry of Health and the Ministry of Welfare centers (responsible for follow-up treatments as clarified in the background) about the sexual trauma they experienced, but they chose not to speak.⁹⁰ Months after the attack, and for evidentiary purposes, the police, together with the Ministry of Health, approached the court to obtain an Order instructing hospitals to provide them with medical and social information of patients who were victims of sexual assault on October 7, which is confidential.⁹¹ The police requested any information that might indicate the commission of war crimes, focusing on sexual assaults and sex crimes.⁹² The hospitals provided records only, without any personal details, to minimize abridgement of the victims' privacy. The request came as part of preparations for the visit of Ms. Pramila Patten, UN Under-Secretary-General and Special Representative on Sexual Violence in Conflict, and not as an independent initiative of the

88 Senior official in the social system at Barzilai Hospital interview, dated October 22, 2024.

89 Senior doctor at Soroka Hospital interview, dated May 1, 2024.

90 Meital Yassur Beit-Or, ["Ministry of Health: Women who experienced sexual trauma on October 7 did not want further treatment"](#), Israel Hayom (January 9, 2024).

91 Director General's Circular of the Ministry of Health No. 9/2019 on "Criteria for Managing Patient Records in the Health System" (December 2019).

92 Ido Efrati, ["The Police require hospitals to provide information on rape victims from October 7th – without their consent"](#), Haaretz (December 24, 2023).

investigative authorities.⁹³ According to a senior official at Barzilai hospital, **"only about a month and a half after the event did personnel from the Lahav 433 investigative unit come to question about the sexual assaults reported to them,"** but they had no such information to provide.⁹⁴

Conclusions — Steps to Improve Evidence Collection and Documentation Processes in Emergencies

— **Raising Awareness of Sexual Crimes During Terrorist Events Among All Emergency Room Medical Staff:** Hospitals and trauma centers may play a crucial role in collecting evidence of sexual crimes shortly after a terrorist attack, both in terms of forensic evidence collection and soft questioning. Although some hospitals, like Soroka, have Acute Room staff dedicated and trained for this, they are not operational during extreme chaotic situations, thereby letting the regular trauma medical teams in the emergency room, who are neither aware nor trained to provide appropriate care, treat surviving victims. Therefore, awareness of the occurrence of sexual crimes during a terrorist attack should be raised among all medical staff, especially those in the emergency room where most injured will be treated before being released.

— **Raising Awareness Among Patients About Receiving Treatment for Sexual Crime Victims:** Raising awareness through various means to patients about the availability of specialized medical treatment for sexual assaults can lead to a sense of recognition and comfort for victims to disclose their assault to medical personnel, allowing for the exploration of the connection between the assault and their medical condition. This is important primarily to receive appropriate treatment, but also to encourage testimony. For example, publicizing or directing attention to the existence of an acute room in the hospital signals that it is equipped to handle such cases.

— **Opening and Utilizing Acute Rooms in Hospitals During MCI:** Given that there are already teams trained to question and treat sexual assault victims in acute centers (e.g., at Soroka), it is essential to ensure they are open and accessible during a terrorist attack. They should be reinforced with additional dedicated personnel. If it is

93 Itamar Eichener, ["The UN envoy for sexual violence hasn't changed in a week: 'Things happened here that I have never seen before'"](#) Ynet (February 5, 2024).

94 Senior official in the social services department at Barzilai Hospital interview, dated October 22, 2024.

not possible to open the room, teams trained to receive victims in the acute rooms should be asked to join the hospital's emergency rooms to work alongside the medical teams who are not trained for this. Another option is to open a Mental/Emotional Emergency Room, creating a more supportive environment for those not suffering from physical injury but in severe distress.⁹⁵

— **Tailored Training for Unskilled Teams:** Professional tools should be provided for identifying, treating, and assisting sexual assault victims in the trauma and medical hospitalization systems. Even minimal and short training for staff can significantly improve identification and treatment capabilities.

— **Changing Guidelines Regarding the Role of CSI's Unit in Hospitals:** During MCI, CSI officers arrive to identify unknown casualties. It is advisable to add investigators trained in questioning and identifying sexual crimes to the team.

— **Developing Models of Soft Questioning and Diagnosing Sexual Assault:** Models of questioning and diagnosis tools that are research-proven to be reliable, efficient, and short, and can be used during admission for treatment, should be developed. In this context, it is important to develop culturally, socially, and religiously sensitive models. For example, the "Lev Hasharon Mental Health Medical Center" has recently issued new guidelines suggesting questioning those injured in a combat zone also about sexual crimes.⁹⁶

— **Establishing Later Contact with Every Female Casualty from a Terrorist Event to Offer Assistance:** Given the chaos in treating a large number of casualties, a senior doctor offered to "contact the patients even a day or two after the attack, which could be of immense value. The caller should stipulate the tools available for treating sexual assaults that may occur during a terrorist event, just for 'general knowledge'".

— **Mitigating the Evidentiary Use of Medical Records:** Ways to mitigate the use of medical records that can indicate sexual crimes should be found, perhaps by having the doctors testify that they took such testimonies – without revealing the patients' details and the assault, but the fact of the testimony itself.

95 Former head psychiatrist of Barzilai Hospital interview, dated September 25, 2024.

96 A position paper from the Lev Hasharon Mental Health Medical Center (October 15, 2023).

2.3 Disaster Victim Identification Organization (ZAKA)⁹⁷

Background

A volunteer organization established in 1989 specializing in locating, rescuing, and handling bodies and body parts at event scenes in accordance with the fundamental principles of Jewish law regarding the dignity of the deceased,⁹⁸ with an emphasis on scenes of terrorist attacks and mass casualty events. The organization's volunteers provide professional response in emergencies, including terrorist attacks, traffic accidents, murders, suicides, and handling deceased individuals living in solitary.

After being recognized as a national auxiliary organization for emergencies, ZAKA was officially recognized by the Government of Israel, funded,⁹⁹ and even joined training sessions of official emergency and rescue bodies with foreign entities.¹⁰⁰ In 2016, the organization gained significant international recognition when it received official advisory status to the UN¹⁰¹ and was later declared a national rescue organization.¹⁰² The organization comprises hundreds of volunteers across the country, most of whom are religious and ultra-Orthodox Jews who undergo professional training, including halachic aspects, in first aid, locating and collecting bodies, and identifying and evacuating casualties. ZAKA consists of special units specializing in rescue operations in various scenarios: air, sea, and land, providing initial response in disaster events. Volunteer training includes a comprehensive emergency course based on a syllabus developed within the organization and periodic refreshing sessions twice a year to maintain readiness and competence. This training includes professional and halachic aspects of handling casualties. The special rescue units, which receive additional training, are required to conduct the training by expert volunteers within the organization. ZAKA does not engage in the personal identification process itself but focuses only on collecting and evacuating bodies and body parts while main-

97 For information about the organization, see the official website.

98 Haim Tsarfati, ["The Myth of Rebirth? The Growth and Institutionalization Processes of the ZAKA Organization in Israel \(1994-2003\)"](#) in (Naomi Lavenkron and Anat Stern, eds) 4 *Police and History*, 5783 (2022), The Heritage House of the Israeli Police.

