

# Challenges in Identifying and Documenting Sexual Crimes Committed During a Terrorist Attack Lessons for Global Preparedness

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December 2022



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.



Yifat Bitton

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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 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.<sup>1</sup> 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. It reveals the unprecedented difficulty in proving that such crimes were committed, particularly the systematic nature that qualifies them as crimes against humanity under international law.<sup>2</sup>

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, it 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 enabling the rapid establishment of a support system for victims, assigning preliminary accountability to perpetrators, and upholding 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.<sup>3</sup> 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 here<sup>4</sup>), which typically requires a higher standard of proof and serves different objectives.<sup>5</sup>

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 are shattered and fall — not only for them but for victims in all countries of the world. 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.

The case analysis and recommendations in this report are relevant **to any country**, including Western ones, 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.

## 2. Report Description

### 2.1. Purpose of the Report

The purpose of this research 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 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 limit the ability of emergency response forces to identify the existence of sex crimes during a terrorist attack and caused "evidential damage." These include, inter alia, operating under continued fire, the need to save lives and prevent bodies abductions, the need to continue fighting while providing first responses, lack of awareness of the possibility of sex crimes (imagine the

unimaginable), lack of skills in identifying indications of sex crimes and documenting them; identification under severe secondary trauma of SEM forces and survivors; lack of organized and coordinated command and control; multiple terror scenes and an unprecedented large mass of victims; an unfamiliar overlap between combat zones and crime scenes; complete prioritization for identification of victims; the mass murder of victims, including victims of sex crimes victims and evidence of the sex crime being demolished; 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, etc.

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.

### The expected outputs of the report are twofold:

**1. Initial practical policy recommendations** to increase the readiness of states 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 authority of holistic and integrative power that will increase national readiness in the field.

**2. A visionary proposal to redefine future paradigms:** 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 the attackers.

## 2.2. Methodology

The work process on this report was four-staged and included various information sources. First, the team conducted dozens of personal interviews with Israeli emergency responders. The team 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 — Emergency response forces:** At this stage, a thorough mapping of SEM emergency response forces in the primary and secondary response circle of the October 7 terrorist attack was conducted. The research team focused on reviewing the main forces that responded to the attack in terms of their functionality in optimal evidence collection. Mapping further included careful examination of the resources, protocols, and procedures guiding their work, formulated for emergencies and an MCE. 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 respond to the possibility of sexual violence being held against victims.**

**Second Stage — Interviews:** The research team initiated and conducted over 40 comprehensive interviews with dozens of emergency response personnel who operated at and around the event scenes. This included security, medical, and rescue personnel, both military and civilian, from junior ranks who know the work "bottom up" in the field and from senior ranks who know "top down" how things were handled in those days and sometimes even dictated it. Both provided a comprehensive factual foundation, critical perspectives, and valuable insights. **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 unavailable for various reasons.** 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.<sup>6</sup>

The research team conducted interviews following the Murad Code's international ethical guidelines,<sup>7</sup> 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."

Notwithstanding its 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 bodies and, therefore, asked to remain anonymous.

4. In certain instances, security concerns, confidentiality, the need to protect the victim's privacy, or fears of compromising the evidence made it challenging to conduct the interview fully, share all information with the team, or include it in the final report.

5. All the interviews took place at a time a war was still lasting, which impeded on some emergency response forces' ability to allocate time for a comprehensive interview. This reality may have also affected the memory of some interviewees.

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.

**Third Stage — Analyze SEM Reactions:** A thorough examination was conducted of the adequacy and effectiveness of the emergency response forces' operating mechanisms regarding 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. The report should, therefore, be read with these caveats.

**Fourth Stage — 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 and documentation 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.

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.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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.

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.<sup>12</sup> 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.<sup>13</sup> The primal fear of sexual violence is sometimes even intended to cause flight and abandonment of the attacked territory.<sup>14</sup>

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.

