

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

## Lessons for Global Preparedness

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### Research Team:

Adv. Shir Bukra,  
Adv. Veredit Avidan  
Hodaya Shaked

### Lead Researcher:

Prof. Yifat Biton

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## 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 is also the first to offer 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. The execution of sex crimes during a terrorist attack significantly impedes the ability to identify and prove that they were committed. This research highlights two primary impacts—one conceptual, the other practical—that have not been previously examined in this regard. First is the prevailing assumption that sexual violence as a tactic of warfare cannot apply in a mass-casualty terrorist attack of limited duration, especially 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, whereby under the cover of the chaos created by the attack, perpetrators used extreme and extensive sexual violence against Israelis. The massive chaos caused by the attack led to severe disruption in the functioning of various response systems, allowing the perpetrators to exploit it to commit horrific crimes and severely impair the victims' ability to prove they took place. This research therefore uses this attack and how Israeli systems attempted to manage its aftermath as a test-case, a rare opportunity to explore from within and close the mechanisms affecting the documentation and verification of sexual crimes in the wake of a terrorist attack.

## The Goal 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.

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 project addresses the urgent need to strengthen national and international mechanisms for documenting sexual crimes in such circumstances. Its findings will contribute to and encourage systematic recognition of sexual violence and its treatment as a crime against humanity, especially in countries dealing with similar threats.



At the entrance to the “Migunit” at Nahal Oz, from which the female soldiers were abducted, one year later.

## Fieldwork and Research Stages

### Stage 1: Mapping Response Mechanisms

In this stage, a thorough mapping was conducted of the primary and secondary SEM forces that responded to the terrorist attack on October 7. The research focused on the resources, protocols, and procedures of these forces, with an emphasis on their potential role in identifying and documenting sexual crimes. It was found that the lack of formal professional guidelines for identifying and documenting sexual crimes significantly impaired their preparedness to handle such events, highlighting the need for prior readiness.

### Stage 2: In-Depth Interviews

Interviews were conducted with dozens of field and command-level personnel from the response circles to the attack, adhering to the ethical guidelines of the Murad Code. These interviews uncovered new testimonies and information that had not been documented before about the chaos and challenges in identifying crimes. This meticulous documentation process underscored the complexity and the inability of the forces to effectively perform their duties.

### Stage 3: Testimony Analysis and Professional Considerations

The research team examined testimonies and sensitive materials while maintaining the privacy and anonymity of the interviewees and victims. The testimonies revealed significant gaps in the field systems, particularly in the identification and collection of evidence for sexual crimes. The analysis exposed the exceptional circumstances of the attack and how it disrupted the functioning of the SEM forces.

### Stage 4: Proposing a New Paradigm

The report suggests a paradigm shift in the conceptualization of sexual crimes in the context of terrorist attacks. It calls for a move away from traditional views and proposes a new approach based on the rapid and effective recognition of sexual violence, even in chaotic conditions.