99 ["ZAKA Recognized as an Official Organization by the Government and Will Be Funded by It"](#) JDN News (October 25, 2012).

100 Israel Aharon, ["The Ultra-Orthodox Volunteers of ZAKA Trained with the IDF and the U.S. Army"](#) Kikar HaShabbat (May 16, 2012); ["Global Rescue: 40 ZAKA Volunteers from Around the World Trained as Emergency Rescuers"](#), Israel Hayom (August 23, 2018).

101 Ran Dagoni, ["Achievement for Israel: ZAKA Granted Official Status as an Advisory Organization to the UN"](#) Ynet (January 27, 2016).

102 Hizki Baruch, ["ZAKA Declared a 'National Rescue Organization'"](#) Channel 7 (August 21, 2017).

taining the dignity of the deceased, clearing halachic identification, and bringing them to burial in accordance with Jewish law principles. In this sense, the organization's primary goal was religiously informed.¹⁰³ For example, there is difficulty in documenting bodies due to the perception that it is disrespectful to the deceased: **"Photographing the deceased is disrespectful unless it is for investigative purposes, an act usually done by the police."**¹⁰⁴

MCE management: ZAKA consistently operates in every terrorist attack and plays a vital role in MCE scenarios, with a deep commitment to the dignity of the deceased and public service in both routine and emergency situations. In emergencies, Jewish law adopts a certain flexibility, and in many cases, certain prohibitions are relaxed to maintain the dignity of the deceased. For example, ZAKA volunteers are allowed to handle the bodies of women even when they are undressed. This permit does not imply that this task is easy for the volunteers, especially given the complete ban on witnessing nudity of a female stranger throughout their life, in general.

Handling Sexual Crimes in Routine: The organization's work protocols do not include reference to evidence collection in cases of sexual assault, and the handling of these crimes is not mentioned implicitly or explicitly in the organization's work.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Performance

During the terrorist attack on October 7, ZAKA volunteers faced exceptional difficulties as they worked to collect and rescue the bodies of approximately 1,400 victims.¹⁰⁵ Under heavy fire and rocket attacks, efforts focused on identifying and collecting body parts to bring the bodies to a Jewish burial promptly, while maintaining the dignity of the deceased according to Jewish law requirements. ZAKA forces from the cities of Ashkelon and Ashdod were the first to be dispatched to the scenes, and in the evening, additional volunteers from across the country, who haven't heard of the events due to the Jewish holiday, joined. According to the organization's CEO: **"I have participated in disasters, wars, attacks, and every unnatural death. But what we saw here, we could not have**

103 Gideon Aran, *The Cult of Dismembered Limbs: Jewish Rites of Death at the Scene of Palestinian Suicide Terrorism* (New York, 2023).

104 Footnote 2.

105 Testimony of Jamal Varaki, a certified nurse, paramedic, and ZAKA volunteer: [7th of October Testimony from Paramedic Jamal Varaki](#); Riyadh Ali: ["I'm Not the Same Person": ZAKA Volunteers Who Operated on October 7 Face Trauma](#) Kan Digital (August 20, 2024). The volunteers also had to recover the bodies of terrorists.

imagined, not even in drills and reference scenarios.”¹⁰⁶

About 200 ZAKA volunteers arrived in the combat zone, the Nova party area, and settlements, evacuating the bodies under fire.¹⁰⁷ Along with ZAKA, other emergency organizations were involved in the evacuation and rescue of the casualties. The multitude of entities in the field created coordination difficulties, sometimes leading to damage in identification, documentation, and evidence collection processes. Volunteers testified in various media outlets how, due to chaos and lack of coordination, some body bags were packed carelessly, bags with identifying details and coordinates were exchanged, findings were left in the field, and bags containing additional findings were discarded. Some volunteers reported finding bags discarded with findings they had packed.¹⁰⁸

Despite ZAKA volunteers' training in evacuating bodies in routine and especially in disasters and terrorist attacks, the scale of the horrors in this attack was unimaginable and hence, unbearable. The evacuation and identification work was also taking place (in the early days of the attack) under combat fire. Some volunteers witnessed signs of severe abuse and sexual assault on the victims' bodies, but due to the lack of training and tools for collecting evidence and the traditional instruction to leave this to CSI, comprehensive documentation of these findings was not carried out. For example, an interviewee stated: **"We only photographed unique identification marks, face photos, and photos of the body discovery scene (to mark its location)... Sometimes we also photographed injured organs, but it happened incidentally. A body with a nail in the genital area, for example, was photographed for location marking purpose, being caught on camera incidentally, and therefore turned out not focused."**¹⁰⁹ Reports indicated that ZAKA volunteers bore witness to the crimes' aftermaths, including sexual crimes, when they arrived at the scene and saw the condition of the bodies. These testimonies revealed that sexual abuse was committed against women and some men. In some cases, the victims' intimate organs were mutilated.¹¹⁰ **"When I entered a house at the terror scene, I saw a**

106 Tzvi Hasid: ["ZAKA Volunteers Struggle to Suppress What They Saw on October 7. But It's Hard to Hide the Truth"](#) Walla (March 6, 2024).

107 ["ZAKA Volunteers: 'The Scenes We See Are Like Something Out of a Horror Movie'"](#) The Hottest Place in Hell (October 11, 2023).

108 See a report on testimonies from ZAKA personnel: ["ZAKA, the Rabbinate and the Chaos in Identifying Victims of October 7"](#) Ynet (December 13, 2023).