### 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.<sup>15</sup> 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.<sup>16</sup>

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.*

### **3.3. Formal International Recognition of Sexual Violence During a Terror Attack<sup>17</sup>**

The legal recognition of the use of sexual violence in armed conflict as a severe violation of international law and human rights law has been shaped throughout the last decades,<sup>18</sup> beginning with the 1949 Geneva Convention and its First and Second Protocols.<sup>19</sup> The first 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.<sup>20</sup> The adoption of the Rome Statute of 1998 marked an era in which sexual offenses were recognized not just as war crimes, but also as serious crimes violating human dignity and humanity.<sup>21</sup> UN Security Council Resolution 1325 (2000) was another step forward<sup>22</sup> and Resolution 1820 (2008), which states that sexual violence can be considered a war crime as well as a crime against humanity, expressed an international recognition of their distinctive severity.<sup>23</sup>

The expansion of recognition of sexual violence as an additional weapon at the hands of terrorist organizations only crystallized about a decade ago, when the UN Security Council determined it in numerous resolutions.<sup>24</sup> In the past year, the Counter-Terrorism Committee (CTC) of the Council has initiated the writing of two major reports on the subject.<sup>25</sup> 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 in April 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 focus differs from the current report, which focuses on the role of first and secondary responders in identifying and documenting sexual violence, their operational conditions and more. Using October 7 as its test-case, this report also offers a gaze into a short-term attack<sup>26</sup> perpetrated on a Western state — a circumstance yet to have unfolded in the past.

An attack of this type requires a unique cataloging of its chaos characteristics and challenges and warrants separate analysis.



### 3.4. Use of Sexual Violence in a Short-Term Terrorist Attack On the Soil of a Western State — The Precedent

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, 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 October 7 attack the first of its kind, and of significant study value.<sup>27</sup>

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, particularly on western soil, are expected to look from now on.<sup>28</sup> It is only a matter of time before similar tactics are employed elsewhere.<sup>29</sup> Triggering and facilitating such potential imitation are the convenient conditions of isolation of terror organizations in enclaves, without being hindered by the community nor by the state.<sup>30</sup>

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.

A key conceptual shift underpinning this report is therefore 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.<sup>31</sup>

#### 3.4.1. When the Unimaginable Becomes Reality — Unique Challenges

Here are the implications of adhering to the conceptual fixation that prevented the thought that their execution was possible on the soil of a liberal and sovereign state:

1. **Lack of reasonable expectation for sexual assaults during a terror attack:**  
When sex crimes are used for the first time as a tactic of war by a terrorist

organization, it is difficult to anticipate and prepare for it. The Israeli-Palestinian conflict, for instance, though deep, violent and lasting for many decades, was never characterized by using sexual violence as a warfare tool.<sup>32</sup> 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, despite its high preparedness to scenarios of mass casualty terrorist event.<sup>33</sup> Similarly, even the IDF prepared only for the scenario of soldiers being killed in a terrorist attack, and its casualty collection station had no equivalent to a forensic unit, expecting only "operational death" resulting from weapons or training accidents.<sup>34</sup>

**2. Rapid and effective response capability to end a terror attack:** Under a raid terror attack, the understanding that it is expected to end relatively swiftly by the state's organized defense forces is likely to increase the motivation of terrorists to produce as many casualties as possible in minimal time. This fact affects the extent of killing, including of victims of sex crimes. A large number of fatalities requires focus on identifying victims rather than identifying crimes committed against them. Additionally, such an attack leaves few survivors, who are usually trauma-stricken and terrified, struggling to provide testimony.<sup>35</sup> In Israel as well, testimonies from the scene surfaced weeks after the attack.<sup>36</sup>

**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. Given the victims' presence within a state system, the long-term effects and injuries of the sexual violence they endured can be more easily tracked, such as: forced pregnancies, use of prostitution and trafficking in women, subjection to standards of rigid patriarchal oppression, and more.<sup>37</sup> 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.<sup>38</sup>

**b. Turning the crime scene into a battlefield 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 analyzing the crime scenes 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 respond properly to sex crimes and may even adopt tactics of shaming victims and abusing them, due to a conservative perception.<sup>39</sup> Contrastingly, in a western country, a reasonable assumption would be that victims will actively approach the state system, seeking assistance. Thus, absence or scarcity of testimonies is perceived to indicate 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 might yield 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 adheres to the 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 compromise the “evidence” required for initiating criminal proceedings.

