



SILENCED NO MORE

SEXUAL TERROR UNVEILED: THE UNTOLD ATROCITIES
OF OCTOBER 7 AND AGAINST HOSTAGES IN CAPTIVITY



THE CIVIL COMMISSION ON
OCTOBER 7TH CRIMES BY HAMAS
AGAINST WOMEN AND CHILDREN

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SEXUAL TERROR UNVEILED: THE UNTOLD ATROCITIES OF OCTOBER 7 AND AGAINST HOSTAGES IN CAPTIVITY

The Civil Commission on October 7th Crimes by Hamas Against Women and Children, a nonprofit, independent organization, was founded to document, research, and raise international awareness of the war crimes and gender-based violence committed by Hamas and their collaborators against women, children, and families during their brutal attack on Israel on October 7th and in captivity. Led by Dr. Cochav Elkayam-Levy, a 2024 Israel Prize laureate and expert in human rights and international law, the Civil Commission documents, researches, and advocates for victims, giving them a voice and challenging the denial of these atrocities. Its archive serves as both a memorial and a vital historical and legal record.

With a team of experts, including researchers, lawyers, documenters, and trauma experts, and supported by leaders like Sheryl Sandberg and Prof. Irwin Cotler, and other prominent figures on our advisory board, the Civil Commission is raising international awareness and forging global partnerships to highlight these atrocities and pursue justice for the victims.



THE CIVIL COMMISSION
ON OCTOBER 7TH CRIMES
BY HAMAS AGAINST
WOMEN AND CHILDREN

DISTINGUISHED ENDORSEMENTS

“History has shown us that sexual violence in war is too often hidden, minimized, or erased from the historical record. This report is an act of witness against that erasure. It gives voice to victims and survivors, documents the systematic nature of these crimes, and deepens our understanding of the profound harm they inflict - not only on individuals, but on families, communities, and future generations. Its contribution to justice and historical memory will endure.”

Former Secretary of State Hillary Rodham Clinton

“When I first learned what happened to women and girls on October 7 and in the months of captivity that followed, I could not understand how so much of the world remained silent. This report refuses that silence. Drawing on more than 430 testimonies, over 1,800 hours of visual analysis, and thirteen documented patterns of violence, it is the most comprehensive evidence assembled to date, and the foundation on which accountability must now be built. I am deeply grateful to Dr. Elkayam-Levy and the Civil Commission for the rigor and moral courage this work required. The victims were never silent — the world was. This report ensures that can never be said again.”

Ms. Sheryl Sandberg

Founder, Lean In

“The deliberate use of sexual violence in conflict is among the gravest violations of human rights. This report contributes to the indispensable work of documentation, recognition, and transmission, ensuring that these crimes are neither denied nor forgotten, and that the pursuit of justice remains a collective international duty. In the name of truth and human dignity.”

Ambassador Isabelle Rome

France’s Ambassador at-Large for Human Rights responsible for international issues relating to the Holocaust, looted property, and remembrance

“In the dirty little wars of the 21st Century women and children pay a particularly heavy price. International humanitarian law is ignored as combatants intentionally target civilians and civilian objects. The rule of law must be seen as the cornerstone for international peace and security.”

Prof. David Crane

Founding Chief Prosecutor, UN Special Court for Sierra Leone

“To those who denied the sexual violence on October 7 who justify what happened in October 7 or make excuses I have something for your summer reading list. Read it! You may actually learn something and be a better person for it. Facts are a stubborn thing.”

Mr. Rahm Emanuel

Former White House Chief of Staff

“The Civil Commission’s report describes acts that are often described as unspeakable acts, not only because of their brutality, but because they challenge our capacity to discuss them and to fully acknowledge them. The seriousness and rigor of the work underlying this report, reflected in the careful collection, preservation, curation and analysis of a vast evidentiary record, lend a particular weight to its findings. By documenting patterns of sexual violence that were systematic and embedded in the October 7 attacks and subsequent periods of captivity, the report gives general shape and form to crimes that might otherwise remain fragmented, minimized, or denied. In doing so, it marks an important step in ensuring that these heinous acts are neither obscured from the historical record nor excluded from our moral reckoning. It also strengthens the factual basis for their recognition and prosecution under domestic and international law.”

Prof. Yuval Shany

Hersch Lauterpacht Chair in Public International Law Professor, Hebrew University of Jerusalem; Senior Fellow, Israel Democracy Institute, former member of the UN Human Rights Committee

“The frenzy of sexual violence unleashed by Hamas and its collaborators in its 7 October attack on Israel plunged unfathomable depths of brutality and depravity. More striking still are the muted responses - and even denials - that followed. That is why the Commission has done a great service in compiling this strongly evidenced report as a permanent testament of what happened. That is important for the painfully slow process of accountability and justice. But even more for the unfiltered understanding of the horrors that happened for us and our successor generations, without which there is no chance to make peace, whenever that moment arrives.”

Prof. Mukesh Kapila

Former Special Adviser to the UN High Commissioner for Human Rights, Professor Emeritus, Global Health & Humanitarian Affairs

“Rigorous documentation is the cornerstone of atrocity crimes prevention and the first step toward breaking the cycle of impunity. By meticulously preserving the evidentiary record of the sexual and gender-based crimes of October 7th, the Civil Commission has created a significant resource for international justice. This report serves as a stark reminder of our shared obligation to confront the weaponization of sexual violence and to ensure that such systematic patterns are recognized, archived, and never ignored by the global community.”

Ms. Alice Wairimu Nderitu

Former Under-Secretary General and Special Adviser on the Prevention of Genocide

“This report meticulously and painstakingly documents the horrendous sexual and gender-based violence that occurred on October 7, 2023, and during captivity, and it lays the groundwork for much-needed accountability. As the report eloquently states, “sexual violence, whether inflicted against women, men or children, is a grave violation that must never be normalized and must be met with meaningful accountability.”

Prof. Nienke Grossman

Professor of Law, Co-Director, Center for International and Comparative Law,
University of Baltimore Law School

“The Civil Commission’s rigorous documentation is a vital stand against the erasure of victim experiences. By archiving the sexual atrocities of October 7, this work honors the dignity of survivors and provides the essential foundation of truth required for any future path toward healing and justice. It is an extraordinary testament to the power of witnessing in the pursuit of human rights.”

Prof. Elizabeth Gaufberg, MD MPH

Associate Professor of Medicine and Psychiatry
Harvard Medical School

“The systematic use of sexual violence as a weapon of war defies the core of international law and human dignity. By establishing a rigorous evidentiary record of the atrocities of October 7th, the Civil Commission ensures these crimes cannot be denied. This documentation serves as an essential foundation for accountability and a necessary step in defending the universal values that underpin our global and European institutions.”

Ms. Noëlle Lenoir

Former Justice on the French Constitutional Court and former French Minister
for Europe

“This report is a profoundly important contribution to documenting the atrocities of October 7 and their aftermath. By combining careful factual investigation with rigorous legal analysis, it preserves the historical record, honors the experiences of victims and survivors, and helps lay essential groundwork for accountability. Particularly powerful is its development of the concept of ‘kinocide’ to capture forms of violence aimed at the destruction of family bonds and intimate human ties.”

Prof. William W. Burke-White

Prof. William W. Burke-White, Professor of Law, University of Pennsylvania

“This report constitutes an essential contribution to the documentation of grave crimes under international law. Its rigorous work ensures that the voices of victims are preserved, and that truth remains the foundation upon which accountability must stand.”

Mr. François Zimeray

Former French Ambassador for Human Rights; Founding Partner, Zimeray & Finelle

“To document is to resist erasure. Testimony is a moral act, and an act of profound courage. By documenting these crimes with rigor and humanity, individual suffering is transformed into collective memory, and memory into personal and social responsibility. Through its searing truth testimony aids justice, builds empathy, and shapes how future generations understand that sexual violence happens to real people.”

Dr. Stephen Smith

MBE, Executive Director Emeritus of USC Shoah Foundation

“This report exposes a critical dimension of the October 7 attacks: sexual and gender-based violence as a structured component of a broader architecture of terror. It shows how violence operated through relationships, weaponizing intimacy, family bonds, and human vulnerability in ways that reflect a broader “kinocidal logic.” At the same time, it reveals how digital environments were active components in both the design and amplification of harm, enabling a “theater of terror” in which visibility itself became a weapon. In a landscape often framed around mis- and disinformation, the report sharpens our understanding of how mal-information operates as a vector of violence. By integrating rigorous documentation with legal analysis, the report translates these patterns into a concrete framework for accountability and prosecution, laying the groundwork for addressing responsibility not only of perpetrators, but also across the digital infrastructures through which these crimes were staged, circulated, and intensified. In doing so, it should call for a necessary shift: confronting these crimes requires moving beyond the boundaries of criminal law and international humanitarian law alone, toward a broader framework of responsibility that includes technology platforms and digital intermediaries.”

Dr. Tehilla Shwartz Altshuler

Expert in law and technology, Senior Fellow at the Israel Democracy Institute

“The Civil Commission’s report is an act of moral witness. Through meticulous documentation, the report gives voice to victims and survivors, safeguards the truth against denial and erasure, and strengthens the pursuit of justice. In the Jewish tradition, memory is a sacred responsibility, and a command. This report calls all people of conscience to listen, to remember, and to act.”

Rabbi Angela W. Buchdahl

Senior Rabbi, Central Synagogue

“What the Civil Commission on Oct 7 Crimes has done is what Jews have done throughout the centuries in the aftermath of tragedy—Bring insight to anguish to light a path through it. In this report, the Commission confronts one of the most silenced forms of violence: the use of sexual brutality as a weapon of war. By naming it, documenting it, and refusing its erasure, they restore dignity to victims and inscribe their suffering into the moral record. In doing so, they connect these crimes to a broader human story—echoing the experiences of women and families in Bosnia, in Cambodia, in Iran, and beyond—who endured similar violations in silence. What was once unspeakable is now named, and what was once isolated is now recognized as part of a shared history that demands justice.”

Ms. Roya Hakakian

Writer and Cofounder of Iran Human Rights Documentation Center

“This report is a critical contribution to the international legal record. It establishes facts with clarity and rigor, documenting the use of sexual violence not as isolated acts, but as part of a broader strategy that may constitute the gravest crimes under international law. Such documentation is indispensable to ensuring accountability. It lays an essential evidentiary foundation for future legal proceedings and for the pursuit of justice across jurisdictions.”

Ms. Irit Kohn

President Emeritus, The International Association of Jewish Lawyers and Jurists

“This report represents an essential act of documentation, ensuring that the truth of these crimes is preserved with rigor, care, and integrity. By establishing a clear evidentiary record, it affirms a fundamental principle: that in the face of profound violence, facts must be documented and accountability must follow. The work of the Commission ensures that the voices of victims and survivors are neither denied nor forgotten, and that a foundation exists for justice to be pursued.”

Mr. Jay Rosenzweig

CEO of Rosenzweig & Company; author of the Annual Rosenzweig; Report on women; and board chair of the Raoul Wallenberg Centre for Human Rights

“This report brings to light a devastating truth - the use of sexual violence as a weapon of war. By documenting these crimes with clarity and courage, it not only honors the victims, but also strengthens the global fight for justice and accountability. From Iran to Bosnia to Yazidi communities and beyond, women’s bodies have too often been battlegrounds. This report ensures that these crimes are seen, named, and cannot be denied.”

Ms. Nazanin Afshin-Jam MacKay

Founding Member, Iranian Justice Collective, Canada

“Everyone everywhere working to advance justice should consider this report and its important recommendations for the international community.”

Mr. Peter Van Praagh

President, Halifax International Security Forum (HFX), Washington, DC

“Sexual violence in conflict is among the gravest betrayals of our shared humanity. To document these crimes with honesty and courage is not only an act of justice for the victims, but a moral duty to history.”

Ms. Raheel Raza

President, Council for Muslims Against Antisemitism

“The Civil Commission’s report is an extraordinary and essential undertaking. As a prosecutor, I know that justice begins with the meticulous and fearless collection of evidence. This report provides the rigorous documentation necessary to ensure that the sexual atrocities of October 7 are not only recognized by the world but met with the full force of legal accountability. This report is a vital tool for justice.”

Ms. Miriam Rocah

Fordham Law Adjunct Professor, former district attorney and federal prosecutor

“The work of the Civil Commission is a profound act of witnessing. By meticulously documenting the gender-based atrocities of October 7th, this report creates an unshakeable historical record that refuses to allow these crimes to be erased or forgotten. It is a necessary and courageous stand for truth, ensuring that the voices of the victims are preserved with the dignity and legal clarity they deserve.”

Prof. Dr. Danielle Spera

Culture.Media.Journalism

“ Hamas committed atrocities on October 7 that must be written into the darkest pages of human history as one of the worst examples of barbarism against women and innocent people. As a Muslim woman, as an American, and as the leader of the first Muslim women’s civil rights organization in America, I bear witness with absolute moral clarity: Hamas’s crimes were not an act of resistance, but acts of evil, sexual brutality, torture, humiliation, and murder against the people of Israel. The crimes Hamas inflicted upon women were an assault on human dignity itself and a stain on the conscience of the world. No cause, no grievance, and no ideology can ever justify such savagery. We must name Hamas, we must tell the truth, and we must ensure that these horrors are never denied, never erased, and never forgotten.”

Ms. Anila Ali

President of American Muslim Multi-Faith Empowerment Council (AMMWEC)

“ Women’s bodies must never become battlefields, and sexual violence must never be accepted as an inevitable byproduct of war. This report stands as an act of truth and justice, documenting atrocities that too often disappear into silence. Speaking out early was not just a choice, but a duty—because we must ask why these specific voices were ignored while the rest of the world was heard. Whether one victim or many, every voice demands the same weight and the same justice. Preserving this truth is our collective responsibility to the victims and to history.”

Ms. Céline Bardet

Founder and Head of We Are NOT Weapons Of War (WWoW)

“ Excellent work... a labor of love, professionalism, and courage.”

Ms. Dorothy Tananbaum

Advisory Board, Member of the Board of Governors of the Jewish Agency for Israel

“ When Hamas terrorists attacked Israel on October 7, 2023, they did the unthinkable. They systematically weaponized sexual violence against women, girls and men and the hostages Hamas kidnapped and held captive. We are grateful to the Civil Commission and Dr. Cochav Elkayam-Levy for their monumental accomplishment in meticulously reviewing and recording the evidence of Hamas’ crimes against humanity and advancing justice for the victims. It is critical that we demand the world’s leaders hold Hamas accountable — now, not at some indeterminate time in the future.”

Ms. Carol Ann Schwartz

Hadassah National President

“Standing with women means standing for truth, justice, and human dignity—especially when women are subjected to the gravest forms of violence. This report is a vital act of witness and accountability. It gives voice to victims, preserves their stories against denial and erasure, and reminds the world that violence against women in conflict can never be ignored.”

Ms. Hagit Pe’er

President of Na’amat Israel and Na’amat International

“To remain silent in the face of conflict-related sexual violence is to fail our collective humanity. We bear a moral obligation to listen to the survivors, honor their truths, and demand justice. This report is a vital act of bearing witness and a call to the world to ensure that such atrocities are never met with indifference.”

Rabbi Liz P. G. Hirsch

CEO, Women of Reform Judaism

“The findings of the Civil Commission are a harrowing but necessary call to the conscience of the international community. We must have the courage to name these atrocities and the rigor to document them as the Civil Commission has painstakingly done. This report stands as a vital shield against denial and a critical step toward ensuring that sexual violence is met with absolute accountability rather than impunity and silence.”

Ms. Rachel Foster

Co-Founder and President, World Without Exploitation

“Only be careful, and watch yourselves closely so that you do not forget the things your eyes have seen or let them fade from your heart as long as you live. Teach them to your children and to their children after them.” (Deuteronomy 4:9). The documentation within the Civil Commission’s report is a testament to an endless pain. Thank you for carrying the torch of memory on behalf of us all.”