### Stage 5: Recommendations

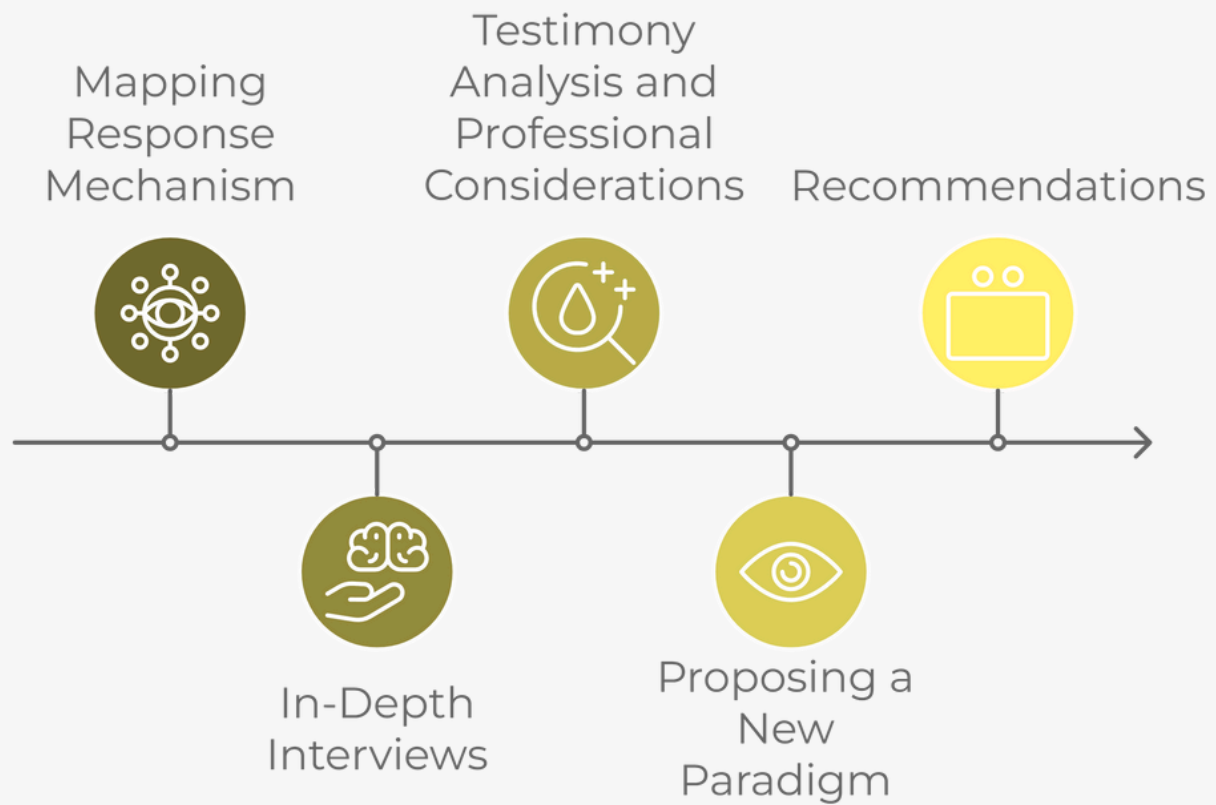
The report formulates recommendations for new procedures that will strengthen the preparedness of emergency forces and the international community in identifying and documenting sexual crimes during terrorist attacks. These recommendations are aimed at policymakers, law enforcement agencies, and humanitarian organizations, with the goal of creating best practices for the rapid and effective identification, recognition, and support for victims.





At the entrance to the "Migunit" at Nahal Oz, from which the female soldiers were abducted, one year later.

## Fieldwork and Research Stages





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# Key Policy Recommendations

## Documentation and Evaluation

- Systematic Documentation System: Develop organized platforms for recording field data while maintaining the privacy of the victims.
- Post-Incident Documentation: Establish a mechanism for gathering information from witnesses and sites after the event to fill in gaps and preserve evidence.
- Use of Simple Documentation Tools: Use simple, deployable documentation tools, even in complex field conditions.
- Creation of Alert and Reporting Mechanisms: Establish formal mechanisms for reporting suspected crimes and create a reporting framework within all SEM forces.

## Evidence Collection and Analysis

- Technological Development for Evidence Collection: Use advanced technologies, such as body cameras and digital mapping, for accurate field data collection.
- Use of Artificial Intelligence: Implement tools for identifying, filtering, and verifying evidence while minimizing investigators' exposure to disturbing content.
- Advanced Data Analysis: Develop algorithms to identify indicators of sexual violence from large digital data sets collected from terrorist attack sites.

## Preparation for Future Attacks

- Enhancing Readiness and Training: Train teams to handle crimes under attack conditions, including drills and simulations.
- Increase Personnel Tailored to the Task: Train specialized units for evidence collection at combat sites, while modifying procedures that delay documentation.
- Reallocation of Responsibilities: Optimize task distribution among emergency forces based on their expertise.
- Lessons Learned: Conduct evaluations after incidents to improve future processes and procedures and maintain public trust.