**5. The existence of a welfare system that ensures rapid treatment of victims** — Given the internal strengths of western countries’ support systems, the assumption is that the attacked state warrants less support from the international community and its assistance in dealing with victims’ right to aid, compensation and healing. This may deprive the state and victims of the ability to rely on immediate international mechanisms of recognition, such as UN Women. This assumption also ignores the enormous functional difficulty characteristic of a country that underwent such a shocking event. This might lead international organizations to avoid assisting sex crimes victims or even to ignore them, thereby fueling others to deny their existence, creating a chilling effect on victims who consider filing a complaint.<sup>40</sup>

**6. Ethics of proof in a western country** — A western country will likely limit itself in exposing evidence that may humiliate victims of sexual violence, for various reasons: protecting the victim’s privacy, preventing emotional stress, feelings of shame or humiliation, preventing secondary trauma resulting from holding a public discussion

that may evoke past traumas;<sup>41</sup> avoiding stigmatization due to fear of victim blaming or social labeling of the victim; ensuring the victim's choice and control over her narrative and how she wishes to process it, and more. These considerations may surpass even fundamentally important reasons for public engagement with such events, required to raise awareness, fight the phenomenon and demand justice. In Israeli media, for example, several op-eds suggested that the issue should be avoided altogether, due to the inability to obtain consent from victims.<sup>42</sup>

### 3.4.2. The Singularity of Sex Crimes Compared to Other Crimes

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. It is also particularly necessary in light of their nature as crimes more susceptible to concealment and denial, unlike other war crimes. This is reflected in international law's specific evidentiary rules for proving such cases.<sup>43</sup>

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

1. The primary goal of terrorists is to kill as many people as possible, rendering victims of sexual assault equally 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. This weakens the motivation to investigate sex crimes: "Every forensic team in the world would say this — they go for the most serious offense at the scene".<sup>44</sup> The limited investigative resources, therefore, are diverted to identifying the crime with the highest normative significance — determining the cause of death, which defines the act as murder.<sup>45</sup> The need to handle mass personal identification processes marginalizes such endeavors as well.

2. Often, there are few if any witnesses to sex crimes. Like routine situations, these acts committed under a terrorist attack are not documented by the perpetrators. Many of the torture, kidnapping and murder crimes of Israelis, for example, 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, documentation of sexual violence consisted of crimes situated at the low range of severity, such as displaying naked bodies in the streets of Gaza, threats of forced pregnancy and marriage, and more.<sup>46</sup>

3. 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



investigating a sex crime, which requires utilizing further time and energy consuming resources, such as forensic doctors beyond CSI experts.

### 3.4.3. Examples of Sexual Violence in the Context of a Terrorist Attack<sup>47</sup>

The various reports utilizing a definition for sexual violence as a weapon of war 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. The intersection of gender, power, violence and terror seem to warrant the inclusion of the following, additionally to rape and sexual coercive acts:

- 1. Injuries to intimate organs:** Deliberate injury to victims' intimate organs is intended to exert additional control and humiliation through sexual violence.
- 2. 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.
- 3. Performing invasive examinations:** Gynecological examinations forced on victims without their consent constitute a serious violation of human rights and breach of intimate privacy.
- 4. Forced medication:** Forcing victims to take medications related to pregnancy or fertility, such as birth control pills, violates their bodies and personal freedom.
- 5. 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.
- 6. Viewing intimate situations:** Forcing the victim to be exposed in intimate situations, such as during showering, changing a tampon, dressing, or using the bathroom, which increases the feeling of vulnerability and humiliation.
- 7. 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.
- 8. Forcing childlike speech:** This action is intended to negate the adult identity of the victims, making them even more helpless.