Major General (Res.) Doron Almog

Chairman of the Executive, The Jewish Agency for Israel

“As we confront the harrowing reality of the sexual and gender-based crimes documented in this report, our duty is clear: we must listen to survivors and uphold the truth. Sexual violence in conflict is not incidental — it is often used as a weapon, and too often met with silence or impunity. By documenting the atrocities committed against victims of all ages and genders, the Civil Commission ensures these crimes cannot be denied or erased. A feminist perspective demands that justice be pursued consistently and universally, without hierarchy among victims. I stand in full solidarity with the pursuit of justice for every life shattered by these acts.”

Ms. Viviane Teitelbaum

Senator and Author; President, European Council of the International Council of Women (ECICW); President of the Network of Women Parliamentarians of the APF

“I have witnessed this work from its very beginning - its burden, its difficulty, and its unwavering commitment to the victims. From the very first days after October 7, when so many still could not grasp the scale of what had happened, this work insisted on doing what history too often fails to do: document, preserve, and tell the truth about violence against women. In times when silence, denial, and indifference threaten justice, giving voice to victims becomes an act of resistance. It ensures that sexual violence can never be normalized, excused, or forgotten.”

Ms. Moran Zer Katzenstein

Founder and head of Bonot Alternativa, Israel’s women’s protest movement

“This report is a profoundly important contribution to documenting the atrocities of October 7 and their aftermath. By combining careful factual investigation with rigorous legal analysis, it preserves the historical record, honors the experiences of victims and survivors, and helps lay essential groundwork for accountability. Particularly powerful is its development of the concept of ‘kinocide’ to capture forms of violence aimed at the destruction of family bonds and intimate human ties.”

Ms. Sharon S. Nazarian Ph.D.

President, Younes & Soraya Nazarian Family Foundation

“Having worked on related contexts of conflict-related atrocities, I deeply value rigorous documentation of sexual violence and the role of survivor-centered testimony in both historical record and accountability efforts.”

Dr. Leyla Ferman

Researcher, Germany

“Where law seeks accountability, documentation is its foundation. This report lays a substantial and rigorous evidentiary basis for understanding the scale, pattern, and severity of the crimes committed. In doing so, it moves us closer to justice, not only through legal processes, but through the recognition of harms too often denied or dismissed. For victims, recognition is the beginning of justice.”

Adv. Gali Etzion

Head of the Legal Division, Na’amat

“Where others looked away, the Civil Commission chose to look directly — and to document what it saw with unflinching courage and profound care. The work of recording these crimes is not merely historical; it is an act of the highest moral responsibility, demanding that every testimony, every detail, every scar be held with precision and compassion. To document trauma at this depth is to walk alongside the unbearable — to insist that pain be named without being exploited, that horror be recorded without being reduced. This report is a human declaration to the world that refuses to let evil go unnamed, and that the holy sacred work of bearing witness is itself the first human act of ensuring it never happens again.”

Rabbi Tamar Elad-Appelbaum

Founder of The Zion Community of Jerusalem, Voice of the People Global Jewish Council of Israel’s Office of the President, the Vatican Global Women Interreligious Network, Board member of the Civil Commission

“The Civil Commission has taken upon itself a difficult and harrowing mission: to expose the Hamas SGBV (sexual and gender-based violence) cruel and evil strategy, and to document its crimes in a systematic and impartial manner. To ensure that the suffering endured by the victims will not be denied, erased, or forgotten and that the due justice will be done. At the core of archival practice lies a commitment to accuracy, accountability, preservation and access to truth. This report and its archive exemplify these principles, ensuring that critical evidence and testimony are responsibly documented and safeguarded for future generations, scholarship, and justice processes.

Dr. Lavi Shay

Chairperson of the Association of Israeli Archivists

HONORARY ENDORSERS

Hillary Rodham Clinton

Former Secretary of State

Prof. Irwin Cotler

Advisory Board member, International Chair, Raoul Wallenberg Centre for Human Rights; former Minister of Justice and Attorney General of Canada

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Founder of the Zion Community of Jerusalem, Voice of the People Global Jewish Council of Israel's Office of the President, the Vatican Global Women Interreligious Network, Board member of the Civil Commission



Photo by the Civil Commission | Nir Oz, June 19, 2024

*“... They filmed everything.
They wanted the world to see
what they did to her.”*

Ricarda Louk, Mother of Shani Louk,
who was murdered and taken hostage into Gaza

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SPECIAL MESSAGE FOR READERS

This report documents acts of extreme violence and contains descriptions of sexual and gender-based crimes, by necessity employing detailed and graphic language at times. This content may be emotionally distressing for readers, particularly survivors of violent crimes and atrocities.

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Lastly, this report is the result of the dedication, professionalism, and tireless work of the team of the Civil Commission. Since the attacks, the team has undertaken the difficult daily work of documenting these crimes, reviewing deeply disturbing materials and testimonies that very few people in the world have been able to confront. Their commitment to building and preserving this evidentiary record reflects remarkable courage, dedication, and personal sacrifice.

We dedicate this report to all the victims and survivors of the sexual atrocities committed on October 7th and in captivity, those whose names appear within these pages and those who remain in the shadows but are no less present in our hearts. We also honor those who witnessed the anguish and devastation of these crimes, including family members, first responders, and others whose lives were forever marked by what they saw. To honor and preserve their truths is both our responsibility and our source of strength. It has sustained us through months of documentation, and it will endure for generations to come, as a tribute to human resilience and as a solemn act of bearing witness.

Your voices and stories light the path to justice.

* Donors are listed in alphabetical order.



Photo by the Civil Commission | Nir Oz, June 19, 2024

PREFACE

DR. COHAV ELKAYAM-LEVY

Founder and Chair of the Civil Commission

on October 7th Crimes by Hamas Against Women and Children

There are moments in history that rupture the moral order by which societies define themselves. Moments that do more than shatter lives; they unsettle the very boundaries by which human conduct is understood.

October 7, 2023 was such a moment.

In the early hours of that morning, entire communities were devastated. Thousands of civilians - women, men, children, elderly people, and people with disabilities - were attacked in their homes, on roads, in shelters, and in places of refuge. They were hunted, executed, tortured, burned alive, mutilated, sexually violated, and taken hostage in acts of extreme brutality.

The perpetrators did not conceal these acts - they glorified them. They filmed and broadcast them in real time, transforming their violence into spectacle and human suffering into an instrument of terror. During the prolonged captivity that followed, the families of the hostages, and an entire nation, endured months of anguish through images and videos of their suffering. These were intended to imprint themselves on the public consciousness. Visibility itself became a weapon, and the audience was, painfully, part of the plan.

In doing so, this violence was designed to outlast the attack itself and reverberate across families, communities, borders, and generations. Its purpose extended beyond physical destruction, seeking to create humiliation and enduring psychological trauma.

Yet if the atrocities shattered the boundaries of what we believed possible, what followed exposed another fracture: the fragility of recognition in the face of sexual violence, and with it, the persistent struggle of victims to be believed.

For victims of sexual crimes, recognition is inseparable from the possibility of justice. It is never merely symbolic: it forms a necessary step in the process of healing and the restoration of dignity.

In this sense, on October 7th, so many were silenced forever and left dependent on the willingness of others to bear witness to what they endured and to pursue justice on their behalf.

That burden proved extraordinarily difficult.

The materials are almost unbearable in their brutality. Their very extremity made the act of witnessing injurious and challenged our work on a daily basis. Nevertheless, we understood that their cruelty and magnitude also rendered them impossible to comprehend and harder to believe. In light of denial, distortion, disbelief, hostility, and the attempts to dismiss the atrocities, we felt bound by a profound moral obligation to proceed - to ensure that victims were believed, that the historical record could not be erased, and that silence or political motivations would not determine what the world remembers.

This report, and the historical archive it reflects, were born in that rupture, in the space between atrocity and denial.

For more than two years, the Civil Commission has undertaken the painstaking labor of documenting, preserving, and analyzing the crimes committed on October 7 and against hostages in captivity. What began as an urgent moral obligation became a rigorous legal, historical, and evidentiary work.

Guided by internationally recognized methodologies for documenting war crimes and sexual violence, the Commission gathered testimonies, preserved visual evidence, and conducted extensive analysis across multiple sites and contexts. We carried this work out of the conviction that sexual and gender-based violence, in all its forms, must be confronted rather than allowed to recede into history as something too painful to remember or too difficult to face at present.

The patterns documented in this report indicate that sexual and gender-based violence was a strategy of Hamas and an integral part of the October 7 attacks. Our findings demonstrate that it was a deliberate tactic within the broader architecture of the terror inflicted on victims and hostages.

The Commission's work identified another distinct pattern, one insufficiently theorized in law: the systematic targeting of the families as a site through which violence is amplified and terror deepened.

We conceptualize this pattern as kinocide: the deliberate and systematic torture of families and weaponization of familial bonds through the destruction and exploitation of family relationships in order to maximize suffering. In the context of this report, this includes what I suggest may be understood as kinocidal sexual violence: sexual violence strategically inflicted within familial settings in order to exploit bonds of care, dependency, and attachment. Kinocidal sexual violence weaponizes relational vulnerability, extends harm beyond the immediate victim, and transforms the family itself into a site of compounded trauma and collective devastation.

In naming this pattern, we contribute to the evolving legal understanding of how atrocity operates through human attachment, and how families themselves become targets of atrocity crimes.

Indeed, to document atrocity is to stand at the threshold between evil and memory. In this sense, the work of documentation was never only evidentiary. It was restorative and part of the moral process through which suffering is acknowledged and dignity begins - however incompletely - to be restored. It required entering, again and again, into the deepest chambers of human suffering to ensure that those who were silenced are neither forgotten nor ignored. For survivors and for families, there is profound significance in knowing that what happened has been seen, believed, written, and preserved for generations to come.

Recognition cannot undo violence, yet it restores something essential: the conditions under which justice becomes possible. It restores faith in our shared humanity and affirms that what was suffered matters - that it will be remembered, and that the truth of what occurred will endure.

While nothing can bring comfort to those who suffered the atrocities of October 7th, this report ensures the voices and stories are carried forward.

Societies are judged by the truths they are willing to confront. This report is part of that choice: a refusal to look away, and an insistence that what happened on October 7th, and in captivity thereafter, be carried forward not as history alone, but as a persistent demand for justice. This work places facts that demand reckoning before the public record, and before institutions of law, accountability, and history.

Lastly, this report forms part of a much longer historical and legal struggle. Across time, geography, and generations, sexual violence has been weaponized as an instrument of war. Feminist legal scholarship, has transformed the legal understanding of these crimes by revealing what law too often failed to recognize: that sexual violence is not incidental to conflict, but integral to its design and organizing methods. It has long served campaigns of persecution, forced displacement, ethnic destruction, and, at times, genocide itself. Too often sexual and gender-based violence functions as a political and social means through which power is asserted and group destruction is advanced. It must therefore be understood not at the margins of atrocity, but among its constitutive methods.

It is precisely this recognition of sexual violence as structural and systematic that exposes the limits of law. No single legal proceeding, however important, could ever encompass or fully capture the full moral and historical magnitude of the crimes committed. By its nature, it cannot fully reflect the totality of human suffering caused by atrocity or the full scope of human devastation.

It is within—and because of—these limits that the present report assumes its particular significance. It preserves what law alone cannot. It reveals the scope and depth of the violence inflicted on victims. Grounded in the Commission's war crimes archive, it ensures that what exceeds the reach of any proceeding is nonetheless placed on the historical record.

What follows now is not remembrance alone, but a responsibility to pursue justice, to repair what can still be repaired, and to ensure that these crimes do not disappear into the ordinary erosion of time.

We cannot prevent future atrocities if we ignore, deny, question, or look away from them. Nor can we begin to prevent what we do not know—or choose not to fully understand.

May the truth of what was done endure in the record of humanity, compel law and conscience, and sustain the long and necessary effort to seek justice, confront such violence, and prevent its recurrence.

Dr. Cochav Elkayam-Levy

Founder and Chair of the Civil Commission on October 7th Crimes by Hamas Against Women and Children

FOREWORDS

HON. IRWIN COTLER

International Chair, Raoul Wallenberg Centre for Human Rights
Former Minister of Justice and Attorney General of Canada

In an age of resurgent antisemitism and accelerating atrocity, we bear witness to one of the most harrowing chapters of our time: the systematic perpetration of sexual violence during the barbaric onslaught of October 7th. That day marked not only the largest massacre of Jews since the Holocaust - of horrors too terrible to be believed but not too terrible to have happened - but a calculated campaign of sexual terror that was intended to punish, degrade, and dehumanize its victims. It was an assault on human dignity in its most intimate and devastating forms.

Nor did the horror end on October 7th. For the hostages taken into Gaza, the atrocities became a continuing crime. Women and men, including the elderly and the very young, were subjected to ongoing sexual violence, threats of rape, humiliation, and psychological terror in conditions of enforced disappearance. Families were separated, basic medical care was denied, and the bodies and minds of the hostages were weaponized as instruments of coercion and propaganda. Hostage-taking is itself a grave breach of international law; when compounded by sexual torture and inhuman and degrading treatment, it becomes an emblematic example of the cruelty this report seeks to document and condemn.

Sexual violence was not incidental to the October 7th attacks; it was central. Women and girls, and, in many cases, men and boys, were subjected to rape, sexualized torture, mutilation, forced nudity, and desecration of bodies. Parents were murdered in front of their children; siblings assaulted in front of one another; victims stripped, violated, filmed, and displayed. These were not crimes of passion: they were coordinated and orchestrated to exacerbate the cruelty of crimes that are sexual in nature.

This report is a testament to those who endured the unendurable and to those who did not survive to tell their stories. It names the crime that the world tried to deny, minimizes no survivor, and centers justice for the victims. It is a report rooted in the voices of victims, survivors,

witnesses, and first responders, and grounded in the law. It catalogues evidence of a crime so brutal that language itself strains to contain it, reminding us of Churchill's description of genocide as a "crime without a name."

For over five decades, I have sought to pursue justice for victims of mass atrocity: in the courtroom, in Parliament, and at the United Nations. I have learned that atrocities do not begin with the machinery of killing; they begin with the machinery of indifference, denial, and impunity. They begin with a failure to believe victims. In the months following October 7, that failure has repeated itself with alarming speed: the silencing of testimony, the politicization of sexual violence, the grotesque inversion in which perpetrators are valorized and survivors shamed into silence.

The survivors of October 7 have already borne the unbearable. It is now for us - the international community, jurists, parliamentarians, policymakers, and civil society - to bear the responsibility of pursuing justice. That justice must be swift, survivor-centered, and anchored in the frameworks of international law, including the Rome Statute, the Convention on the Elimination of All Forms of Discrimination against Women, and the jurisprudence of the International Criminal Tribunals for Rwanda and the former Yugoslavia.

It is not only the crime that must be condemned, but the denial that follows it. For as Elie Wiesel taught us, "Silence in the face of evil is complicity with evil itself." This report is therefore both an archive and a call to action. It honors those whose testimonies it records and those whose voices were silenced. Its value will lie not only in its documentation but in its use, including by prosecutors, legislators, researchers, and advocates committed to ensuring that the sexual atrocities of October 7th are not forgotten, denied, nor left without remedy.

Hon. Irwin Cotler,
International Chair, Raoul Wallenberg Centre
for Human Rights, Former Minister of Justice
and Attorney General of Canada

JUSTICE AHARON BARAK

Former President of the Supreme Court of Israel

The work of the Civil Commission constitutes a contribution of substantial legal and historical importance. Through meticulous documentation, the systematic collection of testimonies, the preservation of primary and visual materials, and disciplined legal analysis, the Commission has established a record of considerable weight and enduring significance. Such work demands unusual and exceptional rigor. The documentation of atrocity, and particularly of sexual violence committed in conditions of armed conflict, presents profound difficulties. The evidentiary record frequently requires sustained engagement with material of extraordinary brutality, imposing not only methodological demands but profound human and ethical burdens on those entrusted with its examination. Evidence is often fragmented. Victims are frequently unable to testify. In many cases, those who could have testified are no longer alive.

Under such conditions, the construction of a reliable evidentiary archive becomes indispensable.

Its function is not judicial in the formal sense, yet it serves justice in a fundamental way: it preserves the factual foundation upon which legal, historical, and moral judgment depend.