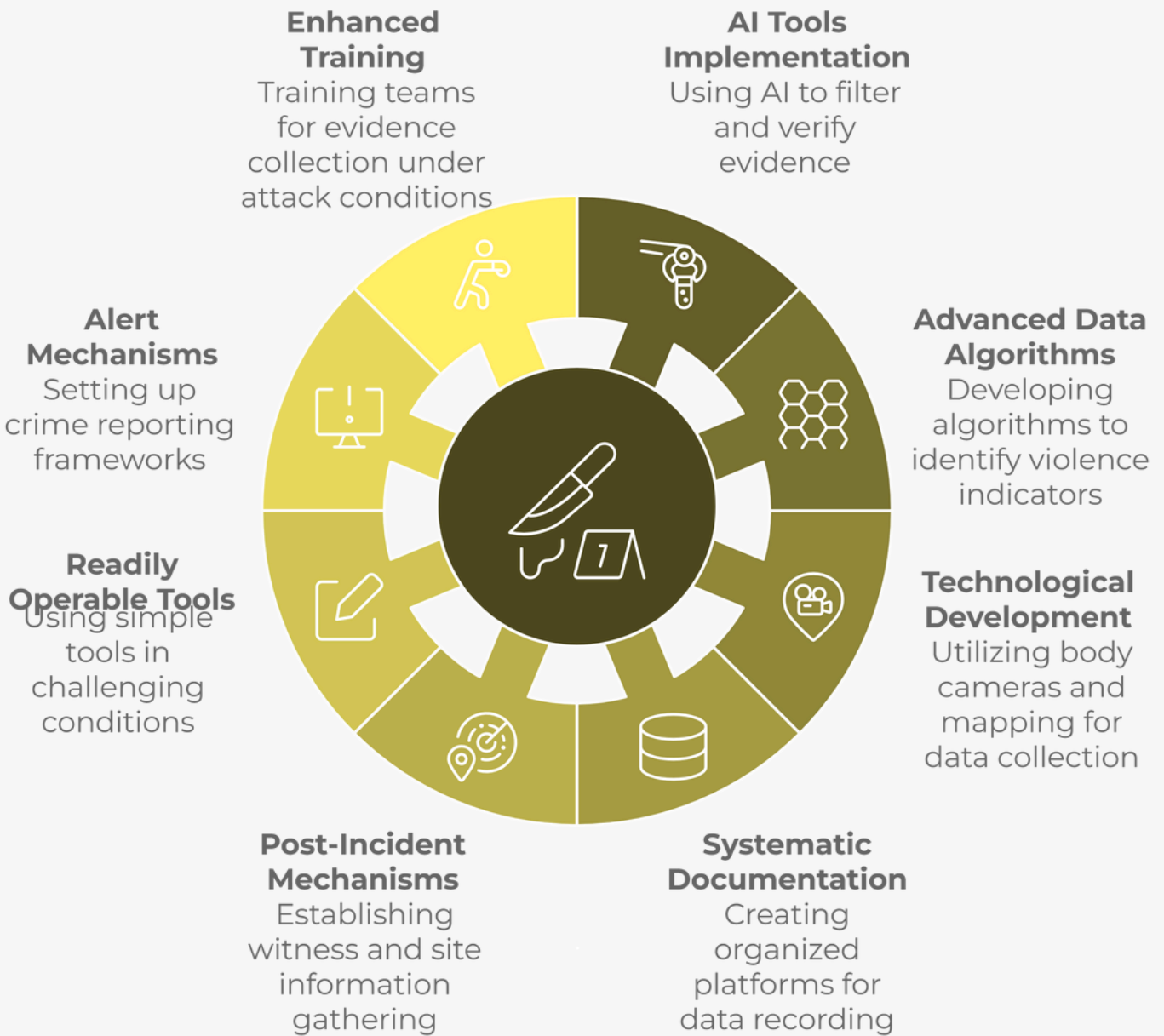
## Collaboration Among SEM Forces in Investigations

- Incorporating Early Criminal Intelligence: Sexual crime investigations should be included in the initial stages of the investigation, with focused intelligence gathering and thorough interrogations.
- Real-Time Information Sharing: Establish a mechanism for coordination and information sharing between intelligence agencies and the police to ensure parallel investigations.
- Training Investigators on Sexual Crimes: Raise awareness among intelligence investigators regarding the importance of analyzing sexual crimes at terrorist attack sites.
- Integrated Investigation Teams: Create dedicated teams that combine security and criminal knowledge for swift and effective action.
- Indicator-Driven Investigative Approach: Expand investigations beyond direct testimony to identify clues and patterns linked to sexual.