109 Footnote 2.

110 Itzik Saban, ["She Was Raped and Executed': New Testimonies from the Horrors of October 7 Revealed"](#) Israel Hayom (November 8, 2023).

woman lying there. Her body was so mutilated that we couldn't identify her. Another body, we couldn't tell if it was a man or a woman. These women, these people, were brutally slaughtered and murdered in various ways. I handled many of them with my own hands and saw them with my own eyes."¹¹¹

Despite ZAKA members' testimonies about the condition of bodies indicating sexual crimes, they lacked the tools (both in routine and emergency) to collect legal evidence, as a volunteer testified: **"This is not a point we check. We are not pathologists."**¹¹² Moreover, due to the scale of the number of victims, combined with difficult field conditions and severe mental distress, ZAKA volunteers had to act in relatively quick (and at times careless) collection of the bodies, and the chaos in the field led to body parts being thrown into bags without proper documentation. Some volunteers struggled to cope with the immense mental difficulty of their work, especially in light of the horrific scenes of severely injured bodies. **"It's not easy to handle the deceased, it's always hard for us, but after the massacre, it's even harder. How can you be okay after opening a body bag and finding severed limbs inside?"**¹¹³

In conclusion, the scale of the event led to the practical and mental collapse of many of ZAKA's volunteers. The enormous scale, lack of coordination between different bodies, and mental burden were all significant factors in the disorganized or meticulous collection of findings. ZAKA volunteers, who are among the main witnesses to the horrific scenes in the field, were exposed to many indications of sexual crimes, but due to a lack of legal training in evidence collection, these remained undocumented in most cases. This, despite being an organization accustomed to dealing with scenes of bodies in difficult and complex situations, yet such a scale of horror overwhelmed even their functioning.

111 Testimony of Simcha Greiman, ZAKA volunteer, in Itamar Eichener, ["My Life Will Never Be the Same': Testimonies on Rape from October 7 Revealed at the UN"](#) Ynet (December 4, 2023).

112 Alon Penchel, *Testimonies Without Borders* (Niv Publishing, 2023), pp. 24-25.

113 Bat-Chen Epstein Elias, ["ZAKA Volunteers: 'Now We Are the Ones Who Need Support'"](#) Israel Hayom (February 19, 2024).

Conclusions — Steps to Improve Evidence Collection and Documentation Processes in Emergencies:

- **Raising Awareness of Sexual Crimes at Terror Scenes:** It is essential to increase ZAKA volunteers' awareness of the possibility of sexual crimes during terrorist attacks so they can be more alert and sensitive in cases where bodies are found or appear in unusual conditions, rather than focusing solely on their collection.
- **Halachic Flexibility Balancing Evidentiary and Religious Needs Regarding the Dignity of the Deceased:** During a terrorist attack, a halachic balance should be found that allows additional time for collecting evidentiary findings from the bodies without compromising the dignity of the deceased or causing delays in burial. Just as halachic flexibility has been found in handling women's bodies in routine situations, guidelines can be established to balance the time needed for evidence collection with the halachic obligation for a swift burial.
- **Establishing the Role of ZAKA Volunteers in Collaboration with CSI:** The role of ZAKA volunteers in evidence collection, alongside CSI personnel, during the evacuation of bodies in terrorist attacks should be formalized. Given that ZAKA operates in close cooperation with the police and the IDF in MCEvents, and has immediate access to scenes requiring evidentiary documentation, this collaboration is crucial.
- **Training ZAKA Teams for Comprehensive Documentation of Bodies in Emergency Scenes:** It is recommended to train ZAKA volunteers for comprehensive documentation of bodies in unusual conditions that may indicate sexual crimes, enabling them to perform initial documentation efficiently and quickly. Given that some ZAKA members already use cameras routinely for identifying locations and body parts, systematic and professional documentation training can be integrated for high emergency situations.
- **Establishing a Satellite Documentation System for ZAKA:** In the event of a terrorist attack, the internet system may collapse due to infrastructure damage and overload, as happened on October 7. This affects the digital documentation system developed by the organization, which warrants an upgrade to satellite dependency.
- **Establishing a Coordinating Body for All Entities at a Disaster Scene:** A coordinating body should be established to manage all entities involved in the evacuation and identification of bodies, including the collection of evidence. This body can de-

fine clear roles and ensure order and organization, focusing resources and coordinating the actions of all entities operating in the field.

2.4 Shura Military Camp — Casualty Collection Station

Background

Shura Camp is an IDF military base that serves as the headquarters for the Military Rabbinate and auxiliary units of the Ministry of Defense.¹¹⁴ This historic camp, dating back to the British Mandate period, underwent renovation and expansion in 2021.¹¹⁵ Alongside the existing buildings, the base now includes the Identification and Burial of Casualties facility, which meets international standards and is unique within the IDF. Additionally, Shura Camp is now home to the "Tzvi" facility – the national facility for handling the casualties of Israel's military operations, designed to handle large volumes of casualties during wartime and national emergencies.¹¹⁶

Routine Operations: The site is operated by two bodies:

- The Casualty Identification and Cause of Death Investigation Unit – a General Staff unit of the Medical Corps, which receives fallen soldiers, identifies them, and determines their cause of death, usually due to operational reasons or fatal training accidents.
- The Military Rabbinate, responsible for handling the casualties from the moment of their death until their burial. If there is suspicion that the death was caused by a criminal act, pursuant to undergoing personal identification at the camp, the body is handed to the Military Police Investigative Unit, and only under their direction is it transferred further to the Institute of Forensic Medicine: "The army has no equivalent of CSI,"¹¹⁷ and in fact, "the army purchases forensic services from CSI and post-mortem examinations from the Institute of Forensic Medicine."¹¹⁸ For

114 Gal Revivo, "[New Developments in the IDF This Year – and a Sneak Peek at What is Soon to Come](#)" IDF (September 26, 2021).

115 Shura Camp, Selected Projects, on [the Ministry of Defense website](#).

116 Ido Ben Porat, "[The Era of the Military Rabbinate Is Over](#)", Channel 7 (August 19, 2021).

117 IDF Chief Medical Officer interview, dated September 13, 2024.

118 Former Chief Officer of the Military Police interview, dated October 21, 2024.

this reason, the Casualty Identification Unit is not skilled in forensic examination of crimes at all. Instead, it specializes in determining the medical cause of death, known as the field of "operational medicine." The identification process at Shura requires two out of three identification methods: DNA testing, dental records, or fingerprints, and a full-body photograph after the body is removed from the bag in which it was brought, including photographs of the injury areas as directed by the examining doctor.