This is especially true in relation to sexual and gender-based violence. As Catharine MacKinnon's jurisprudential work has long established, sexual violence in conflict cannot be understood as incidental to war. In many circumstances, it functions as one of its central elements. It becomes a means of domination, humiliation, dehumanization, and terror. These crimes remain among the most difficult to document. Their evidentiary structure is uniquely complex. Their victims often exist in conditions of profound vulnerability. Their suffering is frequently obscured by the very circumstances in which the crimes occur.

This difficulty creates conditions in which denial can emerge with unusual speed and force.

That reality was evident here. The early denial of these crimes underscores the importance of rigorous documentation. Where facts are contested, the preservation of reliable records becomes a condition for justice itself.

The significance of this report must also be understood in its broader international context. Conflict-related sexual violence has accompanied some of the gravest atrocities of the modern era—in Bosnia, Rwanda, and against the Yazidi community, among other places. It forms part of a persistent pattern in human history, in which the human body becomes an instrument of violence and war. The crimes documented here must be understood within that broader historical framework.

At the same time, they present particular characteristics of singular gravity: the conjunction of killing, sexual violence, hostage-taking, and public humiliation of victims; the large-scale visual documentation of the crimes themselves; and the deliberate infliction of terror not only upon individuals, but upon families and communities. These features give this record distinct evidentiary and historical significance.

In my recent opinion at the International Court of Justice, I observed that genocide is not merely a legal term, but a concept deeply intertwined with my own life experience. That observation reflects a broader truth about atrocity crimes: they exist not only in legal doctrine, but in human memory, in collective consciousness, and in the moral foundations upon which law itself rests.

The importance of this report lies, therefore, not only in its legal findings, but in its act of preservation and formation of collective memory.

It does not replace the legal process, nor can it. But it lays the necessary foundation for justice.

Prof. Aharon Barak

Former President of the Supreme Court of Israel

EXECUTIVE SUMMARY

“You hear it. It’s right next to you. You hear the screams . . . and then you hear silence.”

The Civil Commission’s interview with Darin Komarov, Nova Survivor

Following a two-year independent investigation, the Civil Commission concludes that **sexual and gender-based violence was systematic, widespread, and integral to the October 7th attacks and their aftermath**. Across multiple locations and phases of the assault, including during abduction, transfer, and captivity, Hamas and its collaborators deployed recurring tactics of sexual abuse and torture against victims. These crimes were marked by extreme cruelty and profound human suffering, often inflicted in ways designed to amplify terror and humiliation.

This report presents a comprehensive independent evidentiary record, the most extensive assembled to date of the sexual and gender-based crimes committed on October 7th and during captivity. **The report draws on extensive factual documentation, including original filmed survivor and witness testimonies, interviews, photographs, videos, official records, and other primary materials from the attack sites.** The investigation examined materials from multiple locations, including residential communities, the Nova music festival and surrounding areas, roads and shelters, military bases, and sites associated with the identification of victims’ bodies. It further analyzed testimonies and evidence relating to the abduction, transfer, and prolonged captivity of hostages in Gaza.

Based on this large body of materials, the Commission constructed a dedicated archive preserving these materials within the Civil Commission’s **October 7th War Crimes Archive**, a secure and carefully curated repository. This evidentiary record is the product of a sustained and methodologically rigorous investigation conducted over a two-year period. The Commission systematically **reviewed more than 10,000 photographs and video segments of the attack, amounting to well over 1,800 cumulative hours of analysis of visuals**, alongside extensive testimonial work, including the collection, transcription, translation, and cross-referencing of survivor and witness accounts, as well as site visits, expert consultations, and meetings with families and affected communities. **Overall, the Commission conducted over 430 formal and informal interviews, testimonies, and meetings with survivors, witnesses, returned hostages, experts and family members.** All materials were logged, coded, and mapped across time and

geographic locations, and integrated into a dedicated database on sexual and gender-based crimes, forming a structured subsystem within the Civil Commission's secure archive. **Data analysis conducted by the Commission reveals that the victims represented 52 different nationalities, underscoring the international scope of the crimes and their impact.** The Commission further conducted an extensive open-source investigation, corroborated materials through geolocation-supported datasets and interdisciplinary expert input, and carried out its work in accordance with internationally recognized standards, including trauma-informed and survivor-centered practices and ethical principles, guided by the principle of "do no harm." This methodological framework enabled the Commission not only to document individual incidents, but to identify recurring patterns, present a full and comprehensive account of the events, and delineate operational features across sites and phases of the attack.

Considered collectively, these materials illuminate a coherent and structured account that could not previously have been discerned in this manner. Through systematic cross-referencing of this material and detailed analysis of the *modus operandi* of the perpetrators, the Commission identified **thirteen recurring patterns of sexual and gender-based violence** committed across multiple locations. The repetition of these patterns demonstrates that the crimes were not isolated acts of brutality but formed part of a broader operational method used during the attack and its aftermath.

The investigation also documents how perpetrators **weaponized visibility and digital dissemination** as part of the violence itself, including sexualized content. Armed groups recorded acts of abuse, humiliation, and killing, and circulated the footage through social media platforms and victims' own digital accounts. In numerous cases, family members first learned of the fate of their loved ones through images or videos distributed by perpetrators. This deliberate use of digital media transformed acts of violence into instruments of psychological warfare directed not only at victims but also at families and society at large.

The sexual violence continued beyond the attacks themselves. The report extensively documents testimonies from released hostages and other sources demonstrating how sexual assaults, sexual humiliation, and **sexualized torture persisted during captivity in Gaza for prolonged periods**. In some cases, the sexual and gender-based abuse of hostages continued for months.

In addition to documenting individual crimes, **the report identifies a distinct pattern of violence targeting family members and exploiting familial relationships as instruments of terror**. In several documented incidents, victims were sexually assaulted or humiliated in the presence of relatives, and in one of the documented cases family members were coerced into participating in acts of abuse against one another. These acts reflect what the Commission characterizes as **kinocidal sexual violence**—violence deliberately designed to destroy the family as a social and emotional unit by weaponizing the bonds between family members.

Taken together, the Commission’s investigation reveals a coordinated assault in which sexual violence was used to terrorize victims, families, communities, and society at large. Our conclusion is unequivocal: sexual and gender-based violence formed a central component of the October 7th attack and of hostages’ captivity.

Based on its investigation, the Civil Commission’s findings conclude that **these crimes constitute war crimes, crimes against humanity, and genocidal acts under international law**. Therefore, the report establishes **a clear roadmap for the prosecution of the crimes committed on October 7th and during captivity**. The report presents a clear evidentiary and legal foundation for the investigation and prosecution of those responsible. It also highlights the need for specialized prosecutorial structures and gender-competent frameworks to effectively address these crimes.

This work carries a broader historical purpose. At its core, this report is an act of documentation, accountability, and remembrance. Many victims of these crimes did not survive to testify. Others continue to endure profound trauma. By preserving testimonies, documenting evidence, and analyzing the patterns and legal implications of the crimes, the Commission has sought to ensure that the suffering endured by the victims will not be denied, erased, or forgotten.

It records the voices of survivors and witnesses. It preserves the evidentiary foundations necessary for future prosecutions. Furthermore it affirms a fundamental principle of international justice: that even in the aftermath of the most extreme violence, truth must be documented and the suffering of victims must be acknowledged.

Their voices, and the record preserved here, ensure that they are silenced no more.



THE REPORT'S CONTRIBUTION

The report advances the factual and legal understanding of these crimes in the following ways:

It constructs a dedicated evidentiary record of the crimes, with both historical and legal significance, preserving and systematically archiving survivor and witness testimonies, photographs, videos, and contemporaneous materials documenting sexual and gender-based crimes committed during the attacks and in captivity.

It provides the first systematic, case-based record of these crimes. Over more than 160 pages of testimony-driven analysis, archived materials, and other primary evidentiary sources, the report's factual chapter details individual cases and evidentiary records across multiple geographic locations, tracing sexual and gender-based violence during the assault itself and throughout the phases of abduction, transfer, and captivity.

It identifies recurring patterns of sexual violence across sites and phases of the attacks. By examining recurring themes and modes of operation, the report demonstrates that these crimes followed identifiable patterns and methods, rather than constituting isolated acts of brutality.

It demonstrates how sexual and gender-based violence functioned as an organized component of the attacks and reveals the operational logic of the violence. The repetition and organization of these acts reveal how sexual and gender-based violence functioned as a deliberate component of the attacks, deployed to terrorize victims, families, and communities.

It expands the factual scope of inquiry beyond the attack itself. The report traces sexual violence across the full continuum of the crimes—from the attacks of October 7th, through abduction and prolonged captivity, to the deliberate filming and digital dissemination of abuse as a means of amplifying terror.

It translates the evidentiary record into a prosecution-oriented legal framework, analyzing how the documented conduct constitutes war crimes, crimes against humanity, genocidal acts, torture, and terrorism-linked sexual and gender-based violence, and outlines concrete pathways for investigation and prosecution.

By integrating a comprehensive factual foundation with rigorous legal analysis, the report establishes a structured historical evidentiary record and lays the groundwork for accountability.

KEY FINDINGS

In consultation with a panel of experts and leading international scholars, the following are the main factual and legal conclusions of the report:

Hamas and its collaborators used sexual and gender-based violence (SGBV) deliberately and systematically as an inherent part of a wider strategy of the attack, primarily targeting women and hostages, while minors were also subjected to grave forms of such violence and abuse. Evidence gathered and corroborated by the Civil Commission demonstrates the patterned, multisite, and organized use of SGBV, including sexual torture, committed during the October 7th attacks and against hostages thereafter. SGBV acts were repeatedly and similarly committed in private homes, in public spaces, at the Nova Music Festival grounds and adjacent areas, on roadsides, military bases, and in some cases in front of family members, amplifying the terror and suffering of the victims.

Hamas and its collaborators used sexual torture to maximize pain and suffering. Victims endured brutal acts, including burning, mutilation, rape, restraining, forced insertion of objects into the genitalia, shootings to the faces and genital area, killings and abuses in front of family members, and executions. Many victims were found handcuffed, bound, or otherwise physically restrained. Extreme forms of SGBV continued against hostages in captivity for prolonged periods, inflicted on both women and men. Those who survived, and those who witnessed these crimes, suffer severe and enduring physical and psychological injuries. This kind of sexualized torture leaves a distinct and lasting imprint on society, producing a form of terror that extends far beyond the immediate victims and long after the killings themselves.

Hamas and its collaborators inflicted SGBV in multiple locations, employing recurring patterns of abuse. The Civil Commission identified at least *thirteen patterns of abuse across multiple sites, including:* 1) Rape, gang rape, and other forms of sexual assaults; 2) Sexual torture^{*}, including intentional burning and mutilation; 3) Deliberate shootings to the head, face and genital area; 4) Killings and executions following or committed in conjunction with SGBV; 5) Postmortem sexual abuse, humiliation, and desecration of bodies; 6) Forced nudity and exposure; 7) Handcuffing, binding, and restraint of victims; 8) Public displaying and parading of women and children; 9) Abduction of mothers and children; 10) SGBV inflicted in the presence or near vicinity of family members; 11) Filming and digital dissemination of SGBV, including use of social media to document, glorify, and amplify the atrocities; 12) Threats of forced marriage; 13) Rape and other forms of sexual violence against boys and men.^{**}

* The Civil Commission uses the term sexual torture here to denote conduct characterized by extreme physical or mental pain for the victim and the intentional infliction of severe suffering through sexualized violence.

Hamas and its collaborators committed *kinocidal* sexual and gender-based acts: * SGBV was deliberately perpetrated against family members, including a case in which family members were coerced into performing sexual acts on one another.** Other documented cases include, *inter alia*, family members being sexually assaulted or humiliated in each other's presence. The weaponization of familial bonds maximized the pain and suffering of victims and terrorized their families. This pattern was particularly evident during Hamas captivity.

Hamas and its collaborators made strategic use of videos, digital and social media to exert and intensify harm and to perpetuate, glorify, and amplify the atrocities they committed, including sexualized content made for public display. Perpetrators filmed themselves and circulated images and videos during the attacks, including assaulting, humiliating, abducting, killing women, children, and entire families, and desecrating bodies. They presented women and their bodies as trophies of war. Some videos show militants and Gazan civilians celebrating over abused bodies. Footage also depicts burned bodies and brutalized bodies. Hamas and its collaborators further circulated footage of injured women and girls, and elderly women being violently humiliated and abducted; many of these victims were taken in their sleepwear due to the early-morning timing of the attack, further heightening their vulnerability.

** While women and girls constituted the majority of victims of SGBV and were disproportionately affected by the SGBV committed on October 7th and subsequently in captivity, the Commission has found that there was a discernible pattern of boys and men who were subjected to extreme forms of sexual violence, sexual torture and sexual humiliation, including rape, forced nudity, mutilation, targeted burning in genitals and repeated sexual assaults. Although these violations overlap with the broader patterns of sexual violence documented in the preceding patterns, the Commission determined that the scale, severity, and distinct modes of abuse directed at male victims warrant dedicated analysis.

*** The Civil Commission defines sexual and gender-based violence in the presence of family members described herein as kinocidal sexual acts: crimes deliberately aimed at torturing and destroying the family as a cohesive social and emotional unit. See The Civil Commission on October 7th Crimes by Hamas Against Women and Children, *Kinocide: Uncovering the Weaponization of Families on October 7, 2023*, https://www.civilc.org/_files/ugd/aab121_00115134734b4e8ea6d91de6ad08132c.pdf (documenting the systematic abuse and torture of families on October 7th).

Hamas and its collaborators systematically staged, produced, and disseminated videos of hostages during captivity. The digital abuse of hostages continued for many months after October 7th. Videos and images filmed by Hamas during captivity, show hostages being tormented, abused, taunted, or humiliated on camera.

The public display and dissemination of the crimes turned visibility itself into a weapon, prolonging and compounding harm inflicted on victims and their families beyond October 7th. This digital documentation and dissemination extended the impact of the attacks, has undermined survivors' rehabilitation, and has exacerbated emotional distress and trauma far beyond the initial acts of brutality. Documented patterns of conduct include:

- Recording, live streaming, and posting of the atrocities, including SGBV.
- Glorification and celebration of the crimes online, amplifying the suffering and spreading further terror.
- Recording and sending images and videos directly to families, social media, and community channels to intimidate, humiliate, and terrorize families and society as a whole.
- Recirculating and broadcasting materials depicting victims, causing ongoing trauma to survivors and family members and impeding recovery.

“The men pulled a woman from the vehicle... forcibly removed her clothing, and raped her... They repeatedly stabbed her, killing her... they continued to rape her after her death.”

Raz Cohen, Nova Survivor



LEGAL CONCLUSIONS

The Civil Commission's legal analysis of the evidence leads to the following conclusions regarding the crimes committed during the October 7th attack and in captivity:

The Commission concludes that Hamas and affiliated actors have engaged in genocidal acts, crimes against humanity, war crimes, and SGBV amounting to torture. The documented conduct includes acts inflicting severe bodily and mental harm and destruction directed against civilians, families and entire communities, alongside rape and other forms of sexual and gender-based violence; torture; persecution; sexual slavery and enslavement; and other inhumane acts as crimes against humanity; as well as war crimes including rape, sexual mutilation, forced nudity, sexual slavery, outrages upon personal dignity, and acts amounting to torture.

The sexual and gender-based violence was widespread and systematic and formed an integral component of the attacks and the subsequent treatment of hostages. The evidence further demonstrates that the attacks formed part of a widespread and systematic attack directed against a civilian population. The scale of the violence, the coordinated assault across numerous civilian communities and locations, and the recurring patterns of killings, sexual violence, hostage-taking, and other abuses demonstrate an organized campaign carried out with advance planning and operational coordination.

Sexual and gender-based violence was systematically and deliberately deployed as a tactic of terror. The Commission finds that sexual violence was used to intimidate, punish, coerce, and subjugate victims, hostages, families, and communities. Such conduct constitutes sexual and gender-based violence linked to terrorism and must be addressed under applicable counterterrorism frameworks.