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

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

**11. 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.

**12. 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.

**13. Kidnapping while non-consensually touching 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.

**14. 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.

**15. 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.

**16. 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, facilitating and amplifying sexual violence, extending its reach and impact to whole communities.

## 4. SEM Response Mechanisms' Activity Under a Terrorist 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.

**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.

A complex terrorist attack is defined in Israel as a mega-terror Mass Casualty Event (MCE),<sup>48</sup> requiring the activation of many emergency response bodies, centered on security forces, emergency and rescue services, assistance services and casualty identification.<sup>49</sup> 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.

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 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, operating independently or jointly with either the army or SEM forces, making it difficult to control their actual conduct.

## 4.1. Defining the SEM Response Forces

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 sub-field regarding their readiness to identify and document sex crimes. This analysis required the introduction of an additional division between primary and secondary emergency response forces, in accordance with the division of labor between different forces. In most states, like in Israel, there are typically several emergency bodies that operate during a mass casualty event originating from a major terror incident.<sup>50</sup>

## 4.2. First Responders

### 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. Security forces normally consist of the state’s army and police rescue units.

### 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 centers are on high alert to receive and treat patients, with medical staff trained to handle MCE. 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.

## 4.3. Secondary Responders

### C. Organizations responsible for identification and handling of casualties, pathological institutes and investigative 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. 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 typically 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.

The 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.

Approximately a month after the October 7 attack, the police decided to centralize the investigation of sex crimes in the hands of a specialized unit dedicated to combating crimes against minors in the online sphere.<sup>51</sup> 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 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.<sup>52</sup> In such a situation, the hospital must activate a "mass casualty information center" that will centralize 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, in Israel, 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.

It is recommended to read here [Appendix A to the full report](#) ▶



It is recommended to consult **Appendix A** of the full report, which details the activities of various SEM forces during the October 7 attack. Based on dozens of interviews with field personnel, the appendix highlights the chaos these forces faced and its impact on evidentiary damage related to sex crimes. A concise synthesis of these challenges, derived from the various testimonies, is presented in Chapter 5.1, "The Principle of Chaos — Evidentiary Damage."



## 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.

*This circumstance demands a fundamental shift in assessing the scope and standard of evidence required to prove these crimes occurred.*

Analysis of interviews with MES forces reveals distinct patterns in the chaos.

The widespread chaos significantly impaired the state's capacity to correctly identify and document sins of sexual crimes through conventional evidentiary procedures. While potential evidence of these sex crimes may exist, the systematic disruption results in substantial damage to them, necessitating a reevaluation of how to approach and establish proof in such cases.

**Chaos inevitably results in compromised evidence, which can be categorized into several main types.<sup>53</sup>**

#### 5.1.1 Evidence Collection Under Combat Conditions and 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

**1. Priority of Immediate Life-Saving Actions:** Emergency personnel prioritized rescuing survivors over evidence preservation. A police officer reported noticing scattered women's underwear but focused on assisting surviving victims.<sup>54</sup>

**2. Time Constraints Under Active Fire:** Personnel consistently reported unprecedented conditions of needing to function under fire, at an active war zone. Non-combat MES forces were especially vulnerable, forcing rapid scene departures, and medical teams operated under "minimal delay" protocols, often bypassing standard procedures.<sup>55</sup>

**3. 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.<sup>56</sup>

### 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 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.<sup>57</sup>

### 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. The ongoing impact of this trauma continues to affect evidence collection, as some people possess pictures yet to be seen by the police due to the lingering trauma of their possessor.<sup>58</sup>

### **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.<sup>59</sup> 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.<sup>60</sup>

### **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.

### **Collecting Evidence While Sustaining Numerous Unidentified Victims**

The overwhelming number of casualties in terror attacks 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. There was little bandwidth to investigate crimes beyond the obvious murders, and their labeling as "operational causes."<sup>61</sup>

### **Lack of Expertise in Evidence Recovery**

Another significant challenge lies in the **lack of specialized training** among SEM forces' 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.<sup>62</sup> Strict adherence to standard protocols sometimes impedes proper documentation, even in extreme situations. For instance, a high-ranking Search and Scan Unit commander reported following standard procedure by immediately covering a naked female victim rather than photographing potential evidence.<sup>63</sup>

### **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 had already been moved to a central location, potentially compromising crime scene integrity.<sup>64</sup>

### **Lack of Coordination between Military and Civilian Factors**

Many MES forces 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.