## Raising Awareness and Training

- Increasing Awareness of Sexual Crimes: Conduct workshops and training on recognizing signs of sexual assault at combat sites, including education on the importance of documentation.
- Difficult Scene Documentation: Train teams to cope emotionally with disturbing scenes and recognize important details at the site.
- Identification of Specific Indicators: Focus on identifying unusual features that might suggest sexual violence, such as the position of the body or unique injuries.
- Tools for Evidence Documentation: Use simple, temporary equipment (e.g., mobile phones) in cases where advanced tools are unavailable.

# Key Policy Recommendations



# Project Outcomes:

- ① **Development of Mechanisms for Justice:**  
Create frameworks for recognizing sexual crimes and achieving justice for victims. Identify and map deficiencies in existing mechanisms for documenting and responding to sexual crimes during terror attacks.
- ② **Formulation of Practical Policy Recommendations:**  
Develop initial actionable recommendations to enhance the readiness of states for identifying, documenting, and recognizing sexual crimes during terror attacks, as well as expediting responsive actions. Central among these is the recommendation to establish a national body that serves as a holistic and integrative framework to strengthen national preparedness in this field.
- ③ **Proposal for a Paradigm Shift Regarding the Proof of Sexual Crimes Under a Terror Attack:**
  - (a) Changing the Perception:  
Shift from viewing a terrorist attack as solely intended for the killing of innocents to acknowledging the possibility of sexual crimes as part of a focused and short-term terror attack.
  - (b) Changing the Evidentiary Paradigm:  
Replace the traditional requirement of presenting evidence to prove sexual crimes with recognition of the inherent evidentiary difficulties of proving such crimes, especially under a terrorist attack. Apply the principle of "evidentiary harm," allowing for a relaxed evidentiary standard following the identification of indications of sexual crimes.
- ④ **Dissemination of the Report Globally:**  
Share the report internationally to raise awareness and influence future preparedness and responses to sexual violence in the context of terrorism.
- ⑤ **Engagement with Key International Stakeholders:**  
Advocate for structural changes in addressing sexual violence as a crime against humanity.





# From Data to Report: The Research Process



A house in the youth residential area of Kibbutz Kfar Aza, one year later



## 40 over

Professional interviews we conducted with military police personnel, which served as the basis for processing the information and drawing conclusions. These military police personnel included security, medical, and rescue professionals, both military and civilian, from both junior ranks, who are familiar 'from below', from the field, with the work, and senior ranks, who are familiar 'from above' with the way operations were carried out during those days and sometimes even dictated them.



## 9 Top recommendations

including recommendations for action at the national and international levels, as well as detailed subsections, focusing on a system of best practices that should be adopted in order to improve the work of the specialized units (Charev) in identifying and documenting sex crimes during a terrorist attack.

## ✦ 134 pages

The length of the report, which includes two parts

## ✦ More than 300 pages

analysis of dozens of organizational and international reports, legislative pages, guidelines, and studies from Israel and abroad.

## 10 months of work and research

The research lasted for about 10 months and included three main stages: planning, mapping, and formulating research questions; data collection from interviews, reports, and international documents; data analysis and the formulation of recommendations for action.

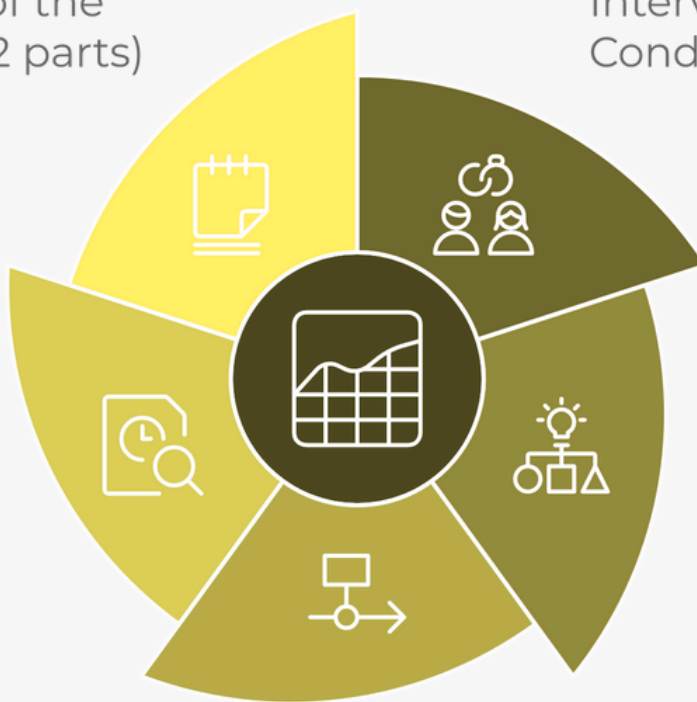
# From Data to Report: The Research Process