Individuals responsible for these crimes must be investigated and prosecuted. International criminal law provides a clear legal basis for individual criminal responsibility. Perpetrators and those responsible for planning, ordering, facilitating, or otherwise contributing to the crimes may incur liability under established modes of liability, including co-perpetration, indirect perpetration, ordering, aiding and abetting, and contribution to crimes committed pursuant to a common criminal purpose.

The prosecution of the sexual and gender-based crimes committed on October 7th and during captivity is an urgent priority. The Commission recommends the establishment of a dedicated prosecutorial mechanism incorporating gender-competent standards, survivor-centered approaches, and trauma-informed procedures.

Accountability must be pursued through domestic and international mechanisms. The Commission supports the urgent pursuit of accountability through domestic Israeli proceedings. Additionally, prosecutions should be carried out, as appropriate, in other jurisdictions, including prosecutions against identified perpetrators, entities, and facilitators operating from different countries and across jurisdictions, within counterterrorism frameworks, and through coordinated sanctions designations.

Effective accountability for the sexual and gender-based crimes committed on October 7th and in captivity will require robust international cooperation. Drawing on mechanisms and standards that have been successfully employed in the prosecution of SGBC in other contexts, the report highlights several frameworks, including cooperation with the United Nations Office of the Special Representative on Sexual Violence in Conflict; specialized training programs on sexual and gender based-crimes for judges, prosecutors and investigators; and collaboration with civil society organizations.

The Commission further recommends that Israel adopt a comprehensive gender strategy within its prosecutorial framework and establish a specialized chamber or panel of judges dedicated to the prosecution of sexual and gender-based crimes committed on October 7th and during captivity. This mechanism should apply survivor-centered and trauma-informed approaches consistent with international norms and jurisprudence, drawing on knowledge and experience developed over decades of case law addressing conflict-related sexual violence.

RECOMMENDATIONS

JOINT RECOMMENDATIONS TO THE STATE OF ISRAEL AND THE INTERNATIONAL COMMUNITY

Investigate and prosecute the sexual and gender-based crimes (SGBC) committed on October 7th and in captivity, including within domestic counterterrorism frameworks.

Ensure that investigations and prosecutions are conducted by specialized professionals with expertise in SGBC, guaranteeing survivor participation, where appropriate, throughout investigative and prosecutorial processes.

Impose targeted sanctions against individuals and entities responsible for carrying out, or materially supporting, the October 7th attack and its aftermath. Sanctions should include asset freezes, travel bans, and financial restrictions, and should not only restrict the capacity of perpetrators to continue their activities but also prioritize the repurposing of assets to directly benefit victims and survivors, as well as their families and communities.

Initiate international cooperation processes to ensure accountability through, *inter alia*, evidence sharing, mutual legal assistance, and survivors' support.

Ensure formal institutional recognition of the findings of this report as part of the historical record, to honor victims, advance justice and accountability, and strengthen collective efforts against denial and erasure.

Provide reparations and support to survivors and their families, including psychosocial care, legal aid, and community recovery programs.

Take active measures to counter denial, minimization, or politicization of the SGBC committed during the October 7th attack and in captivity.

Ensure accountability for the deliberate abuse of digital platforms and social media to record, disseminate, and amplify the atrocities committed during the October 7th attack and against hostages and their families, alongside strengthened oversight and regulation of harmful content.

RECOMMENDATIONS TO THE STATE OF ISRAEL

—
Establish a judicial mechanism with a specialized chamber or panel of judges on SGBC, to ensure the expertise required for the effective prosecution of these crimes.

—
Building on the prosecution’s existing efforts and expertise, establish a specialized prosecutorial unit exclusively dedicated to SGBC, with staff and resources allocated solely for investigating and prosecuting these crimes, guided by a comprehensive gender strategy.

—
Provide specialized training and capacity-building exchanges on SGBC to all judicial, investigative, and prosecutorial units.

—
Develop and enforce guidelines and ethical principles for judges, investigators and prosecutors to prevent re-traumatization of survivors and witnesses, and to ensure implementation of trauma-informed protective measures.

“It’s these little things that break you. When you have no control over your body and no control over how to take care of your body.”

Agam Goldstein-Almog (17), Former Hostage



Photo by the Civil Commission | Kfar Aza, June 16, 2024

INTRODUCTION

In the early morning hours of October 7th, 2023, during a Jewish holiday, Hamas and affiliated groups launched an unprecedented, coordinated attack against Israel’s civilian population.¹ The Hamas-led assault was carried out by the Izz al-Din al-Qassam Brigades, including its Nukhba units, with participation and support from other Palestinian armed and civilian groups (including elements identified with Palestinian Islamic Jihad and smaller Gaza factions).² From the early days following the attack, the Commission established the **Civil Commission’s October 7th War Crimes Archive**, as a civil repository documenting and preserving evidence of alleged war crimes and gender-based atrocities committed on October 7th and in captivity (hereinafter: “the Civil Commission’s Archive”).³ As documented in the Civil Commission’s Archive, the attack targeted dozens of communities located in the southern region of Israel and constituted the largest mass killing of Jews since the Holocaust. It rapidly expanded across multiple sites, as thousands simultaneously infiltrated Israel by land, air, and sea, attacking homes in more than 20 Israeli communities, targeting festivalgoers at the Nova Music Festival area, and striking public spaces, roads, and military installations.⁴ Within hours, more than 1, 200 people were

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- 1 Hamas, in its attack on Israel, was aided by collaborators of different kinds. Some were members of other armed groups, such as the Palestinian Islamic Jihad and the Democratic Front for the Liberation of Palestine; others were Gazan civilians. See, e.g., UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, UN Doc. S/2025/389 (Jul. 15, 2025) (hereinafter: “UN Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) UN Doc. S/2025/389 (2025)”), ¶ 35 (“... “Both my Special Representative and the Commission of Inquiry found that the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, including the military arms of Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Popular Resistance Committees and the Palestinian Mujahideen Movement, as well as civilians from Gaza. My Special Representative concluded that the complexity and *modus operandi* of the attacks demonstrated a significant level of planning, coordination, and detailed prior knowledge of the targets selected (see S/2024/217). In May 2024, the Prosecutor of the International Criminal Court submitted applications for warrants for the arrest of three political and military commanders of Hamas, citing reasonable grounds to believe that they bear criminal responsibility for war crimes and crimes against humanity, including rape and other forms of sexual violence, committed on the territory of Israel and the State of Palestine from at least 7 October 2023.”). See also Human Rights Watch, “I Can’t Erase All the Blood from My Mind”: *Palestinian Armed Groups’ October 7 Assault on Israel* (July 17, 2024), <https://www.hrw.org/report/2024/07/17/i-cant-erase-all-blood-my-mind/palestinian-armed-groups-october-7-assault-israel>, (hereinafter: “Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024)”), p. 3, 9–12, 29–35, 204–210, 233–234.
 - 2 *Id.*; For the purposes of this report, Hamas collaborators, regardless of their formal affiliation, are referenced as *collaborators*. This term refers to all persons who, on October 7th and subsequently, voluntarily committed atrocities against Israeli citizens and residents.
 - 3 The Civil Commission documents and preserves evidence of alleged war crimes in accordance with international standards for civil-society documentation initiatives, similar to other independent war-crimes archives (e.g., Syrian Archive, Ukrainian War Crimes Archive). Although the archive uses the term “War Crimes” in its title, this designation does not imply a judicial determination. The terminology reflects the Civil Commission’s mandate and the nature of the crimes documented, without prejudging legal outcomes. See Appendix: The Civil Commission’s October 7th War Crimes Archive, also available at <https://www.civilc.org/archive> and The Civil Commission’s Code of Ethics and Practice, also available at: <https://www.civilc.org/code-of-ethics>.
 - 4 See UN Security Council, *Mission Report: Official Visit of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to Israel and the occupied West Bank 29 January–14 February 2024*, UN Doc. S/2024/217 (Mar. 6, 2024) <https://docs.un.org/en/S/2024/217>, (hereinafter: “UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024)”) ¶¶ 5, 40 (¶40: “. . . a coordinated attack by Hamas joined by other armed groups, including reportedly Palestinian Islamic Jihad, Popular Resistance Committees, other armed elements and armed and unarmed civilians, breached the Gaza perimeter fence at multiple points and entered from Gaza including by road, air and sea. These attacks included multiple military and civilian targets,

killed, over 250 were abducted into Gaza, and entire communities were devastated.

The attacks were characterized by extreme brutality and deliberate targeting of civilians.⁵ Perpetrators systematically invaded residential communities and neighborhoods, entering family homes, shooting and torturing civilians (often at close range and in the presence of family members),⁶ taking hostages, and setting homes on fire, in some cases while families still sought refuge there.⁷ Others were killed by grenades in their homes or in public shelters. Many

“One of the things that stood out very strongly, that for some of these girls they ... they verified killing, but they shot them in the face.... You see ... It, it crushes their beauty”

Noa Lewis, Shura Morgue Witness, involved in the preparation of bodies for burial

including surrounding villages and towns in the Gaza periphery, music festivals (Nova and Psyduck music festivals), and adjacent roads. The complexity and *modus operandi* of the attacks appears to demonstrate a significant level of planning, coordination and detailed prior knowledge of the targets selected, including civilian ones.”); See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 10-13, 29-35, 43 et seq; See generally, All-Party Parliamentary Group for UK–Israel, 7 October Parliamentary Commission Report (2025) (hereinafter: “UK Parliament APPG Report on Oct 7th (2025)”).

5 *Id.*; Numerous verified video recordings and photographic materials from multiple locations, archived with the Civil Commission, document scenes of extreme forms of violence, extensive burn damage of bodies and property, mutilation, and other physical signs consistent with torture.

6 Since the October 7th attack, a growing body of reports and scholarly studies has recognized the distinctive harm and severe suffering inflicted on the families of victims of the October 7th crimes. Among these, the Civil Commission on October 7th Crimes Against Women and Children published, in December 2024, a report jointly with the Raoul Wallenberg Centre for Human Rights in Canada, concluding that Hamas deliberately targeted families and exploited familial bonds as part of the attack to maximize suffering of victims. See The Civil Commission on October 7th Crimes by Hamas Against Women and Children, *Kinocide: Uncovering the Weaponization of Families on October 7, 2023*, https://www.civilc.org/files/ugd/aab121_00115134734b4e8ea6d91de6ad08132c.pdf (documenting the systematic abuse and torture of families on October 7th) (hereinafter: Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on October 7th*); See also Elkayam-Levy, Cotler & Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War* (Lieber Institute, West Point), Aug. 20, 2025, <https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/> (hereinafter: “Elkayam-Levy, Cotler&Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War*,” <https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/>). In addition, a UK Parliamentary Commission of Inquiry similarly recognized the unique suffering caused to those families. See UK Parliament APPG Report on October 7th (2025), *supra* note 4, Ch. 6.11; Furthermore, in February 2025, the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment issued a special report explicitly addressing the suffering of families of hostages, recognizing them as victims in their own right of Hamas crimes, and acknowledging the distinct trauma and harm inflicted upon them as a result of the abduction of their family members. See UN Human Rights Council, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Hostage-Taking as Torture*, UN Doc. A/HRC/58/55 (6 February 2025) (hereinafter: “UN Special Rapporteur on Torture Report on Hostage-Taking UN Doc. A/HRC/58/55 (2025)”), submitted to the Human Rights Council at its 58th session (24 February–4 April 2025), available at: <https://docs.un.org/en/A/HRC/58/55>. For the argument that the abuse inflicted on families of hostages may itself amount to torture under international law, see also: *Input for the Report on Hostage-Taking — Joint Submission of the International Justice League and the Hostages and Missing Families Forum to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (16 December 2024), https://ijl.org/wp-content/uploads/2024/12/Hostage-taking-as-Torture-IJL_Families-Forum-FINAL-for-submission.pdf#page=5.

7 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶¶ 5-6.



Photo by the Civil Commission | Kfar Aza, June 16, 2024

bodies were burned to ashes, mutilated or bearing clear indications of torture.⁸ Across all sites, individuals were violently taken as hostages—either dead, severely injured, or alive—and, in many instances, were subjected to mob violence or were publicly displayed, including bodies being paraded around on vehicles. At the Nova Music Festival, the Psyduck Festival, in the adjacent fields, and along Route 232 and Mefalsim area, hundreds of civilians were hunted down as they attempted to flee. Bodies were found at the festival site, along the roads, inside vehicles, in nearby fields, and within roadside shelters (*miguniot*) where many had sought protection.⁹

This report addresses one of the most harrowing dimensions of the attack: the sexual and gender-based violence (SGBV) committed on October 7th and during the ensuing period of captivity, which was marked by extreme cruelty and profound human suffering. During the October 7th attacks and while in Hamas captivity in Gaza, women, girls, men, and children were subjected to acts of SGBV in numerous documented incidents, alongside killings, abductions, torture, burning, and other grave violations of international law.¹⁰

8 Footage archived with the Civil Commission.

9 Three hundred ninety-six victims were murdered at the Nova and surrounding areas; 44 were taken hostage from the party. Sagi Or, Yuval Harpaz & Keren Yalin-Mor, Death Locations of 1, 220 Murdered and Fallen During the Hamas Attack on Israel Between 7–9.10.2023, https://yuval-harpaz.github.io/alerts/oct_7_9.html, also available at, https://oct7database.com/oct_7_9.html. For an English version of the map, see: https://oct7database.com/oct_7_9_en.html (hereinafter: “Harpaz et al., Oct 7 Death Locations Database, https://yuval-harpaz.github.io/alerts/oct_7_9.html). References in this report to the “Nova site” or “Nova and surrounding area” include nearby festival locations that were attacked, including the Psyduck Festival where 17 people were murdered. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶¶ 57-60.

10 See Section I (*Geographic Findings: Attacked Sites and Communities*).

Witnesses' accounts and testimonies of sexual violence emerged swiftly after the attack.¹¹ From the earliest days, reports from survivors, first responders, medical experts, and morgue staff indicated that the attacks had a marked gendered dimension. For many victims, these crimes ended in death. In numerous cases, victims were killed during or after the assaults, and their bodies were recovered mutilated, burned, and desecrated, in ways consistent with patterns of sexualized violence of exceptional cruelty. This did not end with the assault itself: during abduction, transfer, and captivity, women, men, and children were subjected to sexual violence, sexualized torture, humiliation, coercion, and ongoing suffering. For them, October 7th marked the beginning of prolonged captivity, physical torture, and profound psychological trauma. For survivors, returned hostages, and families, the consequences of the attack remain ongoing, and continue to shape the physical, psychological, and social fabric of affected communities.¹²

Two pregnant women were among the first victims of the attack. 28-year-old Nitzan Rahum, murdered during the attack, was in the early stages of pregnancy, and 23-year-old S. Abu-Rashed, a member of the Bedouin community, went into labor early in the morning hours of October 7th.¹³ As her husband and his brother rushed her to the hospital, perpetrators ambushed

11 See e.g., *The Unspeakable Terror – Gender Based Violence on October 7* (Nov. 12, 2023) The Maimonides Society Harvard Medical School and HSDM, <https://www.youtube.com/watch?v=5D7tb4zFKdk&feature=youtu.be>; Hilo Glazer, *Hamas' Campaign of Rape Against Israeli Women Is Revealed, Testimony After Testimony*, Haaretz (Nov. 30, 2023), <https://www.haaretz.com/israel-news/2023-11-30/ty-article-magazine/.highlight/hamas-campaign-of-rape-against-israeli-women-is-revealed-testimony-after-testimony/0000018c-2144-da36-a1de-6767dac90000>; Readout of White House Meeting with *Israel's Chair of the Civil Commission on October 7th Crimes by Hamas Against Women and Children*, The White House (Dec. 7, 2023), archived at <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/12/07/readout-of-white-house-meeting-with-israels-chair-of-the-civil-commission-on-october-7-crimes-by-hamas-against-women-and-children/> (noting a meeting between senior Biden Administration officials and Dr. Cochav Elkayam-Levy, Chair of Israel's Civil Commission on October 7th Crimes by Hamas Against Women and Children, in which the White House emphasized the imperative to denounce sexual and gender-based violence committed during the October 7th attacks and discussed the Commission's work to gather testimony and document evidence of such crimes; the statement marked an early acknowledgment by the U.S. Government of widespread reports of sexual violence and the need for accountability and survivor support"); UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4; *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc'ns 2024), <https://www.screamsbeforesilence.com> (documentary created by Sheryl Sandberg, Joey Low and others exploring reported sexual violence during the October 7th attacks); Shira Rubin, *Israel Investigates an Elusive, Horrific Enemy: Rape as a Weapon of War* (Nov. 25, 2023), The Washington Post <https://www.washingtonpost.com/world/2023/11/25/israel-hamas-rape-sexual-violence/> (discussing the Commission's ongoing work to compile and document evidence of sexual violence); see also Statement by Women's Rights Leaders on Rape Atrocities During the October 7th Attacks (Dec. 8, 2023), Women's Rights Leaders Speak Out, <https://www.womensrightsleadersspeakout.org/> (condemning the use of rape and sexual violence as a weapon of war perpetrated against women and children by Hamas on October 7th); Dr. Cochav Elkayam-Levy, *Statement Before the UN Committee on the Elimination of Discrimination Against Women (CEDAW)* (Oct. 30, 2023) (delivering the first address regarding the October 7th attacks at the United Nations on behalf of the Israeli women's protest movement *Bonot Alternativa*), <https://www.youtube.com/watch?v=88gFNVwz8ps>; The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (February, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>; See also *A Quest for Justice: October 7 and Beyond 14* (July 8, 2025), available at: <https://thedinahproject.org> ("Sexual violence was widespread and systematic during the October 7 attack, occurring across at least six different locations: the Nova music festival, Route 232, Nahal Oz military base, and Kibbutzim Re'im, Nir Oz, and Kfar Aza"). Jeffrey Gettleman, Anat Shwartz, and Adam Sella, *'Screams Without Words': How Hamas Weaponized Sexual Violence on Oct. 7* (Dec. 28, 2023), New York Times, <https://www.nytimes.com/2023/12/28/world/middleeast/oct-7-attacks-hamas-israel-sexual-violence.html> (hereinafter: "Jeffrey Gettleman et al.: New York Times Investigation of SGBV on Oct 7th (2023)"); Liza Rozovsky, *15 Witnesses, Three Confessions, a Pattern of Naked Dead Bodies. All the Evidence of Hamas Rape on October 7* (Apr. 18, 2024), HAARETZ, <https://www.haaretz.com/israel-news/2024-04-18/ty-article-magazine/witnesses-confessions-naked-dead-bodies-all-the-evidence-of-hamas-rape-on-oct-7/0000018e-f114-d92e-abfe-f77f7e3f0000> (hereinafter: "Liza Rozovsky: Haaretz Investigation of SGBV on Oct 7th (2024)").

12 See Section I (*Geographic Findings: Attacked Sites and Communities*).

13 Telephone interview with Terfi Abu-Rashed (Nov. 27, 2024). Record of telephone interview archived with the Civil

them and opened fire on their vehicle, striking both the mother and her unborn child. Although the mother was stabilized at the hospital, the baby survived only 14 hours before dying of her injuries.¹⁴

Hamas and its collaborators circulated numerous visuals, including sexualized content and documentation of gender-based crimes. The attack included the public display and desecration of female bodies, as well as the torture and abduction of women and girls—including elderly women, mothers with children, and, in some cases, entire families—who were filmed as they were forcibly taken into Gaza, with the footage broadcast through public channels.¹⁵ Perpetrators filmed themselves through social media and media platforms, including through the use of victims' own accounts and personal devices, thereby extending the humiliation and amplifying the psychological terror inflicted on victims, their families, and the wider public. Many family members learned of the fate of their loved ones through content circulated by perpetrators via *victims' own personal devices* and family-linked accounts.¹⁶ Other perpetrators wore GoPros and body-worn cameras, or otherwise ensured that their actions were documented and disseminated by others.¹⁷ Across all sites, these videos documented armed groups and Palestinian civilians celebrating the attacks, appearing joyful and euphoric as they recorded and disseminated the crimes.

The public display of victims was also evident in incidents of SGBV, including the abduction of female hostages (dead or alive), as well as the circulation of images of partially clothed or abused bodies of women and men.¹⁸ One widely circulated video showed the body of twenty-

Commission. See also media reports: Yaniv Sharon, *S. Abu-Rashed Was in Advanced Pregnancy When Terrorists Shot Her in the Stomach on Oct. 7. The Bullet Killed the Fetus, and the Mother Survived*, Davar (Dec. 3, 2023), <https://www.davar1.co.il/470107/> [Translated]; For the case of Nitzan Rahum, age 28, murdered on 7 October 2023 at the Nova Festival in Re'im while pregnant, see National Insurance Institute of Israel, *Database of Victims of Hostile Actions, entry for Nitzan Rahum*, <https://laad.btl.gov.il/Web/He/TerrorVictims/Page/Default.aspx?ID=43971>.

14 *Id.*

15 Footage archived with the Civil Commission. See also UN Secretary-General, *Conflict-Related Sexual Violence* (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35; UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, p. 11-20 (“The 7 October Attacks and its aftermath and findings *related to CRSV*”); Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, pp. 7, 9, 79, 233-234; Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, p. 17-18, 21-25; Elkayam-Levy, Cotler & Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War*, <https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/>, *supra* note 6.

16 See Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, p. 19-20; UN Special Rapporteur on Torture Report on Hostage-Taking UN Doc. A/HRC/58/55 (2025), *supra* note 6, para. 74 (“ Hamas has released videos of hostages that torment family members by, for example, asking them to guess which hostage has been killed.”); UK Parliament APPG Report on Oct 7th (2025), *supra* note 4. For families’ accounts, see Alicia Victoria Lozano, Daniel Arkin and Melissa Chan, ‘Hostages in Israel Update: Families of Loved Ones Taken by Hamas Share Their Horrific Stories’, NBC News (Oct. 9, 2023), <https://www.nbcnews.com/news/us-news/hamas-israel-hostages-tell-loved-ones-stories-rcna119509>; Frankie McCamley, et al., *Family Tell of Heartbreak After Israel Kidnap Live-Stream* (Oct. 17, 2023), BBC News, <https://www.bbc.com/news/world-middle-east-67124745>.

17 Footage captured by perpetrators is archived with the Civil Commission; See also Casey Tolan et al., *Slain Hamas Militants’ Body Camera Videos Show the Preparation and Tactics Behind Their Terror Attack in Israel*, CNN (Oct. 26, 2023), <https://www.cnn.com/interactive/2023/middleeast/hamas-attack-body-cam-videos-invs-dg/>; Oren Liebermann, *Bodycam Video Shows Early Moments of Hamas Massacre in Israel and Tunnels in Gaza*, CNN (Nov. 15, 2023), <https://www.cnn.com/2023/11/15/middleeast/bodycam-video-hamas-massacre-tunnels-intl/index.html>; In addition, the UK Parliamentary Commission of Inquiry similarly recognized the use of digital platforms to broadcast acts of terror directly to victims and their families, and the unique suffering caused to those families as a result. See also UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, Ch. 6.11.

18 See also e.g., Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 186 (“Human Rights Watch research yielded evidence that members of Palestinian armed groups committed acts of sexual and gender-based violence during the attacks, including acts of forced nudity, and posting of sexualized

two-year-old Shani Louk lying face down, partially naked, visibly injured, and motionless in the back of a pickup truck, as she was paraded through the streets of Gaza, surrounded by armed perpetrators and civilians, who are seen cheering and spitting on her body.¹⁹ The Civil Commission has documented multiple instances in which acts involving SGBV were recorded and disseminated by perpetrators.²⁰ The digital display of suffering significantly expanded

images without consent on social media.”); UN Human Rights Council, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, *Detailed Findings on Attacks Carried Out on and After 7 October 2023 in Israel*, ¶¶ 155-156, UN Doc. A/HRC/56/CRP.3 (June 10, 2024), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-3.pdf> (hereinafter: “UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3”) (“In several cases of abduction at Nova, the women, or their dead bodies, were used as victory trophies by male perpetrators. The abduction, violence and humiliation of the women were put on public display, either on the streets of Gaza and/or by recording them and publishing the videos online.”).

- 19 For reporting on the filmed abduction of Shani Louk, see, e.g., Emma Bubola, Gabby Sobelman and Aaron Boxerman, *Shani Louk, Believed Kidnapped, Was Likely Dead When She Was Taken by Hamas, Family Says*, *New York Times* (Oct. 30, 2023), <https://www.nytimes.com/2023/10/30/world/middleeast/shani-louk-german-israel-woman-hamas-dead.html> (reporting that “[s]hortly after Oct. 7, Hamas released a video of a woman lying face down and mostly naked in the back of a pickup truck in Gaza.”); Anderson Cooper, *Mother describes seeing video of kidnapped daughter on social media*, *CNN* (Oct. 9, 2023), <https://edition.cnn.com/videos/world/2023/10/09/israel-music-festival-shani-louk-mother-vpx.cnn> (showing segments from the video of Shani Louk’s body paraded through the streets of Gaza City by Hamas terrorists celebrating over her partially naked body and men spitting on her body. Shani Louk’s mother, Ricarda Louk stated “A few hours later, we got a video from a friend through social media and we identified our daughter on a pickup truck in the back lying on the floor with militant men around her and pushing her down”); Months later, on May 17, 2024, the victim’s body was rescued. Israeli authorities confirmed that Louk had been killed during the October 7th attacks and her remains were subsequently recovered and identified. The Civil Commission also conducted a filmed testimony from Shani Louk’s mother. See Testimony of Ricarda Louk (Jul. 21, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission (“Then we also started seeing the videos circulating online, on Telegram, on Instagram. . . . Then we started to worry. . . . We felt that something was wrong, and she wasn’t answering. She wasn’t answering. Around 10:30 am, [my son] was here, and someone sent him a video. And then he suddenly started screaming and crying, saying, “It’s Shani, it’s Shani, I recognize her. I recognize her.” We said, “What, what — what did you see?” And then they sent it. Shani’s ex-boyfriend sent the video, Shani was actually on the pickup truck, and he sent it to [my son] because he recognized Shani by her tattoos. [My son] recognized her, and we all saw it. We all saw the horrifying video: you can see a white pickup truck, with about four armed Hamas militants in the back with weapons, and she is lying upside down on the back of the truck, half undressed, twisted, with her head hanging down, and they are pushing her down. We see the pickup driving, driving, and entering Gaza, into some city there, with lots of people around them, everyone celebrating and happy that they captured an innocent girl on a pickup truck. They lifted her head by her dreadlocks and spat on her. It was horrifying”).
- 20 Footage archived with the Civil Commission and described in Part I (*Factual Findings*), as well as in Section III (*Thematic Analysis: Identified Patterns*), Patterns 8-9 (Public displaying and parading of women and children and the abduction of mothers and children) and Pattern 10 (Filming and digital dissemination of sexual and gender-based violence, including use of social media to document, glorify, and amplify the atrocities). Including footage depicting the abduction, abuse, and public display of female victims, as well as footage depicting partially clothed or abused bodies of women and men. Documented examples *that are known to the wider public* and reported by others include, for example, videos and images relating to the abductions of women: Shani Louk, Joshua Mollé, Moran Stella Yanay, the female surveillance soldiers abduction videos from Nahal Oz military base, Naama Levy, Noa Argamani, Shiri Bibas, Inbar Heiman, Ran Gvili, Doron Asher Katz, Efrat Katz, and Yaffa Adar. For reporting on the filmed abduction of Joshua Mollé, see e.g., Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 145-6, 231 (“Three videos, two posted by South First Responders Telegram channel and one posted by the Aqsa Martyrs Brigades Telegram channel, show members of the Aqsa Martyrs Brigades and the National Resistance Brigades shooting and killing a person. One of the fighters is wearing a yellow Aqsa Martyrs Brigades headband and another has a red National Resistance Brigades patch on his vest. The caption of a video posted by South First Responders and confirmed by the Tanzanian government identifies the person as Joshua Mollé, “a 21-year-old student from Tanzania,” just outside the southwest fence of Nahal Oz around noon. In the first video, fighters hold onto Mollé’s shirt, shoving him back and forth while yelling at him. Mollé, who is bleeding from the right side of his face, is standing still and not fighting back. The second video begins with Mollé already on the ground, lying motionless with two gaping wounds in his abdomen and blood on his neck. A person in civilian attire is visible holding a bloody knife above his body, suggesting he just stabbed Mollé. One fighter steps on Mollé’s chest and then fires a rifle at his head eight times. The final video, shared by the Aqsa Martyr Brigades Telegram channel, shows one of their members wearing the yellow headband standing on Mollé’s bloodied head in the same location. Mollé’s body is covered in wounds and blood. The videos also indicate Joshua Mollé’s attackers stripped

the reach of the perpetrated harm and magnified the psychological trauma of the victims and their families.²¹

him of his clothing.”); For reporting on the filmed abduction of Moran Stella Yanay, see e.g., Shira Rubin, *A former Israeli hostage recalls the brutality of Hamas captivity*, *The Washington Post* (Jun. 1, 2024), <https://www.washingtonpost.com/world/2024/06/01/israel-hostage-hamas-gaza> (reporting that “Moran, a designer and an artist . . . As Hamas gunmen descended on the site of the rave, she ran for her life, walking when she could no longer run. For five hours, she said, she wove through potato fields and across desolate stretches of desert. . . She was eventually caught by a group of militants, who live-streamed a video showing Moran begging for her life in a ditch. “This is one of the Jewish dogs,” a man narrates.); For reporting on the filmed abductions of the female surveillance soldiers from Nahal Oz, see e.g., Aaron Boxerman, *New Video Shows Hamas Fighters Taking Israeli Soldiers Hostage*, *New York Times* (May 22, 2024), <https://www.nytimes.com/2024/05/22/world/middleeast/israel-hamas-hostage-video.html> (reporting that “In the three-minute edited collection of videos, which were verified by *The New York Times*, Palestinian fighters, some wearing Hamas headbands, can be seen binding the hands of five Israeli women who served as lookouts at Nahal Oz, a military base near the Gaza border. At least two of the hostages’ faces are bloodied, and they appear to be wearing pajamas. The militants repeatedly threaten the women. One of the militants calls the women “dogs,” vowing to crush them.); Amnesty International reported Hamas’ filmed abductions of the female surveillance soldiers from Nahal Oz and the abduction of Naama Levy, see Amnesty International, “*Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza*” (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 113 (“The seven women soldiers were taken from the Nahal Oz military base. In several videos verified by Amnesty International, five of them are seen being held in the base and forced into vehicles by a large number of armed fighters, all of whom are men. One video shows a group of young women soldiers — Naama Levy, Liri Albag, Agam Berger, Daniela Gilboa and Karina Ariyev — surrounded by a group of fighters, at least some of them from the Al-Qassam Brigades. Several of the women are then taken to a truck by a group of fighters, including fighters from the Al-Qassam Brigades. The other two videos show some of the same scenes, as well as images of the attack on the military. Amnesty International also verified a later video of Naama Levy being transported by fighters in a jeep in the east of Gaza.”); For reporting on the Hamas’ filmed abduction of Noa Argamani, see e.g., Jake Tapper, *The family & friend of an Israeli woman kidnapped by Hamas*, *CNN* (Oct. 19, 2023), <https://edition.cnn.com/videos/world/2023/10/19/the-lead-yakov-argamani-shlomit-marciano-jake-tapper-live.cnn> (showing segments of the filmed abduction of Noa Argamani, and reporting that “. . . Hamas unleashed its terrorist attack and turned the festival to a massacre. Shortly thereafter, the world saw Noa in this disturbing video. Her arms outstretched, she is pleading for help, and she is kidnapped by the terrorists of Hamas. Her boyfriend was also kidnapped.”); Arijeta Lajka and Riley Mellen, *Video captures concertgoer being kidnapped by militants*, *New York Times* (Oct. 8, 2023), <https://www.nytimes.com/2023/10/08/world/middleeast/music-festival-israel-kidnapping-video.html> (reporting that “[v]ideos verified by *The New York Times* show a woman — an attendee at a music festival that fliers said celebrated “free love” — being kidnapped by what appear to be militants on Saturday during a wave of ground incursions into Israel from Gaza. The footage, which was posted to Telegram, showed a group of men driving away on a motorcycle with 25-year-old Noa Argamani in their custody. The video then pans to another group of militants holding Ms. Argamani’s boyfriend, Avinatan Or, with an arm pinned behind his back.”); For reporting on the filmed abductions of Shiri Bibas and her children, Doron Asher Katz, her children, and her mother, Efrat Katz, and Yaffa Adar, see e.g., David Leonhardt and Lauren Jackson, *Hamas’s Hostages*, *New York Times* (Oct. 11, 2023), <https://www.nytimes.com/2023/10/11/briefing/israel-hamas-hostages.html> (reporting that “Shiri Bibas, a young mother, is holding her two redheaded sons — Ariel, who’s 4, and Kfir, 9 months — as armed militants surround them in an online video. In a separate video, Doron Asher Katz, who’s 34, is being blindfolded in the back of a pickup truck. Next to her are her mother Efrat Katz, 67, and her daughters, Raz, 5, and Aviv, 3. . . Yaffa Adar, 85, is the woman in an image that much of the world has seen, as she sat in a golf cart that militants drove into Gaza. She normally takes medication for chronic pain and heart and lung conditions. . . There is no recent precedent for the scale of the hostage situation in the Gaza Strip. Hamas, the militant group that governs much of Gaza, abducted about 150 people during its weekend invasion of southern Israel. Most of the hostages are civilians. Hamas has threatened to execute them one by one and videotape the killings each time an Israeli airstrike hits Gazans in their homes. No modern government — not even the world’s most brutal, like those in Russia or North Korea — has used hostages in this way: as human shields, under threat of public execution. It is a reminder of why both the U.S. government and European Union categorize Hamas as a terrorist organization.”); UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 302 (describing the video of Bracha Levinson’s body, lying in “a pool of blood surrounded by men with guns who were shouting in the video” and was posted to her social media account.); See also Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6 (detailing cases in which Hamas and affiliated perpetrators used victims’ social media accounts to disseminate images and live footage of attacks and their aftermath, including the posting of images and videos of Bracha Levinson’s body, and the live broadcasting of the abduction and torture of family members of Dikla Arava, Lishay Lavie, and Gali Idan via victims’ Facebook accounts, among other documented cases); The original materials archived with the Civil Commission were mainly circulated by Hamas and affiliated groups via social media platforms, messaging applications, and other media channels, including through victims’ own personal devices and accounts.