The abovementioned 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.

## **5.2. The "Evidential Damage" Doctrine in Terrorist Attacks**

Acknowledging the importance of recognizing the occurrence of sexual crimes, on the one hand, alongside the devastating impact chaos inflict on evidence recovery on the other hand, troubles their intersection. The organizing principle through which to view the evidential challenge in proving sex crimes during a terrorist attack must therefore be reconsidered to reflect the inherent existence of evidential difficulties and the moral and practical responsibility of the terrorist organization for the chaos that created them.<sup>65</sup>

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".<sup>66</sup> 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 a terrorist attack 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 required to prove the commission of sexual war crimes should be seen as responsible for this, under the following conditions:

1. **The occurrence of a raid terrorist attack**, in which "concrete indications" were found for the commission of sex crimes.<sup>67</sup>

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.<sup>68</sup>

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.<sup>69</sup>

**2. The attack was carried out by a terrorist organization** that had effective dominance over the place and that 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.

### **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.<sup>70</sup> 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.<sup>71</sup> 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.

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. 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 resolutions and reports of international bodies, both within and outside the UN.

The evidential damage doctrine thus becomes another tool in counter-terrorism efforts, potentially deterring terrorist organizations from relying on the inherent difficulties of 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. 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.<sup>72</sup> **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.<sup>73</sup> 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.<sup>74</sup> The correlation is clear: the shorter the gap between a sexual assault and its social recognition, the quicker the victim's healing process can begin and the higher their chances of recovery.<sup>75</sup>

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

**2. 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 violence<sup>76</sup> — who experience renewed trauma through exposure to these crimes might also sustain secondary trauma.<sup>77</sup> 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.

**3. 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.

**4. 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.<sup>78</sup>

#### **5. Establishing Treatment Mechanisms:**

Recognition serves both domestic and international purposes:

**Internally:** It helps overcome institutional denial, enabling proper investigation and support systems for both primary and secondary trauma victims. Ignorance, and even resistance to acknowledge the existence of sex crimes, for various reasons, primarily fear of demoralization stemming from collective humiliation might affect the state's inactions. 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.<sup>79</sup>

**6. 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.<sup>80</sup>



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

**7. 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. Conclusions, Recommendations and Best Practices

### 6.1. Introduction

The conclusions and recommendations outlined in this chapter will offer valuable insights into the subjects explored in this research report and highlight the necessity of taking several crucial steps to ensure optimal, though imperfect, readiness for potential future attacks.

Our recommendations focus on developing and implementing comprehensive best practice protocols to improve the way investigative and other relevant bodies identify and document sexual crimes during terrorist attacks. Implementing them would create more systematic and comprehensive investigative processes, ultimately resulting in enhanced justice delivery.

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

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

his 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, bolsters recognition, and protects vulnerable distressed populations.

## 6.2. Cooperation Among Investigation Bodies and Other Relevant 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 or indications thereof 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

### Indications Based Questioning Approach

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

This approach should mandate:

- » Asking about detailed physical and behavioral indicators
  - » Documenting all potential, however initial, evidence
  - » Allowing investigators to identify patterns and scope of the crimes
  - » Enabling 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

## 6.3. Preparing for Future Attacks: Enhancing Readiness through 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 Teams Limit**

A critical shortage in forensic capabilities might emerge due to crimes overload. Crime Scene Investigation (CSI) teams are expected to become 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, through training or reallocating authorities.