Military Police Investigative Unit: This unit investigates crimes committed by soldiers, not by others. It arrives at Shura Camp only if there is suspicion of a military crime that caused death, which rarely happens. In such cases, it handles the identification and marking of the deceased's property and equipment but does not conduct forensic or pathological identification. Thus, despite being an investigative body, it does not deal with the investigation of bodies, and **"the army's forensic capability is at a low level to begin with."**¹¹⁹

MCE Management: In Israel, there is the Pesach Authority (for evacuation, relief and casualties), a dedicated authority operating in emergency times or MCI, managed by the Emergency Management Authority in the Ministry of Interior. The authority is a central body in the national system responsible for preparing the home front to deal with various threat scenarios. The authority operates throughout the year to train emergency bodies and local authorities to ensure their ability to receive evacuated populations and provide appropriate treatment for civilian casualties in emergencies.¹²⁰

Handling civilian casualties is a national task led by the Pesach Authority in the Ministry of Interior, with many partners, including the Israel Police, Home Front Command, National Emergency Authority, government ministries, and local authorities. According to Pesach doctrine,¹²¹ in the field of handling civilian casualties, there is a national pre-

119 Ibid.

120 For information about the authority, see [the official website of the Ministry of the Interior](#).

121 The PSH doctrine (Evacuation, Assistance, Casualties) is a structured national methodology aimed at guiding all entities in Israel responsible for responding to emergency situations, primarily concerning evacuated civilian populations and the treatment of casualties. The doctrine includes principles, procedures, and a uniform professional language that enables all agencies to cooperate and coordinate efforts to ensure a rapid and effective response in times of crisis or war. It includes several key areas of activity, covering the identification, concentration, and burial of civilian casualties. The PSH doctrine guides government ministries, the IDF, Israel Police, local authorities, and emergency organizations. The PSH division engages in ongoing preparations, training, and drills to meet the complex demands of various emergency situations, in accordance with the PSH doctrine. The PSH doctrine is available on [the official website of the Ministry of the Interior](#) (updated, September 14, 2023).

paredness plan adapted to different emergency situations, aiming to bring the casualties to burial after quick and accurate identification in the shortest possible time. Pesach doctrine defines the national preparedness plan for handling national emergencies, emphasizing the management and treatment of civilian casualties.

This process is carried out in stages:

- **Establishment of Local Casualty Collection Stations (Tarakhim):**¹²² In the first stage, local casualty collection stations are activated. These stations serve as the initial concentration point for casualties found near the event scene. This procedure includes coordination with CSI and other identification bodies to enable a quick data collection process.
- **Establishment of Regional Casualty Collection Stations:** In an advanced stage, regional casualty collection stations are activated when large-scale events occur, requiring a broader identification system. At these pre-determined sites across the country, a scientific identification process is conducted, including facial photography, fingerprints, dental records, and other registry data, to identify casualties and bring them to burial. Only at these sites is the process of collecting scientific identification data from the casualties carried out for their identification and burial, and during an event, up to two regional casualty collection stations will be operated simultaneously.¹²³
- **The National Institute of Forensic Medicine (Abu Kabir) – Initial Option:** In a combat situation, civilian casualties will first be directed to the National Institute of Forensic Medicine in Abu Kabir. As the event progresses and based on the situation assessment, a regional casualty collection station will be established to identify the casualties, to which casualties that cannot be identified through personal recognition will be transferred.¹²⁴

122 Ibid, at pp. 75. The definition of professional casualty states: Local Concentration Station of Casualties - a facility where civilian casualties will be concentrated in the local authority immediately after the event and before burial, until identification and burial preparation procedures are completed. At the local station, a comprehensive process of recording and monitoring will be carried out at various stages of treatment of the casualty. The casualty concentration station will be located as close as possible to the cemetery. Regional station of casualties - a location established during an emergency situations for concentrating bodies before burial. In this place, a professional process of collecting scientific identification data will be carried out in conjunction with the Israel Police and the National Center for Forensic Medicine.

123 Ibid, at pp. 79.

124 Ibid. See also details in Procedure No. 32 "[Procedure for the Regional Concentration of Casualties](#)", Ministry of the Interior, PSH Division, Emergency Procedures (January 3, 2023).

According to the MCE investigation procedure,¹²⁵ casualty collection stations will be established near the emergency event scenes, in a location hidden from public view. At these stations, in coordination with CSI personnel and forensic institute staff, an identification file is opened for each casualty, recording the data and actions required for identification according to strict protocols (such as facial photography, fingerprinting, dental records, and dental registry). The identification is done in coordination with the police commander on-site and forensic institute personnel. The main goal of the casualty station is to concentrate the bodies for personal identification. The MCE procedure also addresses the collection of evidence and testimonies to understand the cause of death.¹²⁶ However, the emphasis on examining the "cause of death" indicates that crimes not leading to death or committed post-mortem, such as rape, are not documented. This creates a "hierarchy of crime investigations" between murder and sexual assaults.

Handling Sexual Crimes in Routine: In the MCE investigation procedure, the focus is on concentrating the bodies in one place for their identification and collecting evidence to understand the cause of the event. However, the issue of sexual crimes does not receive any specific attention in the procedure itself. According to an interview with a Casualty Unit senior official: "Photographing a body that has undergone sexual assault will only be done when there is a tangible operational injury to an organ, such as a bullet in the groin."¹²⁷ These statements, indicating that photographing a sexually assaulted body will only be done in cases of visible physical injury, raise the probability of partial recognition of these crimes. This approach points to a gap in understanding and documenting evidence in cases of sexual assault, which often does not necessarily involve external damage, potentially leading to critical aspects of the event's circumstances not being properly documented and possibly missed in later investigation and legal proceedings.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Performance

The description of the processes in managing the casualty collection station on the day of the attack illustrates the complexity and challenges that arose given the existing conditions, the need for a safe working space, and the unprecedented number of casualties.

125 See above footnote 67, Procedure of the Mass Casualty Incident (MCE) for major disasters, pp. 146.

126 Ibid.

127 IDF Casualty Unit Commander interview, dated September 16, 2024. The unit operated at the Shura Camp as part of the identification framework.

This analysis highlights the gaps between the resources and conditions required in an extreme scenario and those available on the ground.