21 See Elkayam-Levy, Cotler & Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War*, <https://lieber.westpoint.edu>.

Hamas's use of such digital forms of violence persisted beyond October 7th, and continued for many months after the attack, including through repeated release of staged footage of hostages in captivity.²² During the months following the attack, Hamas released multiple videos depicting hostages begging for their lives or showing their bodies, and in some cases directly contacted family members, thereby intensifying the suffering of victims' families. These practices prolonged and exacerbated the impact of the attack on survivors and victims' families, aggravating emotional distress and trauma well beyond the initial acts.²³

Against this background, this report presents a chronological account of its factual findings across multiple locations and in captivity (see *Geographic Findings: Attacked Sites and Communities*), alongside a thematic analysis identifying recurring patterns of SGBV, including sexual torture, perpetrated across attack sites and against hostages held in captivity (see *Thematic Analysis: Identified Patterns*).²⁴ As our investigations into the crimes committed on

[edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/](#), *supra* note 6 (“The perpetrators also uploaded images of the victims on the victims' personal profiles, thus weaponizing the victims' own digital identities to spread terror to their families. For example, after murdering an elderly grandmother in Nir Oz, the attackers posted footage of [her] body . . . on her Facebook account, forcing her family to learn of her fate on social media.”); See Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, p. 19-20.

- 22 *Id.*; Disturbingly, perpetrators also transmitted images and videos of the violence directly to family members in real time, weaponizing digital platforms as instruments of psychological terror. The case of Leah Zaken illustrates this practice. During the October 7th attacks, the perpetrators sent her a photograph of her murdered son via WhatsApp—a deliberate act intended to inflict acute emotional harm. Leah has since petitioned Israeli courts to be formally recognized as a victim of terror, seeking acknowledgment and compensation for the profound psychological injury caused by this targeted communication. The Civil Commission has joined her case, and others like it, as an expert witness. In several such proceedings, the Kinocide Report has been submitted to the courts by Israel's Ministry of Justice, Legal Aid Department. These cases underscore the need to expand legal recognition beyond victims of direct physical violence to include those who were intentionally targeted through social media and other digital means as part of the attack itself. Additionally, Dr. Cochav Elkayam-Levy, Chair of the Commission, and Professor Yuval Shany, former head of the UN Human Rights Committee, have joined proceedings brought by hostage families as expert witnesses and jointly submitted legal opinions urging Israeli courts to interpret applicable legal frameworks in light of Israel's obligations under international law, in ways that recognize the distinct suffering inflicted on hostages' families and affirm their eligibility for compensation as victims of terror in their own right. See also Chen Arzi Srur, *The Attack on the Family on October 7: Deliberate Violence Against the Family Unit Was a Recurring Pattern on the “Black Sabbath”* (Dec. 20, 2024), Ynet, <https://www.ynet.co.il/yedioth/article/yokra14192730> (in Hebrew) (describing systematic violence directed at family units during the October 7th attacks, including the use of digital images and social media as tools of terror against relatives, as discussed in the Civil Commission report).
- 23 *Id.*; Hostage Mia Schem appeared in the first hostage video released by Hamas on October 16, 2023, which was also widely circulated online. For reporting on this case, see e.g., Sheera Frenkel, *Hamas Posts Hostage Video of Woman Abducted From Israeli Music Festival*, *New York Times* (Oct. 16, 2023), <https://www.nytimes.com/2023/10/16/world/middleeast/hamas-hostage-video-israel.html> (reporting that Hamas released a video of 21 years old hostage Mia Schem. The 60-second video is the first released by the group to show any of the hostages. Reporting on the circumstances her abduction, the article states: “Keren Schem [Mia's mother] said she joined two WhatsApp groups of families and friends with missing loved ones from the music festival—only to see messages from people claiming to be affiliated with Hamas, threatening to harm her daughter. And her sister, separately, put her phone number online, she said, but “had someone call her in Arabic, yelling. Now we don't answer any phone calls from numbers we don't know.”); See also Testimony of K. (Aug. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission (Describing the moment she saw Mia Schem's hostage video: “And suddenly, on the big screen at home. . . I see the video. A hard video. I see my daughter. I start screaming like a madwoman.”). For scholarly analysis on the continued use of digital media and hostage videos by Hamas following October 7th, 2023, see Moran Yarchi, *Hamas's Hostage Videos as a Tool of Strategic Communication*, 6 (4) *Int. J. Media & Commun.* (2025) (examining the organization's systematic dissemination of hostage footage and the strategic use of such videos on social media platforms as part of its wider psychological and communication campaign); See also e.g., Maia Davies, *Hamas Releases Video of Two Israeli Hostages Held in Gaza* (Sept. 5, 2025), BBC, <https://www.bbc.com/news/articles/cy0vly9zyl2o>.
- 24 The Civil Commission views the taking of hostages and the ensuing period of captivity as a continuum of the October 7th attack and part and parcel of the same course of conduct and attack against the civilian population, consistent

October 7th progressed, and as hostages returned from captivity, further evidence emerged about the scope of the sexual atrocities. We now have significantly greater knowledge of what occurred on the day of the attack and of the ordeals endured by hostages than was available in the immediate aftermath.

Reviewing and analyzing large volumes of materials, the Commission found clear and convincing evidence of at least **thirteen consistent and repetitive patterns of sexual and gender-based abuse across multiple sites**. These patterns point to the organized and coordinated use of SGBV as an inherent component of the attack. The Commission's findings further indicate that SGBV was frequently carried out with particular cruelty designed to maximize pain, humiliation, and suffering.

The patterns identified by the Commission include:²⁵ 1) Rape, gang rape, and other forms of sexual assaults; 2) Sexual torture, including intentional burning and mutilation;²⁶ 3) Deliberate shootings to the head, face and genital area; 4) Killings and executions following or committed in conjunction with SGBV; 5) Postmortem sexual abuse, humiliation, and desecration of bodies; 6) Forced nudity and exposure; 7) Handcuffing, binding, and restraint of victims; 8) Public displaying and parading of women and children; 9) Abduction of mothers and children; 10) SGBV inflicted in the presence or near vicinity of family members; 11) Filming and digital dissemination of SGBV, including use of social media to document, glorify, and amplify the atrocities; 12) Threats of forced marriage; and 13) Rape and other forms of sexual violence against boys and men. As delineated throughout this report, these repetitive patterns and the circumstances and geography of their commission, indicate that **Hamas and its collaborators strategically employed sexual violence as a weapon of war and terror**.

In presenting this report, and after months of documentation of these crimes, the Civil Commission wishes to acknowledge the profound physical and mental pain that the victims endured, both in the initial attacks and in the prolonged months of captivity that followed. These acts represent some of the gravest violations of international law and must remain at the forefront of any pursuit of truth, justice, and accountability.

The purpose of this report, and of the archive on which it rests, is to ensure that the victims' suffering is recognized in both prosecutorial and historical processes, and that the violations are secured in a rigorous evidentiary record. This report represents the most detailed account to date of the sexual atrocities committed on October 7th, grounded in an extensive war-crimes archive compiled to meet the recognized standards of international law and archival practice. In the two years since the October 7th attacks, the Civil Commission has engaged in the systematic gathering, verification, preservation, analysis, and archiving of digital materials and testimonies in accordance with international standards and informed by best practices from comparable war crimes archives.²⁷ This ongoing work has produced an extensive war-crimes

with international criminal law and jurisprudence that such crimes may be perpetrated through ongoing conduct, extending well beyond the initial moment of abduction.

25 For a full analysis of each pattern, see Section III (*Thematic Analysis: Identified Patterns*).

26 Several of the acts identified in this list may also meet the legal threshold for sexual torture; the Commission uses the term here to denote conduct characterized by extreme physical or mental pain for the victim and the intentional infliction of severe suffering through sexualized violence.

27 See *Methodology* section; Appendix: The Civil Commission's October 7th War Crimes Archive, also available at: <https://www.civilc.org/archive>, and The Civil Commission's Code of Ethics and Practice, also available at: <https://www.civilc.org/code-of-ethics>.

archive, including a thematic unit dedicated to SGBV. This archive, containing digital materials as well as interviews and filmed testimonies collected by the Commission from victims, direct witnesses, first responders, experts, and returned hostages, is catalogued through several structured indexes and is intended to ensure that this documentation is preserved for future legal proceedings and for the enduring historical record.²⁸ The Commission’s documentation efforts remain ongoing as additional information continues to emerge.

Several official investigative reports have acknowledged that sexual crimes took place on October 7th and against hostages in captivity. Our efforts build on the work of these important, independent reports, which have been published since October 7th, and which contain convincing findings on the patterns of sexual violence, including rape and gang rape, committed across the October 7th attack locations and against hostages in captivity.²⁹ The Civil Commission’s Archive incorporates cross-referenced findings from these reports and public materials, while independently verifying and documenting evidence through its own investigative methodology.³⁰ The report of the Special Representative of the UN Secretary-General on Sexual Violence in Conflict, Pramila Patten, the publication of which has been particularly impactful for victims and survivors given its adherence to internationally recognized evidentiary standards, found “reasonable grounds to believe that conflict-related sexual violence occurred during the October 7th attacks in multiple locations across Gaza periphery, including rape and gang rape, in at least three locations.”³¹ Underscoring the severity of the crimes, the UN report noted that “several fully naked or partially naked bodies from the waist down were recovered—mostly women—with hands tied, who had been shot multiple times, often in the head.”³² It also found “clear and convincing information” that hostages “have been subjected to various forms of conflict-related sexual violence including rape and sexualized torture and sexualized cruel, inhuman, and degrading treatment.”³³ These findings were “corroborated by the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East

28 See *Methodology* section; See Appendix I: The Civil Commission’s October 7th War Crimes Archive, also available at: <https://www.civilc.org/archive>, and The Civil Commission’s Code of Ethics and Practice, also available at: <https://www.civilc.org/code-of-ethics>.

29 See e.g. UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4; UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3,” *supra* note 18, ¶ 106; UN Independent Commission of Inquiry, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN Doc. A/79/232 (Sep. 11, 2024), <https://docs.un.org/en/A/79/232>; UN Secretary-General, *Conflict-Related Sexual Violence* (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1; UN Special Rapporteur on Torture, *Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UN Doc. A/79/181 (July 18, 2024), <https://www.ohchr.org/en/documents/thematic-reports/a79181-torture-and-other-cruel-inhuman-or-degrading-treatment-or>, ¶ 5, 18; UK Parliament APPG Report on Oct 7th (2025), *supra* note 4; Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1; Amnesty International, “*Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza*” (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>.

30 See *Methodology* section; Appendix: The Civil Commission’s October 7th War Crimes Archive, also available at: <https://www.civilc.org/archive>, and The Civil Commission’s Code of Ethics and Practice, also available at: <https://www.civilc.org/code-of-ethics>.

31 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 12. See also UN Secretary-General, *Conflict-Related Sexual Violence* (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35.

32 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 12. See also UN Secretary-General, *Conflict-Related Sexual Violence* (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35.

33 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 17. See also UN Secretary-General, *Conflict-Related Sexual Violence* (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35.

Jerusalem, and Israel, which also found “reasonable grounds to conclude that sexual violence was committed on October 7” in multiple locations and that hostages have been subjected to “sexual and gender-based violence, including sexualized torture, while in captivity.”³⁴

In this context, the UN Secretary-General similarly concluded in its annual report on conflict-related sexual violence that “both my Special Representative and the Commission of Inquiry found that the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, . . . , as well as civilians from Gaza. My Special Representative concluded that the complexity and *modus operandi* of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected.”³⁵ Notably, in August 2025, Hamas was included in the United Nations Secretary-General’s blacklist of identified parties credibly suspected of committing or being responsible for the commission of patterned rape and other forms of sexual violence during armed conflict. Being placed on this list signifies that the UN has also verified substantial evidence of such violations perpetrated by Hamas during the October 7th attacks and against hostages in captivity.³⁶

Looking ahead, the next imperative is accountability. As this report extensively demonstrates, prosecution of the SGBC of October 7th is an urgent step toward justice for the victims and their families. The report analyzes the crimes perpetrated on that day and in captivity, identifies applicable modes of liability and responsible actors, and situates these violations within the established body of international criminal law, drawing on jurisprudence and precedents developed through decades of prosecutions of conflict-related sexual violence. It further examines lessons from prior mass atrocities that bear directly on the prosecution of October 7th crimes, and outlines the legal and institutional mechanisms required to meet the gravity and complexity of these offenses, including ***the establishment of a specialized chamber dedicated to SGBV.***³⁷

The atrocities of October 7th claimed victims of at least **52 nationalities**, among them careworkers, agricultural workers, and participants at the Nova Music Festival who had gathered from different countries.³⁸ **A significant proportion of the hostages held in Gaza were foreign or dual Israeli/foreign nationals.** This multinational character of the crimes generates obligations that extend beyond Israel’s borders. It underscores the duty of the international community to investigate, prosecute, impose sanctions, engage counterterrorism actors, establish cooperation mechanisms and work with the State of Israel in the pursuit of justice. It further underscores the importance of States exercising their jurisdiction over the grave international crimes committed.

34 UN Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35.; UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 134-140; UN Independent Commission of Inquiry, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN Doc. A/79/232 (Sep. 11, 2024), <https://docs.un.org/en/A/79/232>, ¶ 82.

35 UN Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35;

36 UN Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35.; See also UN SRS on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4.