### **Protocol Reform**

Current regulations have hindered evidence collection. Israeli ZAKA (victim identification NGO) volunteers, for example, though present at crime scenes, often avoided taking photographs due to perceived restrictions.<sup>81</sup> 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

A shift in protocol is required to ensure personnel feel authorized, even obligated, to document these events, due to counter-intuitive resistance.”<sup>82</sup>

## 6.4. 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 SEM force commander revealed that some volunteers currently withhold sensitive photographic evidence they haven't showed the police, due to the risk of breaching the victims' privacy".<sup>83</sup>

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

## 6.5. Raising Awareness and Training

### Awareness Training for Sexual Violence in Terrorist Attacks

SEM forces 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 Israel's "Camp Shura" (where the corpses were taken for



identification), where a medical officer examining a female victim with severe mutilation (severed breast) did not investigate or document this potential indication 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 incident involves a senior police officer who instinctively avoided looking directly at a female victim's unclothed body, attempting to protect herself from psychological trauma.<sup>86</sup> This natural but problematic response resulted in missing important evidence markers.

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. Training enables them to systematically document all relevant evidence while processing traumatic scenes in a way that protects their mental health, as much as possible.

### **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**, 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",<sup>85</sup> 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.

## 6.6. Retrieving Evidence

### **Advanced Evidence Collection Technologies: Field Documentation Standards**

MES teams **require sophisticated yet operable 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 review of digital evidence. However, field conditions often present technological challenges, such as internet disruptions or unavailable equipment, as experienced by SEM force teams who failed to use their specialized application.<sup>86</sup>

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. Security agencies' cyber units must also develop adaptable tools that function effectively in unpredictable field conditions.

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

### **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.

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.

### **Local 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 — better 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**.<sup>87</sup> 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.<sup>88</sup>

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:** Religious law often 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, for example, 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. Cultural impulses to immediately cover exposed bodies can impede evidence collection.<sup>89</sup> Another Scan Unit commander’s account of covering rather than documenting an exposed female victim illustrates this challenge as well.<sup>90</sup> **Clear protocols must ensure that while religious sensitivity is maintained, it does not override necessary forensic documentation.**

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 even if religious considerations inform, they do not impede crucial investigative procedures.



## 6.7. Integrated Emergency Response Management

Emergency management in complex crisis situations demands a coordinated multi-agency approach that clearly delineates responsibilities among various security and emergency organizations. This framework must establish distinct operational boundaries and collaborative protocols among the relevant bodies. 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.

## 6.8. 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.

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 SEM Forces 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.<sup>91</sup>

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.

## 6.9. Central Coordination Authority

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.<sup>92</sup> 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.

### **Standardizing Sex Crime Investigation Protocols**

Our research reveals a critical gap, as no security or investigative agencies have established protocols for identifying and documenting sex crimes.

### **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**

- » Prevent re-traumatization of survivors
- » Safeguard victim privacy and their families'
- » Establish secure database management protocols

#### **Protect Investigators**

- » Support the mental health of documentation personnel

#### **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.

## **6.10. International Standards for Sex Crime Investigation and Documentation**

Clear global protocols must be established for investigating sex crimes in cases with surviving victims and 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 as study cases
- » Prevent critical evidence loss

**Additionally, international legal standards should be updated to:**

- » Adapt burden of proof requirements for sex crimes during terrorist attacks
- » Apply the "Evidentiary Damage" doctrine to strengthen deterrence and enhance justice for victims
- » Enable broader counter-terrorism measures, including targeting financial networks

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



Yifat Bitton



## 7. 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 the October 7, 2023 attack serving as a case study. Sex crimes committed during the terrorist attack pose significant challenges in identification, documentation and recognition — especially given the chaos that accompanies such extreme situations.

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 therefore offers guiding principles not only for Israel, but also for other 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 preparations both at 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, it 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 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 victims of sexual violence perpetrated by terrorists - victims who were mostly brutally murdered and their bodies desecrated. The attempt to silence their horrors and evade its recognition is condemnable. Here, we seek to speak their pain and demand justice in their name. The victims who lost their lives cannot speak, but this report aims to ensure that their voices are heard, and that horrors will not be forgotten or forfeited, without learning their lessons. International recognition of sex crimes occurring during a terrorist attack is critical not only for bringing justice to victims, but also for establishing future mechanisms to protect human rights in times of crisis.