Firstly, the location choice for the regional casualty collection station. On the day of the attack, a discussion between the Pesach Authority and the police revolved around where to locate the casualty collection station. The authority supported establishing it at the Ofer Stadium in Haifa. In contrast, the police insisted on joining the Home Front Command forces at Shura Camp, which led to opening a "civilian track" for casualty identification at Shura, in a much smaller physical space.¹²⁸ Preferring Shura Camp in Ramla to the more convenient stadium emanated from the fact that the former is equipped with rocket-proof systems and was experienced in the field, being recognized as the IDF's casualty identification center.¹²⁹

Secondly, the number of civilian casualties was so large compared to the few professional teams that many forces had to be mobilized to cope with the challenges arising from the personal identification of casualties, including the Ministry of Health, the Ministry of Interior, Home Front Command systems, and more. A senior commander in the Casualty Identification Unit described it as follows: **"The IDF scenario prepares for 50 casualties a day, whereas in the first 72 hours, there were 309 military casualties and another 900 civilians."**¹³⁰ In routine, there is a fixed procedure: every deceased arrives with a tag detailing what was on them at the scene of the murder – clothing items, jewelry, other items, and tattoos, and this information is attached to the investigation file. However, the flow of casualties arriving at the camp did not stop and given the understanding that they would not be able to keep up with the identification pace if they adhered to the familiar treatment protocol, it was decided to focus on the personal identification of the bodies without dealing with documenting it and the cause of death. A senior official at Shura Camp aptly described it: **"Nothing worked according to protocols on October 7th."**¹³¹

The forensic identification officers immediately summoned all their volunteers for civilian identification and set up a system that operated **"like an assembly line, body after body after body, operating continuously 24/7 without a break,"** as described in an

128 Avner Avraham & Dani Dor, ["A Year Since October 7"](#), Mabat, Journal of Intelligence and Security Affairs from the Intelligence Heritage Center, Issue 98, pp. 20-21 (October 2024).

129 Shilo Fried, ["The Toughest Week of All: The Story of the Establishment of Shura Camp"](#) Makor Rishon (December 14, 2023).

130 IDF Casualty Unit Commander interview, dated September 16, 2024.

131 Senior psychologist at Shura Camp interview, dated October 21, 2024.

interview by a dentist who volunteered for weeks in the identification work.¹³² Further groups of volunteering professionals included civilian professionals who assisted in the identification task, including dentists, autopsy technicians, body washers, and others responsible for different parts of the casualty identification process.¹³³ These volunteers were an important and necessary resource, but many lacked the formal training required in such a complex situation and were missing necessary skills. The fact that this was an extreme event highlighted the need for the rapid recruitment of skilled teams and the need for many volunteers as part of available competent resources.

In terms of documentation, clinical photographers roamed Shura, photographing the bodies. According to an interviewed doctor, given the workload, she **"invited the photographers to document bodies only in cases of severe injury or body mutilation, with the emphasis on the extremity of the brutality rather than sexual crimes."**¹³⁴ Sometimes, they photographed severe injuries or cases of body mutilation, such as breast amputation, which the doctor noticed but **"did not consider as 'sexual assault' or an indicator for ordering further examination of the entire body."**¹³⁵

Given the number of bodies that arrived, the teams had to deviate from the fixed protocols. In routine, the identification process is carried out in an orderly manner with precise recording of identifying items. However, when hundreds of casualties arrived at once, they realized they could not adhere to the procedures. The transfer of bodies became an assembly line job, as described by an interviewee from CSI and the doctor from Shura, and from the moment they arrived, only the minimum required for identification was recorded. The identification teams worked in shifts without a break, and under these conditions, the need for flexible and creative solutions suitable for such an event volume was established. The complex identification challenges, which included dealing with mutilated and burned bodies and hundreds of families waiting outside the camp gates for answers about their loved ones, caused the professionals to develop "fast tracks" for even quicker identification than usual. These tracks included identifying casualties using prominent markers on the bodies, such as tattoos and other distinctive features. Additionally, it is important to clarify that the bodies arrived at Shura after gaps had already been created in the collection

132 Dental physician who volunteered in Shura Camp interview, dated May 13, 2024. She took part in the camp's identification framework.

133 Yair Ettinger, "[An Unimaginable Number of Bodies: A Visit to the IDF Casualty Identification Center](#)" Kan 11 (October 17, 2023).

134 Dental physician who volunteered in Shura Camp interview, dated May 13, 2024.

135 Ibid.

of casualties in the field itself – for example, without recording and documenting the place and manner of their discovery, alongside other details that could have contributed to the investigation and are usually checked and recorded.¹³⁶

As a direct result of the chaos created by the attack, the forensic investigators and volunteers who arrived at Shura dealt solely with identifying the bodies and did so quickly. **“There was no examination of the body at all, the bags in which the bodies were brought were hardly opened beyond the shoulder line.”**¹³⁷ The acceleration of the identification process led to the fact that in most cases, no thorough examination of the bodies was carried out, but rather a focus on the face and other physical identification markers. The bags in which the bodies were brought were minimally opened up to the shoulder line of the body, and the teams focused mainly on identification through external signs, not a comprehensive and required examination of the entire body. In cases of bodies severely injured in the upper part, a CT scan was performed, but this machine arrived on-site only on the third day, delaying the examination process. Additional factors that complicated the process included **“the unbearable death stench at the site, alongside the immense mental difficulty of bearing the horrific sights of the number of bodies and their condition.”**¹³⁸

The interviews we conducted and media publications indicate that the forces working on casualty identification did so with an emphasis on quick identification rather than comprehensive documentation. Due to this prioritization, the aspect of collecting forensic evidence and photographing the bodies for use in prosecuting and proving the crimes was almost neglected.¹³⁹ The main goal of the forensic investigators and volunteers was quick identification to notify the families and bring the bodies to burial according to religious customs. There was no attention at the station to collecting evidence for investigating sexual crimes – neither in the military nor the civilian section of the camp.

In an interview with a dentist who volunteered on-site, she mentioned **“hearing about what appeared to be semen stains on one of the bodies, but the urgency and prevailing**

136 A stark example of the depth of chaos is the disappearance of the body of Professor Bitton's brother-in-law, Chen Nahmias, a fighter in the police special unit (Yamam), who was killed in the battlefield of Sderot city, on the morning of October 7. Despite being an elite squad combatant whose data kept by state databases, and with his place and time of death documented and his body taken to a hospital, his body was lost in the identification processes at the Shura Camp, and was found and recovered only on October 11, 2023, which deferred his burial to October 12, 2023.