37 See Part II Legal Analysis (‘Crimes Under International Law’; ‘Individual Criminal Responsibility’; ‘Toward Accountability: International Cooperation Mechanisms’; and ‘Internationalized mechanism for October 7th with a specialized chamber for SGBV’).

38 See Map A: *Cross-Border Impact: International Victims of October 7th*, created by Nir Smilga based on data compiled by the Civil Commission and verified against official records.

These crimes engage a wide and complex web of perpetrators and responsible actors who can be distinguished by geography and role (i.e. physical perpetration, co-perpetration, complicity, etc.), and roughly fall into five principal groupings: (1) those held in Israeli facilities; (2) those who fled back into Gaza; (3) those who have escaped into third countries; (4) the leadership of Hamas and affiliated terrorist entities (including those long situated abroad); and (5) others complicit through incitement, financing, facilitation, amplification, or other forms of material support. All of those require urgent and coordinated measures to ensure that accountability is pursued across every level of responsibility.³⁹

As the concluding chapter of this report suggests, the SGBC committed on that day were of exceptional gravity and require **a specialized chamber** and implementing prosecutorial approaches grounded in established international norms and jurisprudence, including those developed through decades of case law on conflict-related sexual violence.⁴⁰ Only by situating accountability for these crimes within the framework of international law, and by adhering to survivor-centered and gender-sensitive prosecutorial practices, can justice be credible and effective. The data presented in this report highlights the imperative of an internationalized justice process that both acknowledges the universality of the rights violated and meets the gravity of the offenses with commensurate legal response. Accordingly, the nature of the attack necessitates the creation of a prosecution mechanism that affords victims and their families a meaningful forum to testify, to be recognized, and to obtain redress.⁴¹

In this regard, SGBV in armed conflict is not incidental, but a central method of warfare and terror. It instrumentalizes women's, men's, and children's bodies as weapons of war, including through rape, sexual violence, sexual torture, and other acts that weaponize sexuality or gender, with the aim of destroying individuals, families, and communities, and undermining the social and collective fabric of a people. These crimes are often organized, and political; they are attacks on human dignity and equality, designed to subordinate and silence victims, and as such are core violations of international law, including crimes against humanity, war crimes, a form of terrorism and, when carried out with genocidal intent, acts of genocide.⁴² For the purposes of this report, "gender-based violence is considered to be any harmful act directed against

39 See Part II Legal Analysis ('Individual Criminal Responsibility').

40 See Part II Legal Analysis ('Crimes Under International Law').

41 See e.g., Cochav Elkayam-Levy & Irwin Cotler, *How will Israel find legal justice for the atrocities of October 7?—opinion*, Jerusalem Post (Aug. 2, 2025), <https://www.jpost.com/opinion/article-862910>.

42 When committed in the context of armed conflict, such acts constitute conflict-related sexual violence (CRSV) and may amount to war crimes, crimes against humanity, or genocide under international law. These acts have a direct or indirect nexus to the conflict, demonstrated through a temporal, geographic, or causal link, and may be further evident in the profile and motivations of the perpetrators, the vulnerabilities of the victims, the breakdown of State authority or climate of impunity, cross-border dimensions, or violations of ceasefire agreements. These crimes are not incidental but are often used deliberately: as tactics of terror, persecution, and social destruction. Consistent with ICC policy and feminist legal scholarship, this report adopts a survivor-centered and gender-sensitive approach, ensuring that accountability reflects the gravity of the crimes and the universality of the rights violated. See e.g., UN Human Rights Council, *Analytical study focusing on gender-based and sexual violence in relation to transitional justice: Report of the Office of the UN High Commissioner for Human Rights*, UN Doc. A/HRC/27/21 (Jun. 30, 2014), <https://docs.un.org/en/A/HRC/27/21>, ¶ 37 ("It is now well recognized that sexual violence can constitute a war crime, a crime against humanity or an act of genocide."); UN Secretary General, *Conflict-Related Sexual Violence: Report of the Secretary General*, UN Doc. A/66/657-S/2012/33 (Jan. 13, 2012), <https://docs.un.org/en/S/2012/33>, ¶ 3. See also United Nations Counter-Terrorism Committee Executive Directorate, *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism* (November 2023), https://www.un.org/securitycouncil/ctc/sites/www.un.org/securitycouncil.ctc/files/cted_report-sgbv_linked_to_terrorism_final.pdf (hereinafter "CTED Report on Accountability for SGBV Linked to Terrorism (Nov. 2023)"), p. 8 et seq (identifying different dimensions SGBV linked to terrorism).

individuals or groups of individuals on the basis of their gender.”⁴³ The International Criminal Court’s (ICC) Policy on Gender-Based Crimes similarly defines gender-based violence as “an umbrella term for any harmful act that is perpetrated based on socially ascribed differences based on gender, usually because of a person’s actual or perceived gender, sex, or sexual orientation.”⁴⁴ It may be committed by state or non-state armed groups.⁴⁵ The term “sexual violence” has been defined as “a form of gender-based violence that involves the commission or attempted commission of sexual acts.”⁴⁶ The ICC’s Policy on Gender-Based Crimes further explains that an “act can be “sexual” even without physical contact, such as psychological violence that arises from threats of rape or genital mutilation,” and that there is “no single understanding of the term “sexual,” nor should one be imposed.”⁴⁷ However, the term may include “rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration and forced nudity,” and other similar acts.⁴⁸ These definitions guide the terminology used in this report.

Critically, any meaningful pursuit of accountability must confront the unique barriers that stand in the way of justice for the victims of October 7th, acknowledging the mechanisms that continue to silence or marginalize their voices. As time passes, the space to speak of October 7th narrows, even though the singular brutality of what victims endured should compel accountability. Additionally, reports of the sexual violence, in particular, have been met with skepticism and denial, often accompanied by hostility.⁴⁹ As feminist scholars have

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- 43 UN Human Rights Council, *Analytical study focusing on gender-based and sexual violence in relation to transitional justice: Report of the Office of the UN High Commissioner for Human Rights*, UN Doc. A/HRC/27/21 (Jun. 30, 2014), <https://docs.un.org/en/A/HRC/27/21>, ¶ 3; ICC, Office of The Prosecutor Policy On Gender-Based Crimes (Dec. 2023), <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>, p. 2. (defining gender-based crimes as “crimes involving acts of sexual, reproductive, and other gender-based violence”).
- 44 Int’l Crim. Ct. [ICC], Office of The Prosecutor Policy on Gender-Based Crimes, (Dec. 1, 2023), available at: <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>, ¶ 27.
- 45 UN Secretary General, *Conflict Related Sexual Violence: Report of the Secretary General*, UN Doc. A/66/657-S/2012/33 (Jan. 13, 2012), <https://docs.un.org/en/S/2012/33>, ¶ 5.
- 46 Int’l Crim. Ct. [ICC], Office of The Prosecutor Policy On Gender-Based Crimes (Dec. 2023), <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>, ¶ 31.
- 47 Int’l Crim. Ct. [ICC], Office of The Prosecutor Policy On Gender-Based Crimes (Dec. 2023), <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>, ¶ 32-33.
- 48 See UN Human Rights Council, *Analytical study focusing on gender-based and sexual violence in relation to transitional justice: Report of the Office of the UN High Commissioner for Human Rights*, UN Doc. A/HRC/27/21 (Jun. 30, 2014), <https://docs.un.org/en/A/HRC/27/21>, ¶ 3. See also Int’l Crim. Ct. [ICC], Office of The Prosecutor Policy On Gender-Based Crimes (Dec. 2023), <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>, ¶ 34 (“Certain crimes specifically include an “act of sexual nature” as part of their elements: sexual slavery; enforced prostitution; and other forms of sexual violence.”).
- 49 See e.g., Michael A. Cohen, *The Rape Denialists*, *The Atlantic* (Apr. 17, 2024), <https://www.theatlantic.com/ideas/archive/2024/04/october-7-hamas-sexual-assault/678091/>; Bret Stephens, *The New Rape Denialism*, *The New York Times* (Mar. 5, 2024), <https://www.nytimes.com/2024/03/05/opinion/hamas-sexual-violence-israel.html>; Natalia Mehlman Petzrela, *How Feminists Have Failed Israeli Victims of Sexual Violence*, *MSNBC* (Nov. 25, 2023), <https://www.msnbc.com/opinion/msnbc-opinion/israel-women-hamas-rape-rcna126047> (all pointing to communities denying the sexual violence of October 7th); Shulamit Almog and Gal Amir, *Wells of Pain, Walls of Silence: October 7 and Sexual Violence Against Women at Wartime*, 10 (2) *Dignity: A Journal of Analysis of Exploitation and Violence* (2025) (delineating four modes of silencing sexual violence in armed conflict and applying them to October 7th victims). Yifat Bitton et al., *Challenges in Identifying and Documenting Sexual Crimes Committed During a Terrorist Attack: The October 7 Case Study* (2024); See *Israel Women’s Network & Women and War Research and Documentation Collective, Analysis of the Israeli Government’s Preparedness and Response to Acts of Conflict-Related Sexual Violence in the Hamas Attack of October 7, 2023 and Policy Recommendations* (Dec. 2024) (outlining the structural, legal, and institutional barriers to justice for victims); Recently, the denial continued and involved other officials, see Cochav Elkayam-Levy, *Denying Hamas’s Sexual Atrocities*, *The Jerusalem Post* (Dec. 9, 2025), <https://www.jpost.com/opinion/article-879594>; see also *The Civil Commission, Dr. Cochav Elkayam-Levy Confronting*

long emphasized, sexual violence is routinely marginalized and treated as peripheral rather than central to conflict accountability.⁵⁰ Moreover, profound stigma and shame unfortunately continue to deter witnesses, survivors, and families from sharing information about sexual violence, a barrier well documented in other jurisdictions.⁵¹ In the October 7th context, this stigma intersects with antisemitism and political animus, compounding silencing pressures on Israeli and Jewish victims of the attacks. Together, these dynamics form structural barriers that obstruct the recognition and prosecution of these crimes. **It is for this reason that the Commission has worked to ensure that the victims' stories be heard, believed, and secured as an indispensable part of both the historical record and the processes of justice.**

In this regard, this report is rooted in the urgent need to document, recognize and pursue justice for those impacted by the October 7th sexual atrocities. In contexts of conflict-related sexual violence (where information is scarce, dangerous to obtain in the immediate aftermath of an attack or war, and deliberately obscured by perpetrators), the act of building a rigorous evidentiary corpus is itself a form of epistemic authority. By grounding its findings in a systematic accumulation of independent, cross-corroborating sources, including digital

the Sexual Atrocities of October 7 at Halifax Security Forum, YouTube (Nov. 23, 2025), <https://www.youtube.com/watch?v=0NAhBHR6P2U>.

- 50 See e.g., Catharine MacKinnon, *Crimes of War, Crimes of Peace*, 4 (1) *UCLA Women's Law Journal* 59, 60 (1993) ("Women are violated in many ways that men are not, or rarely are; many of these violations are sexual and reproductive. Ranging from objectification to killing, from dehumanization and defilement to mutilation and torture to sexual murder, this abuse occurs in forms and settings and legal postures that overlap every recognized human rights convention but is addressed, effectively and as such, by none"); Catharine MacKinnon, *The ICTR's Legacy on Sexual Violence*, 14 (2) *New Eng. J. of Int'l & Comp. L.* 101, 109 (2008) ("When charges are not laid, and convictions not obtained, even on strong facts, particularly when killing the same people by the same people at the same time is alleged, women's intimate and distinctive violation is disregarded, leaving the impression that women do not matter."); Indira Rosenthal, Valerie Oosterveld & Susana SáCouto, *Introduction*, in *Gender and International Criminal Law* (Indira Rosenthal, Valerie Oosterveld & Susana SáCouto eds., Oxford Univ. Press 2022) (noting that despite significant normative advances, accountability for sexual and gender-based crimes remains uneven, and too often reflects a persistent hierarchy of harms within international criminal justice.); Nienke Grossman, *Feminism Approaches to International Law*, *Max Planck Encyclopedia of Public International Law* (2025) (explaining that feminist approaches use gender as a critical lens to assess how international legal institutions and norms have historically understood and responded to gendered harms); Cochav Elkayam-Levy, *A Path to Transformation: Asking "The Woman Question" in International Law*, 42 *Mich. J. Int'l L.* 429 (2021) (developing a feminist methodological approach to questions of gender, epistemic authority, and gendered silences in international legal doctrine); Rosemary Grey, *Prosecuting Sexual and Gender-Based Crimes at the International Criminal Court: Practice, Progress and Potential* (Cambridge University Press, 2019), p. 70 ("Yet despite its prevalence in conflict settings, and its serious consequences, sexual violence has historically been overlooked in instruments of international criminal law and its legal forerunner, international humanitarian law (IHL). This point has been emphasized by many feminist scholars, most of whom link the silences around sexual violence in these legal instruments to a dismissive attitude toward violence against women on the part of generations of male lawmakers."); Sara Meger, *Rape Loot Pillage: The Political Economy of Sexual Violence in Armed Conflict* (Oxford University Press, 2016), p. 131 ("The selective application of charges of sexual violence in international criminal tribunals has highlighted the way in which atrocities are prioritized in the practice of international law. Compared with other crimes of war, sexual violence is seen as less significant or less atrocious, and thus few cases have included charges of sexual violence at the international tribunals."); Caterina E. Arrabal Ward, *Wartime Sexual Violence at the International Level: A Legal Perspective* (Koninklijke Brill NV, 2018), p. 89 ("The ICC has now been in place for more than a decade, and yet, there is still an absence of successful prosecutions for rape at the international level."). See also, generally, Noëlle N.R. Quéniévet, *Sexual Offenses in Armed Conflict & International Law* (Ardsley, New York, Transnational Publishers, Inc., 2005) (comparing feminist writings on sexual offenses committed during times of conflict).
- 51 United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), "Challenges to Investigating ISIL Gender-Based Crimes Discussed in the 5th Thematic Roundtable of the UNITAD-NGO Dialogue Forum" (Mar. 1, 2023), <https://iraq.un.org/en/221251-challenges-investigating-isil-gender-based-crimes-discussed-5th-thematic-roundtable-unitad>. ("Ms. Gergana Yancheva, Investigator at the United Nations. . . presented a comparative angle from her experiences investigating sexual and gender-based crimes internationally, stressing that fear of social stigma, fear of retaliation, and lack of proper spaces for interviewing victims remain some of the common challenges across different countries when it comes to investigating such crimes.").

materials and original filmed testimonies, and by making its methodology transparent, this report narrows the space for doubt. In doing so, it shifts the discourse from whether these crimes occurred to what they mean and what accountability requires. Drawing on feminist methodological insights that interrogate whose knowledge is counted, how epistemic authority is constructed in international law, and how gender shapes what is seen, recorded, and believed, the report's evidentiary corpus is designed to serve as a durable point of reference for legal, policy, and historical processes, resisting distortion, denial, and erasure.⁵²

While this report centers on victims and communities in Israel and their experiences, it is grounded in a broader recognition that sexual and gender-based violence transcends borders and contexts. Women across the Middle East and worldwide continue to endure, resist, and challenge systems of violence and inequality, often at great personal risk. Their struggles, whether in times of conflict or in pursuit of social and political transformation, form part of a shared and ongoing effort to secure safety, dignity, and agency. This report affirms a universal principle: that violence against women, in all its forms and wherever it occurs, must be unequivocally condemned and addressed. It calls for sustained and decisive action to protect vulnerable populations and to uphold their safety and dignity - recognizing that sexual violence, whether inflicted against women, men, or children, is a grave violation that must never be normalized and must be met with meaningful accountability.

The report is structured in two parts. **Part I** sets out the Commission's factual findings, drawing on its documentation and analysis to establish a clear and rigorous evidentiary record. **Part II** situates these findings within international humanitarian law and international criminal law, identifies potential avenues for prosecution, and outlines applicable modes of liability. It then confronts a central question: how justice should be pursued for the SGBC committed on October 7th. The report demonstrates the necessity of robust international cooperation and sets out practical models for coordinated action that can meet international legal standards while accounting for domestic legal constraints, particularly in light of the gendered nature of these crimes and the multinational character of the victims. The report concludes by recommending the establishment of **a specialized prosecutorial chamber on SGBV** and proposing a broader framework for accountability through an internationalized prosecution process.