We aspire for this report to become a pivotal transformative resource in the efforts to safeguard human and women's rights. It aims to contribute to the development of international systems designed to protect victims of sexual crimes and ensure justice for all those impacted.

## 8. Endnotes

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. See [www.phr.org.il/wp-content/uploads/2023/11/5771\\_Sexual\\_Violence\\_paper\\_Eng-FINAL.pdf](http://www.phr.org.il/wp-content/uploads/2023/11/5771_Sexual_Violence_paper_Eng-FINAL.pdf). The description of the sexual crimes appears in a report written by the UN Special Representative for Sexual Violence in Conflict Areas, Attorney Premila Patten. [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](http://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). See also Keller-Halamish, Carmit & Berger, Noga. (2024). "[Silent cry: sexual and gender abuse in the October 7th war](#)". Association of Rape Crisis Centers in Israel.
2. Rome Statute of the International Criminal Court, Article 7(1)(g), 2002.
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 ([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](http://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))
6. Our reference was not a condition for participation in the interview, of course, as dictated by the rules of conduct on the subject formulated in the international protocol on the subject. [International\\_Protocol\\_2017\\_2nd\\_Edition.pdf](http://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) (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](http://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.
7. See [The Murad Code](#) (April 2022) [www.muradcode.com](http://www.muradcode.com)
8. Gearson, John. "The nature of modern terrorism." *The Political Quarterly* 73 (2002): pp.7-24.
9. Hoffman, Bruce. "The Logic of Suicide Terrorism." *Terrorism in Perspective*, edited by Sue Mahan and Pamela L. Griset (2008): pp.53-145.

10. See for example the following UN resolutions: Council resolutions 2195 (2014), 2253 (2015), 2199 (2015) and 2368 (2017).
11. [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.
12. [International Protocol 2017 2nd Edition.pdf \(un.org\)](#) Women as the main victims of sexual crimes in war. p.21.
13. Catherine McKinnon, Legal Feminism in Theory and Practice, edited by Dafna Barak Erez, Resling 2005, p.115.
14. 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.
15. The definition of sexual violence in the report "Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism".
16. See also the definition World Health Organization (2016) Violence Against Women—Intimate Partner and Sexual Violence Against Women: Factsheet. Geneva: WHO.
17. For an extensive review, see [International Protocol 2017 2nd Edition.pdf \(un.org\)](#), pp 29-37.
18. 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.
19. Section 27 of the Geneva Convention Concerning the Protection of Civilians in Time of War, 1949, 21, 1, No. 30, p.453.
20. 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). 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
21. Alona Hagai-Frey, [On Exclusion and Exceptional Crimes: Sex Crimes, Gender and International Criminal Law, Law 16 1971 \(https://hamishpat.colman.ac.il/wp-content/uploads/2018/11/10-Hagay-Frey.pdf\)](#). 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.

22. Security Council 1325 (2000).

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

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

25. See comment 12 above.

26. 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.

27. 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.

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

29. 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, [www.jstor.org/stable/20798930](http://www.jstor.org/stable/20798930). Accessed April 28, 2024.

30. 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. [www.tandfonline.com/doi/full/10.1080/1057610X.2011.582629](http://www.tandfonline.com/doi/full/10.1080/1057610X.2011.582629).

31. 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.

32. 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.

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

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

35. This trauma is twofold, due to the fear of dying [International\\_Protocol\\_2017\\_2nd\\_Edition.pdf \(un.org\)](#) pp.236.

36. 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.

37 The UNSC's first report describes these methods at pp.10-12. See also 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.

38 See details on these methods in the first report of the Security Council, on pp.8-10. A recent and highly detailed report documenting the overwhelming torturing and sexual abuses imposed on hostages, including minors and including those released and those not has been issued by the Israeli Ministry of Health on December 28, 2024. See here. [www.jpost.com/israel-news/article-835211](http://www.jpost.com/israel-news/article-835211).