A house in the youth residential area of Kibbutz Kfar Aza, one year later

98 Pages - The length of the report (2 parts)

40 over Interviews Conducted



Document Analysis - More than 300 pages

9 Top recommendations

10 Months of work and research

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## Central Paradigm:

### The Principle of Chaos in Terrorist Attacks

Organized terrorist attacks, such as the Hamas attack described, are characterized by creating significant chaos:

- Destruction of response and identification systems: These attacks disable the state's ability to deal with the identification and documentation of crimes, including sex crimes.
- Non-sterile crime scenes: Terror attack scenes are marked by multiple bodies, physical destruction, and contamination of evidence due to uncontrolled movement of forces and civilians in the scene.
- Lack of documentation: SEM forces focus on saving lives and evacuating bodies, not on collecting evidence. Additionally, many crime scenes are destroyed in a way that complicates access to delicate forensic findings.
- Secondary trauma: Exposure of responders and survivors to traumatic scenarios makes it difficult to gather clear testimonies and identify sex crimes at death scenes.
- Lack of professional expertise: Some of the first responders are not trained to identify or document sex offenses, and their actions on the ground are not suited for preserving evidence.

### The Doctrine of Evidentiary Damage in Terrorist Attacks

In light of the evidentiary challenges created by chaos, it is proposed to apply the doctrine of evidentiary damage, which is based on the principle that holds accountable those who impair the ability to prove damage caused:

- **Responsibility of the Terrorist Organization**: A terrorist organization that imposes widespread chaos, which impairs the ability to document sex crimes, bears moral and legal responsibility for the evidentiary damage.
- **Principle of Presumption Based on Indications**: The presence of concrete indications, such as physical injuries, stripping, forensic findings (e.g., condoms or torn clothing), or survivor testimonies, will be considered a basis for a "presumption" of a sex crime, even if the evidence is incomplete or ambiguous.
- **Burden of Proof**: Shifting the burden of proof to the terrorist organization in cases where chaos has disrupted the state's ability to present solid evidence.



A house in the youth residences of Kibbutz Kfar Azza, one year later

### Examples from the field

- Finding a used condom at a family "safe room" is considered an indication of a sex crime, even if it was not properly documented or forensically examined.
- Women's underwear scattered at the scene is an indication of unlawful stripping, creating a presumption of sexual assault unless proven otherwise.



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# The Importance of Acknowledging Sexual Crimes in the Context of a Terrorist Attack

## **Recognition as a Condition for Healing:**

Sexual crimes leave deep psychological scars—fear, guilt, and shame. Recognition of the crime allows the victim to process the trauma and move towards recovery. In a terrorist attack, the impact extends beyond the direct victim to witnesses, emergency responders, and the general public. Denial of the harm also damages the social fabric, while recognition enables collective healing.

## **Recognition as the Basis for Legal Justice:**

Justice begins with recognition—whether public or private—of the wrong that has been done. In the context of terrorism, acknowledging sexual crimes is essential to activating the judicial system and establishing moral and social norms. Such justice also serves future deterrence.

## **Giving a Voice to the Victim and Shifting the Shame to the Perpetrator:**

Victims are often forced to carry the burden of shame. Recognition allows them to speak out, confront the issue, and place the shame on the perpetrators or the organizations responsible for the atrocities.