137 Dental physician who volunteered in Shura Camp interview, dated May 13, 2024.

138 See footnote 110, Saban's article and Ido Efrati at footnote 92.

139 Avishai Grinzaig, ["State Comptroller's Investigation: The Failures in Body Identification at Shura Camp"](#), Kan 11 (July 24, 2024).

perception on-site” were that there was no place to continue investigating this finding, **”so it was abandoned.”**¹⁴⁰ She also shared that **”in the first month and a half, there was no discourse at the camp concerning the possibility of sexual assaults, and in fact, there was never an official announcement or briefing on the matter.”** The fact that the team operated in a kind of “automatic mode” of quick identification made it difficult for them to consider the possibility of sexual assault and act accordingly: **”No one even talked about the possibility of sexual assault. It was hard for the mind not to be in automatic mode and think about rape.”**¹⁴¹

In the military section – the Casualty Identification Unit also decided to suffice with describing the bodies without examining the detailed cause of death, now perceived as “clear operational death resulting from combat.” The idea was to focus on **”operational medicine determining that the death was from a weapon, and no one considered that sexual crimes also occurred.”**¹⁴² Another point important to the medical teams was to ensure that the deceased received effective medical treatment for the injury, for future learning purposes.

Conclusions — Steps to Improve Evidence Collection and Documentation Processes in Emergencies

- **Adding a Defined Objective of Collecting Evidence of Sexual Crimes:** A clear and defined directive should be included within the casualty collection station guidelines, emphasizing the need to collect evidence of potential sexual crimes as part of the immediate process of identifying and handling bodies.
- **Raising Awareness, Tailored Training, and Reporting System:** Focused and tailored training for forensic teams and medical personnel at casualty collection stations, including the possibility of sexual crimes occurring during terrorist attacks. This training will enable them to identify possible indications of sexual assaults alongside body identification.
- **Establishing a Reporting System for Indications:** A structured reporting system was greatly lacking, especially in cases where there was a strong suspicion of something be-

140 Dental physician who volunteered in Shura Camp interview, dated May 13, 2024.

141 Ibid.

142 IDF Casualty Unit Commander interview, dated September 16, 2024.

ing very wrong. For example, a doctor at Shura described, **“There were many bodies of young women arriving without underwear... I quickly realized something was not right. I asked myself 100 times, ‘Why is she without underwear?’ In hindsight, I can say that if you put everything together, there were indications of sexual assaults.”**¹⁴³ **The issue of the lack of a reporting system was raised by almost all responding forces.**

— **Directive for Full Body Photography:** Professional teams should be instructed to document the entire body and not settle for partial photographing. Full body photography will help distinguish between regular injury marks and signs that may indicate sexual crimes or body mutilation. In the military part of Shura, where full photography is already practiced, the directive should be not to settle for photographing only “operational injuries.”

— **Training Medical Teams for Specialized Examinations:** Medical teams with expanded legal authority should be trained to conduct specialized examinations in cases of suspected sexual crimes. Currently, these examinations are under the authority of forensic doctors only, who are located at the Institute of Forensic Medicine and not at the casualty collection stations. Such training will allow early identification of signs of sexual assaults.

— **Increasing Awareness of Identifying Unusual Characteristics and Indications on Bodies:** Awareness should be raised among teams dealing with body identification and training them to identify “red flags” on bodies, such as pelvic fractures, breast amputations, genital mutilation, or bruises – all of which may indicate sexual assaults. Additionally, consideration should be given to documenting bodies that arrived without clothes, **“especially those without underwear, even if other clothing items remained on them,”** as described by a doctor at Shura.¹⁴⁴

— **Allocating Technological Devices for Evidence Identification in the Field:** Technological devices, such as CT scanners, should be allocated at casualty collection stations to enable advanced examinations for evidence identification at an early stage, rather than relying solely on distant medical institutes like the Institute of Forensic Medicine in Abu Kabir.

143 Physician who volunteered at Shura Camp & the Institute of Forensic Medicine interview dated November 20, 2024.

144 Ibid.

— **Adding Forensic Doctors at Casualty Collection Stations:** As more forensic doctors are trained, they should be stationed at casualty collection stations, not just at the forensic institute. This will allow immediate forensic examinations of the bodies, instead of waiting for their transfer to the forensic institute.

— **Secondary Trauma:** Another important point raised in an interview with a senior official who established the mental health system at Shura Camp, who shared that given the mental difficulty faced by the military personnel dealing with the unbearable smell and unimaginable sights, they were given a clear directive **"to neutralize everything that is not important for basic identification and operational context."**¹⁴⁵ This directive stems from a therapeutic approach aimed at reducing exposure to the horrors for all teams handling the bodies, so they can survive the immense mental difficulty involved. The detachment is essential to protect them from mental collapse: **"The dead are already dead, and the living need to continue living,"** she said.

2.5 Institute of Forensic Medicine (Abu Cabir)¹⁴⁶

Background

Forensic medicine in Israel is conducted at the National Center of Forensic Medicine in Abu Kabir, the only institution in the country providing medico-legal services. These services are offered to all security systems. The institute serves as a professional governmental arm supporting all entities involved in investigating unnatural deaths and providing support for all medico-legal needs of investigative systems. Services provided by the institute include examinations and autopsies to investigate deaths by crime or sudden and unexpected deaths, clinical examinations of victims of violent and sexual crimes and suspects in criminal offenses, victim identification in mass casualty events, biological, histological, and anthropological laboratory tests, and providing court testimonies.¹⁴⁷

For many years, the field of forensic medicine in Israel was not critically examined, and no clear policy or direction of the whole field has been established. Over time, the institute's roles expanded in line with population growth, worsening security conditions, and rising

145 Senior psychologist in Shura camp interview, dated October 22, 2024.

146 For information about the center, see [the official website of the Ministry of Health](#).

147 Attorney Meir Broder & Dr. Ram Sagi, ["Recommendations by the Committee Examining the Institute of Forensic Medicine in Israel"](#), pp. 7 (2018).

crime rates. However, this expansion was not always accompanied by sufficient resource allocation, such as budget and manpower, affecting the institute's ability to respond to growing challenges. Additionally, the institute operates in a structure that does not meet the basic needs of a body engaged in such a critical field of forensic medicine, especially in routine and emergency situations, while fulfilling a central role in crime investigation.

Furthermore, the field of forensic medicine in Israel suffers from a dramatic shortage of forensic doctors, with only 7 active forensic experts operating in the country! With this small number, Israel's ratio of forensic experts to the population is lower than that in developing countries and even smaller developed countries.¹⁴⁸

In routine situations, for a forensic doctor to form an opinion regarding forensic evidence about the cause of death and/or any other injury, they must have a detailed complete picture. This picture is based on various relevant documents and investigation details, including data about the event scene, the environment where the body was found, scene photos, MDA records, the victim's medical history, and more. Sometimes the doctor may need to visit the scene to conclude the examination.¹⁴⁹

MCE Management: The role of the forensic institute changes in the event of terrorist incidents, and the event is managed according to the regional casualty collection station procedures. According to the procedure, the reception of casualties and the collection of identification data are done in cooperation with Shura Camp and the CSI. It refers to the collection of identification markers such as clothing and objects and conducting forensic tests to identify victims, but it does not address the collection of evidence related to sexual assaults as is customary in routine.