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

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

41. 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.

42. See, for example, an op-ed by Prof. Dafna Hacker: [www.ynet.co.il/news/article/s1m5voiea](http://www.ynet.co.il/news/article/s1m5voiea) and also by Prof. Orit Kamir: [www.haaretz.co.il/opinions/2023-12-06/ty-article-opinion/premium/0000018c-3ec7-d826-ab9e-bfdf55cd0000](http://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: [www.haaretz.co.il/news/education/2024-01-10/ty-article-magazine/premium/0000018c-ef05-d0b4-a7ce-ff67a0e70000](http://www.haaretz.co.il/news/education/2024-01-10/ty-article-magazine/premium/0000018c-ef05-d0b4-a7ce-ff67a0e70000).

43. [International\\_Protocol\\_2017\\_2nd\\_Edition.pdf \(un.org\)](#). pp.59-64.

44. Senior CSI unit interview, dated March 5, 2024.

45. "The cause of death is the shooting, not the rape, if it occurred", says a senior CSI commander in an interview dated March 5, 2024.

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

47. Many of these acts were perpetrated in the October 7 attack. See the full report for examples.

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

49. 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. It 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](http://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: [www.gov.il/Blob-Folder/dynamiccollectorresultitem/regulation-pessach-32/he/emergency\\_pessach\\_regulation-pessach\\_regulations-pessach-32-2.7.23.pdf](http://www.gov.il/Blob-Folder/dynamiccollectorresultitem/regulation-pessach-32/he/emergency_pessach_regulation-pessach_regulations-pessach-32-2.7.23.pdf).

50. 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, fire and rescue forces, for example, were not included in this list, despite their important role as first responders. For the unique components of Israel's SEM forces, see the Full Report.

51. See [www.police.gov.il/join/unit-105](http://www.police.gov.il/join/unit-105).

52. 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.

53. 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 to the full report.

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

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

56. Commander of the Search and Scan Unit interview, dated October 21, 2024.

57. Medical Corps Commander interview, dated March 5, 2024.

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

59. See [International\\_Protocol\\_2017\\_2nd\\_Edition.pdf\(un.org\)](#), p.240.

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

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

62. 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

63. Commander of the Search and Scan Unit interview, dated October 21, 2024.

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

65. 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.

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



67. 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..

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

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

70. ZAKA volunteer interview, dated April 11, 2024.

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

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

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

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

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

76. 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-artical](http://www.wtb.org.il/israel-today-artical).

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

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

79. 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](http://www.unwomen.org/en/about-us/guiding-documents)).

80. See [www.ynet.co.il/news/article/ryzodvjir](http://www.ynet.co.il/news/article/ryzodvjir).

81. Outmezgine, 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."

82. Commander of the Search and Scan Unit interview, dated October 21, 2024: "It's evident that any change in their behavior will require a corresponding change in their mission protocols."

83. Outmezgine, ZAKA, commander interview, dated June 18, 2024.

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

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

86. Outmezgine, ZAKA, commander interview, dated June 18, 2024.

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

88. See the MDA magazine — Zeman Emet, dated October 11, 2023, p.32.

89. ZAKA volunteers have received special religious permission for handling female victims, but were still struggling. Outmezgine, ZAKA, commander interview, dated June 18, 2024.

90. Commander of the Search and Scan Unit interview, dated October 21, 2024.

91. Read more here: Lewis-Schroeder and others (2018). Conceptualization, assessment, and treatment of traumatic stress in first responders: a review of critical issues. *Harvard review of psychiatry*, 26(4), 216-227.

92. 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.

## 9. Acknowledgements

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

**HIAS Organization**, for providing humble yet crucial grant support.

**San Fransisco Federation**, for providing humble yet crucial grant support.

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

**Bank Hapoalim**, for providing grant support for distributing the report.

**Yael Levontin**, for providing extensive editing services; **Janet Goren** for editing, **Inbal Biton-Gal** for editing, **Jay Hurvitz & Hazel Gaito**, for academic editing.

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

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