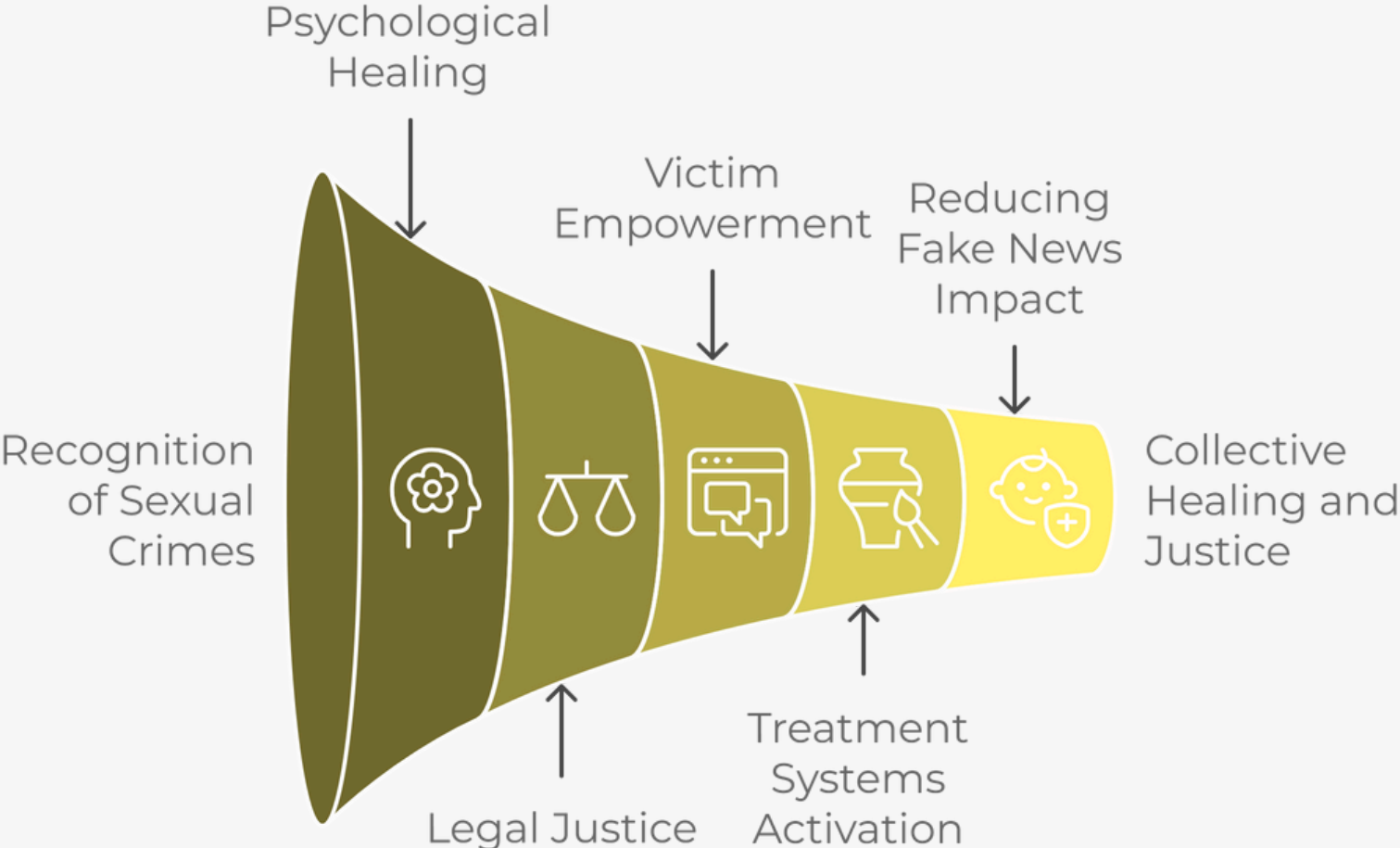
## **Recognition as a Necessity for Treatment Systems:**

In a country in a state of emergency, there is often fear of addressing sensitive issues like sexual crimes, out of a desire to maintain public morale. However, such neglect impairs the ability to activate identification, treatment, and rehabilitation mechanisms—both for the direct victims and secondary victims (such as witnesses or emergency responders). On the international level, recognition is vital to enable collaboration with international organizations that specialize in massive sexual violence situations, which assists the country in chaos.