Handling Sexual Crimes in Routine: Forensic medicine in Israel also deals with identifying and examining surviving victims of sexual assaults. However, clinical examinations are only performed in some cases by forensic experts due to the shortage of forensic doctors, making it difficult for doctors to reach and examine every sexual assault victim who arrives at the hospital. Due to the shortage of manpower in forensic medicine, several Acute Rooms for treating sexual assault victims have been established, operating in six hospitals across the country.¹⁵⁰ These rooms offer treatment and guidance for sexual

148 See above footnote 77, Monitor Report, pp. 9.

149 Ibid, Monitor Report, p. 23.

150 Ibid, Monitor Report, p. 107.

assault victims, and the medical and nursing staff in these rooms have undergone special training to treat victims of sexual offenses.

Additionally, in 2022, a new procedure was issued detailing the tests and samples that a forensic doctor must perform to establish evidence of sexual assault.¹⁵¹ The procedure stipulates that tests can be conducted to establish evidence up to seven days from the date of the assault. Beyond this period, medical findings that can serve as independent evidence of sexual assault cannot be established, posing challenges in cases where there is a significant delay between the commission of the crime and taking the tests.

The procedure describes the process of taking samples from a sexual assault victim to establish criminal evidence. Samples are taken in cases where there is a chance of finding the attacker's biological material, such as in sexual assault involving male genitalia or other actions like licking or biting. Samples are also taken in cases of physical struggle with the attacker. There is a preference for taking forensic samples, such as searching for foreign biological material (e.g., semen or saliva), which will be sent to the National Center of Forensic Medicine for DNA extraction and genetic profiling.

It is important to note that besides the tests to be performed to establish evidence of sexual assault, the procedure addresses how to question the victim while maintaining her privacy and obtaining her consent in a sensitive and trauma-informed manner. The medical questioning is conducted by a forensic doctor, while the initial questioning is done by a social worker. Although the process aims to collect criminal evidence, the decision to file a police complaint is solely the victim's. If the victim decides not to file a complaint, the forensic institute is obligated to keep the evidence for 50 years.

The shortage of forensic doctors and the burden on Acute Rooms for treating sexual assault victims, along with the limited time for conducting tests, pose a significant challenge in identifying sexual crimes and bringing offenders to justice, even in routine situations.

Forensic Examination of Sexual Assaults on Bodies: The decision to send a body to the Institute of Forensic Medicine is made by the police, according to the National Headquarters Order of 1984. Sometimes, bodies are transferred to the institute before obtaining consent or a court order. The institute conducts an external examination, which does not harm

151 All information under this section is taken from Director General's Circular 07/22 "[Regulation of Care Provided in the Health System Following Sexual Assault](#)", Ministry of Health (June 13, 2022).

the body's integrity and includes a description of the body, clothing details, jewelry, certificates, photographs, and sometimes imaging tests like CT and X-ray. This external examination may reveal forensic evidence indicating criminal injuries, including sexual assaults, if they existed. However, there is not always direct reference to sexual assaults in this examination. If there is suspicion of sexual assault, body orifices will be sampled.

Despite the technical means at their disposal, the interviews we conducted and the findings from the field clearly indicate that even those responsible for identifying and detecting indications of sexual crimes in routine did not examine evidence for this and focused solely on identification.

Resource Gaps, Field Conditions, and the Impact of Chaos on Force Performance

Given the scale of the attack, the institute operated on an exceptionally large scale, receiving not only an unusual number of bodies but also bodies with significant identification complexity due to their severe condition (such as burned bodies, body parts, bags of ashes, and bodies with crushed bones).¹⁵²

The primary goal was the rapid identification of the bodies, which was critical given the scale of the disaster. As described above, in the first hours of the attack, it was understood that the institute would not be able to handle the high number of bodies, and a casualty collection station was opened at Shura Camp. However, given the technologies and equipment available only at the Institute, as well as the most expert professionals, the severely mutilated bodies could only be identified at the institute. Additionally, the institute was armed with doctors from abroad, relying on videos and IDF intelligence to identify bodies and sometimes to determine the cause of death.¹⁵³ A week after the attack, a significant share of bodies was transferred from Shura Camp to the forensic institute, due to identification challenges at Shura.¹⁵⁴ Due to the shortage of forensic doctors, the institute turned to doctors from abroad who agreed to volunteer for the task, bringing dozens of legal professionals who worked on protocol registration and organization

152 Michal Pear, "[Medical Teams Testimony Project - October 7](#)" Ministry of Health. In her testimony, she describes the complexity of identifying bodies in severe conditions, with burned bones and teeth.

153 Meir Marziano, "[The Institute of Forensic Medicine: Where Time Truly Stopped on October 7](#)" Channel 13 (December 11, 2023).

154 Sarit Rosenblum, "[Everyone Who Worked Here Is Scarred. So Am I. One Day I Will Tell About It in the Closed Department](#)" Ynet (March 29, 2024).

while maintaining professional standards. It should be emphasized that this was the first time in the institute's history that external professionals were brought in for this task.¹⁵⁵

The heavy workload, dealing with severely mutilated bodies, and the impact of the horrors on the teams led to severe mental burnout,¹⁵⁶ with three out of five expert doctors even threatening to resign.¹⁵⁷ Despite the heavy workload, **"the institute managed to identify about 1,718 'casualty bags'"**, including civilians, foreigners, police officers, and soldiers, achieving an unprecedented success rate compared to similar events worldwide.¹⁵⁸ However, given the condition of most of the bodies sent to the institute, which were in very severe mutilation, forensic examinations that would allow the detection of sexual assaults at the required evidentiary standard were not conducted.

Conclusions — Steps to Improve Evidence Collection and Documentation Processes in Emergencies

— **Raising Awareness of Possible Criminal Injuries, Including Sexual Assaults, in Terrorist Events:** It is essential to instill a broad recognition that terrorist events may also involve various criminal offenses, such as sexual assaults, and ensure that this awareness is part of the operational guidelines for medical and legal teams working in both routine and emergency situations.

— **Adding Guidelines in Emergency Procedures (MCI) for Evidence-Based Examinations:** In emergency situations, it is necessary to ensure that, in addition to identifying the victims, examinations are conducted to identify possible criminal offenses on the bodies, such as signs of violence, unnatural death, etc., with a particular emphasis on sexual offenses, which are more prone to concealment.