## **Reducing the Spread of Fake News:**

In the digital age, false information about sexual crimes can harm victims and complicate the recognition process. Immediate and consistent recognition of sexual crimes can neutralize the chaos created by false information, maintain credibility, and protect the victims.

# The Importance of Acknowledging Sexual Crimes in the Context of a Terrorist Attack



# The report's findings



Inside the "Migunit" at Nahal Oz, from which the female soldiers were abducted, one year later.

## Functioning of Response Systems:

The performance of emergency, security, and medical (military police units) responsible for identifying and documenting sex crimes was examined. Difficulties and challenges in early identification and evidence documentation were identified under the chaotic conditions of terrorist attacks.

## A Conceptual Shift Regarding Sexual Crimes in Terrorist Attacks:

It has been clarified that sexual crimes are not merely a secondary result of chaos, but a potential tactic that requires unique attention.

## Challenging Existing Conceptions:

The report refutes the perception that sexual violence as a tactic of war does not occur in one-time terrorist attacks, especially on the soil of Western countries.

## Improving SEM forces Preparedness:

1. Developing training and tools for identifying and documenting indicators of sexual crimes during the event itself.
2. Creating integrative mechanisms for coordination between SEM forces and national and international authorities.

The report emphasizes the need for 'soft' recognition of the commission of sexual crimes at an early stage, understanding that this phase is critical for establishing a support system, preparing future legal infrastructure, and initiating accountability towards the perpetrators of the crimes.

## Establishing an Integrative Body:

A body that will focus on the rapid identification and documentation of sexual crimes, using appropriate procedures for chaotic situations.



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## Team Details:

THE RESEARCH TEAM INCLUDES EXPERTS WITH EXTENSIVE EXPERIENCE IN THE FIELDS OF SEXUAL VIOLENCE, INTERNATIONAL LAW, AND FEMINIST ACTIVISM.



**PROF. YIFAT BITTON**  
LEAD RESEARCHER  
YIFAT.BITTON@ACHVA.AC.IL

Legal academic and equality activist, President of Achva Academic College and Head of the Israeli National Board of Public Colleges. Co-founded and chaired Tmura, The Israeli Center for Equality, where she strategized and litigated cases of compensation accountability for human rights violations. Prof. Bitton was nominated National Coordinator for the European COST on "Femicide," a field she researched and litigated, representing femicide victims and winning ground-breaking precedents. Her academic work spans tens of articles and books, the recent titled "Femicide", co-authored with Hava Dayan. For her long-lasting human rights work, Bitton has won myriad national and international distinctions and awards and was shortlisted twice for Israel's Supreme Court, making history as the youngest woman to ever appear on the list.

Bitton holds a Ph.D. from Hebrew University and an LLM, from Yale University; She was Visiting Faculty at University of Chicago, NYU, and Peking University and was a Fulbright visiting researcher at Harvard University.



**ADVOCATE VARDIT AVIDAN**  
RESEARCHER



**HODIA SHAKED**  
RESEARCHER



**ADVOCATE SHIR BUKARA**  
RESEARCHER

Photos: Dana Koppel

Social activism attorney, holding an LL.M. from Haifa University, specializing in sexual safety within organizations, with two decades of experience representing in courts victims of sexual assault and trauma recognition, also as a cause lawyer in Tmura, The Israeli Center for Equality. Director of the Legal Aid Clinic in Times of War at the Faculty of Law, University of Haifa.

A jurist, holding also an MA in Public Administration and Policy from Ben-Gurion University. An a certified civil investigator, experienced in the fields of labor relations and public policy. Served as the Southern District Manager at the Israeli General Labor Union. Serves as the Chief of Staff to the President, at Achva Academic College, Israel

Attorney and researcher, holding an MA in Maritime Security and Strategy from the University of Haifa and an LLM with honors from the College of Management, specializing in human rights and international law. She serves as a senior coordinator in the Public Relations and Government Relations department at the Ministry of Justice

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# Acknowledgments



A House in Kfar Aza, one year later.

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 Oct. 7 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.**