155 ["How Is Death Established for Hostages in Gaza? Chen Kogel on the Difficult Challenge"](#), Kan 11 (December 10, 2023).

156 Dr. Ricardo Nahman, ["Medical Teams Testimony Project - October 7"](#), Ministry of Health. His testimony mentions the extreme psychological difficulties accompanying the identification work.

157 Ran Resnik, ["Crisis in the Institute of Forensic Medicine: 'Cannot Handle a Large Number of Bodies in Routine Days, Even More So in Emergencies'"](#) Israel Hayom (March 17, 2024).

158 Dr. Chen Kugel confirmation short interview, dated November 24, 2024.

- **Training Additional Personnel for External Examinations in the Field:** It is recommended to expand the response to forensic examinations by including professionals from the field who are not necessarily doctors, such as forensic investigators, and training them to perform basic and specific external examinations to identify sexual crimes on the body. Additionally, non-forensic specialist doctors can be trained to support emergency forensic medicine teams.

- **Establishing a Dedicated Professional Volunteer System for Emergencies:** Similar to the IDF reserve model, this system will include relevant professionals, both domestic and international, who will be trained for essential tasks at the Institute of Forensic Medicine, such as protocol registration, data collection, organization, and assistance in identification examinations. During emergencies, these volunteers will be mobilized to the institute and serve as a significant support force for the professional team, allowing for increased work pace and scope while maintaining high professional evidentiary standards. Additionally, this backup will reduce the existing burden on the institute's teams and contribute to their well-being and functional continuity in emergencies.

- **Expanding the Availability of Suitable Equipment at Casualty Collection Stations:** Given that technological equipment suitable for forensic examinations is only available at the Institute of Forensic Medicine, consideration should be given to placing imaging equipment (such as X-ray and CT) at casualty collection stations to enable accurate diagnosis of the cause of death and proof of criminal offenses before transferring the bodies to the central institute. This would reduce the workload on the institute and allow both centers to work on identifying and documenting indications of sexual crimes.

- **Emotional and Psychological Support for Teams Operating in the Field and Post-Activity:** Due to the emotional and psychological burden associated with identification work and evidence examinations, resources should be allocated for psychological support during the identification work and sample examinations and after the event. This is crucial primarily to maintain the well-being of the teams and reduce long-term professional burn-out and exhaustion. It will also allow them to collect evidence without the psychological toll being too severe and causing them to collapse from the difficult process.

Epilogue

In one of the interviews with a senior male commander of a combat unit that arrived in the combat zone, a team member asked him: "What ideas do you have for improving protocols to avoid losing evidence like this in the next time?" The commander's response was: **"There must not be a next time."**

In contrast, when two women from the medical teams were asked what they would suggest for improving the protocols to be ready for the next time, both replied **"a lot"** and provided detailed answers for future improvements.¹⁵⁹

159 Senior commander interview dated August 30, 2024; senior physician in Soroka Hospital interview dated May 1, 2024; senior member of the social services team at Barzilai Hospital interview, dated October 22, 2024 - Respectively.

10. Afterword

This report was written out of a sense of urgency in the need to address the issue of recognizing sex crimes committed under terrorist attacks, with emphasis on the October 7, 2023 attack. The sex crimes committed during the terrorist attack pose significant challenges in identification, documentation and recognition — especially given the chaos that accompanies such extreme situations. Although it uses the October 7 attack as a case study, with its uniqueness, the report deals with an issue relevant to other Western countries that has not yet received adequate attention in the international arena. Just as the terrorist attack on the Bataclan theater in Paris marked a new era of mass terrorist attacks, including massacres in entertainment venues across Europe, the October 7 attack may indicate a change in the patterns of terrorist organizations, where systematic sexual violence becomes an additional tool in their hands to sow fear and chaos, even when it comes to a single, short-term attack on Western soil.

The main purpose of the report was to formulate a new conceptual and practical framework that will ensure the protection of victims' rights even in chaotic situations, while striving to ensure justice and recognition of these serious crimes. This document was written with the aspiration to serve as guiding principles not only for Israel, but also for other Western countries, so that they can learn from it and develop more effective processes for dealing with such crimes in the context of future terrorist attacks. Dealing with sexual violence in the context of terrorist attacks poses a new global challenge, requiring extensive preparation both at the state and international levels.

The comprehensive research revealed fundamental flaws in Israeli and international response systems in dealing with sex crimes in emergency situations. Therefore, the report proposes a change in the practical and evidential paradigm, in a way that will allow recognition of sex crimes even in situations where traditional evidence is lacking due to field conditions.

The lessons and conclusions presented in this report offer a comprehensive course of action for Israel and other Western countries, with the aim of better preparing for the possibility that future terrorist attacks may include components of recognizing and preparing for the potential use of systematic sexual violence. The recommendations in the report call on state and international actors to develop improved response mechanisms for identifying and documenting sex crimes, establish appropriate support systems for victims, and ensure that perpetrators cannot escape responsibility.

The "voice" that this report speaks seeks to make heard the voices of dozens of victims of sexual violence perpetrated by Hamas terrorists — victims who were mostly brutally

murdered and their bodies desecrated. The attempt to silence their horrors and evade recognition and responsibility for these crimes has not succeeded. Here, we seek to speak their pain and demand justice in their name. The victims who lost their lives cannot speak, but this report seeks to ensure that their voices are heard, and that their horrors are not forgotten.

In doing so, we hope that this report will contribute to breaking down the walls of silence and realizing justice for victims in Israel and around the world. International recognition of sex crimes occurring during a terrorist attack is critical not only for bringing justice to victims, but also for establishing mechanisms to protect human rights in times of crisis. Its contribution to the toolbox for combating terrorism, which is a global goal, is expected to be transformative. We hope that this report will serve as a central tool in the fight for human rights and contribute to the establishment of international systems that will protect victims and bring justice for all those affected.



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Acknowledgements

We express our heartfelt gratitude to all the generous organizations and individuals who helped make this report possible.

HIAS Organization and San Fransisco Federation,
for providing humble yet crucial grant support.

The Association of Rape Crisis Centers in Israel,
for supporting the report's graphic production and distribution.

Prof. Boaz Ganor, Prof. Yuval Shani, Michael Kagzanov, Yaara Mordecai,
for insightful comments on dradts.

Yael Levontin,
for providing extensive editing services.

Amalia Ran, Inbal Biton-Gal, Janet Goren and Mirit Ben-Mayor
for editing.

Jay Hurvitz & Hazel Gaito,
for academic editing.