Finally, this report is dedicated to the victims and survivors of the October 7th atrocities. It is written in the voices of those who bore witness, and in the silence of those who lost their lives. Their testimonies and their absence are a call to the world to confront the deliberate, systematic crimes committed against them.

To honor their dignity is to ensure that their pain is neither denied nor forgotten, and that accountability is pursued without compromise.

52 Cochav Elkayam-Levy, *A Path to Transformation: Asking "The Woman Question" in International Law*, 42 Mich. J. Int'l L. 429, 431-33 (2021) (examining how gender shapes international law, the article argues that interrogating epistemic authority and centering on marginalized perspectives reshapes how international legal knowledge is constituted and legitimized. "The discussion of feminist methods in international law is one that engages with the combination of rules and assumptions that shape and delimit our views about the exclusion of women's experiences from this doctrine. . . . Our ever-situated wisdom is what allows us to capture the diverse, intersectional experiences of women's lives. It is also essential in a system predicated on an epistemic angle of vision defined by the ability to promise respect for global values and varied narratives.").



Photo by Ziv Koren | Sha'ar HaNegev Junction, October 7, 2023

METHODOLOGY

This report’s legal analysis addresses the factual sequences and legal circumstances surrounding the acts of SGBV committed during the October 7th attacks on Israel and in captivity. To make such factual determinations, the Commission collected digital materials, conducted interviews, filmed testimonies and undertook a comprehensive review of a substantial volume of materials documenting aspects of Hamas’s attack, preserved within The Civil Commission’s October 7th War Crimes Archive.⁵³ This included photographs, video footage, audio recordings, satellite images, text messages exchanged as the attack unfolded, testimonies, media coverage, and investigative reports.⁵⁴ We routinely utilized public databases, the most instrumental among them being the open-access database and customized data outputs generated by the civil initiative led by data expert Dr. Yuval Harpaz and his team.⁵⁵ Harpaz’s database compiles and cross-references multiple official and unofficial independent data sources, is supported by geolocation verifications, and is considered one of the most comprehensive and accurate datasets on the October 7th victims and casualties.⁵⁶

The analysis, information gathering, and documentation tasks underlying this report were guided by the overarching principles, guidelines, standards, protocols, and best practices acceptable in the field, as outlined in the Commission’s Code of Ethics and Code of Practice, ensuring consistency between fieldwork, survivor care, and evidentiary standards.⁵⁷ In its work on the report, the Commission adhered to the recognized principles of do no harm, independence, impartiality, transparency, objectivity, confidentiality, credibility, visibility,

53 See Appendix: The Civil Commission’s October 7th War Crimes Archive. The archived materials are maintained within the Commission’s secure internal repository and are not publicly accessible. For further explanation see: <https://www.civilc.org/archive>. The Commission’s research and documentation teams reviewed over 10,000 photographs and video segments, representing well over 1,800 cumulative hours of structured analysis, alongside extensive testimonial work, including the taking, review, transcription, and translation of survivor and witness accounts, as well as site visits, meetings, and interviews conducted by the Commission.

54 This includes extensive research of credible open-source materials, including survivor interviews and survivor testimonies in other documentation projects (including materials of the National Library, USC Shoah Foundation, Edut 710, Kan 11, Uvda etc.).

55 Harpaz et al., Oct 7 Death Locations Database, https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9. For an English version of the map, see: https://oct7database.com/oct_7_9_en.html. See also Revital Hovel, *There Are Two Hostages You Have Never Heard of: An Interview with the Person Who Tracks Them*, Ha Makom (Jan. 18 2024), <https://www.ha-makom.co.il/post-revital-yuval> (in Hebrew).

56 The database is used by multiple official and non-governmental agencies, and will be incorporated into the Israeli National Library Public Database. See Sagi Or, Yuval Harpaz & Keren Yalin-Mor, *Mapping the Tragedy: Building a Documentary Database of Massacre Victims*, 5 Remembrance and Research (Oct. 2024).

57 Office of the United Nations High Commissioner for Human Rights, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*, (2015), https://www.ohchr.org/sites/default/files/Documents/Publications/Col_Guidance_and_Practice.pdf (hereinafter: “OHCHR, Guidance and Practice (2015)”), p. 33–35; Murad Code Project, *The Global Code of Conduct for Gathering and Using Information About Systematic and Conflict-Related Sexual Violence* (Apr. 13, 2022), available at <https://www.muradcode.com/murad-code>; UK Foreign & Commonwealth Office, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime Under International Law* (2d ed. 2017), available at: https://assets.publishing.service.gov.uk/media/5a803e9640f0b62305b8a06b/International_Protocol_2017_2nd_Edition.pdf; Berkeley Protocol on Digital Open Source Investigations (2022), https://www.ohchr.org/sites/default/files/2024-01/OHCHR_BerkeleyProtocol.pdf; See Appendix: The Civil Commission’s Code of Ethics and Practice, also available at: <https://www.civilc.org/code-of-ethics>.

integrity, professionalism, and consistency.⁵⁸ Unwavering attention was given to the principle of “do no harm”; the necessity to adopt evidence-based trauma-informed approaches and strategies; and the prioritization of the well-being, safety, and dignity of survivors, victims, and their families.⁵⁹

The Commission’s investigators and analysts conducted in-person fact-finding visits to several sites of the attack and the impacted communities between June 2024 and September 2025. This included visits to Kfar Aza, Nir Oz, Be’eri, Re’im, Holit, Sderot, the site of the Nova Music Festival and its surrounding areas, including along Route 232—the highway leading to and from the festival site.⁶⁰ The Commission further conducted visits to the Abu Kabir National Forensic Center, which served as one of the primary morgues in the aftermath of the attack, and received and reviewed information regarding the condition of the bodies.⁶¹ In addition, the Commission examined available evidence from the Shura base morgue and documentation concerning the events at the Nahal Oz military base and other military bases and conducted interviews with individuals connected to that site.⁶²

The Commission also gathered and cross-referenced relevant information beyond the onsite visits, and interviewed and filmed testimonies of survivors, returned hostages, family members of the victims, firsthand witnesses, individuals who were actively communicating with the victims over the course of the attack, first responders, morgue staff, and medical providers. The Commission also met with and interviewed families and relatives of hostages while their loved ones were still held in captivity. Overall, the Commission conducted over 430 formal and informal interviews, testimonies and meetings with survivors, witnesses, returned hostages, experts, family members, and first responders of the October 7th attack.⁶³ Interviews and

58 OHCHR, *Guidance and Practice* (2015), *supra* note 57; Berkeley Protocol on Digital Open Source Investigations (2022), https://www.ohchr.org/sites/default/files/2024-01/OHCHR_BerkeleyProtocol.pdf.

59 See, e.g., Appendix: The Civil Commission’s Code of Ethics and Practice, also available at: <https://www.civilc.org/code-of-ethics>; Reporting of the Commission’s work process: Adv. Irit Gazit, *Children of Trauma: How Not to Document Pain*, Times of Israel (Nov. 3, 2024), <https://blogs.timesofisrael.com/children-of-trauma-how-not-to-document-pain/>; Adv. Irit Gazit & Sharon Rapaport, *The body remembers: On documenting trauma with care — opinion*, Jerusalem Post, (May 17, 2025), <https://www.jpost.com/opinion/article-854062> (describing the delicate practice of taking testimonies of October 7th victims by the Civil Commission documentation team: “The delicate triangle between therapy, documentation, and justice requires constant balance. On the one hand, the aim is to protect those giving testimony. On the other, the documentation must be precise, meaningful for research, and — if the witness chooses — legally admissible”); OHCHR, *Guidance and Practice* (2015), *supra* note 57.

60 Visits to Kfar Aza (June 16, 2024), Nir Oz (June 19, 2024), Be’eri (July 1, 2024; September 16, 2025), Re’im (Apr. 15, 2024), the Nova Music Festival site (June 19, 2024; September 16, 2025), and Holit (Oct. 22, 2024). Visit summaries and findings are archived with the Civil Commission.

61 Meeting with medical and forensic experts at Abu Kabir National Forensic Center, April 9, 2024, September 14, 2025, meeting notes on file with the Civil Commission.

62 Materials archived with the Civil Commission. [hereinafter: Shura morgue]

63 Filmed testimonies and records of all meetings and interviews are archived with the Civil Commission. Meetings, filmed testimonies and interviews were conducted with former hostages, survivors, families, and first responder including from Sderot, Re’im, Kfar Aza, Be’eri, Nir Oz, Netiv Ha’asara, Holit, Nahal Oz, and Nirim, Shura morgue, hospitals’ senior staff, and Zaka volunteers (February 2024 — February 2026). Interviews with medical experts, police officials, Ministry of Justice personnel, first responders, forensic experts, including expert of the Abu Kabir National Center of Forensic Medicine, as well as identification staff at Shura Morgue (including on Apr. 9, 2024; May

testimonies were also conducted with representatives from the impacted communities.⁶⁴ The meetings, interviews and filmed testimonies were held between December 2023 and February 2026, and were conducted primarily in Hebrew, the native language of most of the interviewees. Informed consent was secured prior to the commencement of the interviews.⁶⁵ The Commission's efforts to interview and document the experiences of survivors, witnesses, families, and other relevant individuals remain ongoing. The Commission has received permission from all the victims, survivors, witnesses, and families whose names are explicitly mentioned in this report, unless the information is drawn solely from public sources.⁶⁶

To ensure factual accuracy, the Commission established methodical fact-checking protocols, including measures to avoid errors and misinformation. First, whenever possible, our fact-finding process relied on the perpetrators' own extensive video documentation and body camera footage, whether live streamed during the attack, posted online and on social media by Hamas and its collaborators soon after, or found on cameras recovered at the scenes.⁶⁷ Priority was also given to other primary sources, including footage taken at the sites of the attack, surveillance camera footage, and live text messaging and audio recordings.⁶⁸ Second, we supported, expanded, and cross-referenced primary sources with testimonies and interviews with survivors and witnesses who reported their lived experiences to the Civil Commission.⁶⁹ Lastly, we used references from interviews and investigative reports published in the media to complement our findings, with all such materials archived and indexed by the Commission. The Commission also carried out an extensive open-source investigation into reports of SGBV committed during the attacks and against hostages in captivity. This investigation involved reviewing and indexing public reports and media sources, including news articles, media interviews, investigative reports, documentaries, podcasts, recorded public testimonies, interviews, official documents, and parliamentary hearings.⁷⁰ This report does not rely on any information obtained through state interrogations. In all cases, factual determinations relied on multiple independent sources that were compared and cross-referenced for verification.

The possession of these materials allowed us to undertake a comprehensive analysis of a substantial volume of materials documenting occurrences of SGBV committed during the attacks, during abduction and in captivity.

The content of digital materials, including photographs, videos, and audio files, was scrutinized and analyzed against verified events and factual sequences, information obtained from survivors' testimonies and interviews, and other sources, as outlined above. The digital visuals

21, 2024, Sept. 14, 2025, during Oct. 2025) and Schneider Children's Medical Center senior staff (Apr. 16, 2024).

64 Including the community representatives of Kfar Aza, Be'eri, Nir Oz, and Holit.

65 Signed consent forms are filed with the Civil Commission.

66 Records are archived with the Civil Commission.

67 Video footage and still images are archived with the Civil Commission.

68 The materials are archived with the Civil Commission.

69 Meetings and interviews with survivors and community members from Kfar Aza, Be'eri, Nir Oz, Netiv Ha'asara, Holit, Nirim, and Re'im (Mar. 2024 — Dec. 2025), meeting notes are archived with the Civil Commission.

70 The full index and materials from the open-source investigation of the sexual violence are archived with the Civil Commission, and the process remains ongoing.

were also evaluated in relation to the remains and artifacts at the sites of the attack, which were observed and documented during the Commission's site visits. The Commission worked closely with forensic experts and drew on their specialized expertise and professional judgment throughout its documentation and analysis. The Commission's analysis and verification process had to account for the fact that some of the video files, especially those uploaded to social media by the perpetrators, were not raw footage, but were curated, cut, or pre-edited by Hamas and its collaborators. Accordingly, the Commission applied a cautious verification methodology, including cross-corroboration across independent sources, in line with best practices for digital open-source investigations. In this process, the Commission routinely relied on the open-access database and customized data outputs generated by the civil initiative led by data expert Dr. Yuval Harpaz and his team, which compiles and cross-references multiple independent sources and supports verification through geolocation and other corroborating indicators, taking into account that many of the videos were uploaded in real time by perpetrators.⁷¹

In documenting incidents in which perpetrators deliberately disseminated sexualized or other violent and degrading footage, the Commission confronted a significant ethical dilemma: the need to ensure evidentiary transparency while avoiding the further circulation of material created to humiliate or traumatize victims and their families. Guided by a survivor-centered and trauma-informed approach, the report primarily relies on and references archived materials and detailed descriptions of the footage in reputable public sources, including investigative reports and independent UN fact-finding mechanisms, that document and analyze the content. In some instances, such public sources contain limited excerpts or still images from the original material. Where this is the case, such material is typically contextualized, editorially mediated, or presented in ways intended to reduce harm. This approach allows the report to maintain transparency while safeguarding the dignity, privacy, and rights of victims.

To preserve, store, and catalog the large volume of collected information and evidence from different sources and formats, the Commission created and maintains a secure archive (The Civil Commission's Oct 7th War Crimes Archive).⁷² To guarantee the highest professional standards in the field, the Commission consulted with experts in evidence collection and open-source evidence to ensure authentication, verification, and reliability.⁷³ All the materials presented in this report are filed with the Civil Commission's archive. Most of the Commission's archived materials are deemed confidential to protect victims' privacy. To mitigate this challenge and enhance access to information, we extensively referenced publicly available sources and findings of other investigative reports, whenever possible, to support the information provided in this report (although we do not necessarily endorse the opinion, legal assumptions, or conclusions communicated in those public sources).

All sources and factual sequences relating to sexual violence were logged, coded, and mapped across time, and geographical locations, then compiled into a database (The SGBV database forms a structured subsystem within the Civil Commission's archive). The database is exclusive

71 Harpaz et al., Oct 7 Death Locations Database, https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* notes 53-54.

72 See Appendix: The Civil Commission's October 7th War Crimes Archive, also available at: <https://www.civilc.org/archive>.

73 Including Dr. Yuval Harpaz, Mr. Sagi Or, Dr. Keren Yalin-Mor (ongoing communication); the Commission's forensic experts (former senior police officers); Microsoft experts; and consultation meetings with the director of the Abu Kabir National Center of Forensic Medicine (Apr. 9, 2024) and a military intelligence expert (June 10, 2024, Sep. 2025).

to the Civil Commission's work and represents the comprehensive documentation and research it has undertaken on SGBV. A significant component of the database consists of entries from the investigation, digital materials, filmed testimonies, research into the specific circumstances of numerous reports, and information provided directly to the Civil Commission. The Civil Commission's investigations are ongoing, and the logged information is constantly updated, processed, and analyzed, with the ultimate goal of compiling information pertinent to those directly impacted by SGBV of October 7th attack and in captivity, and the patterns and *modus operandi* employed by Hamas and its collaborators.

Despite our best efforts to generate an accurate and complete factual account, it is crucial to stress that multiple investigations into the precise details of the October 7th events are ongoing, and new facts and evidence continuously emerge. The full scope of the events will take a long time to come to light. It is also likely that some details will forever remain unknown. Some of the victims who bore witness to the October 7th events and their loved ones' deaths were only recently released from Hamas' captivity. Some are battling trauma and injuries, and many others were murdered that day.⁷⁴ Moreover, Hamas operatives and collaborators methodically destroyed important evidence by setting fire to bodies, property, and houses. Mounting evidence shows that many victims and homes were set ablaze, often with victims still seeking shelter inside.⁷⁵ In the homes and roads where human remains were recovered, the Commission and other fact-finding investigations have documented indications and observed signs consistent with grave sexual assault.⁷⁶

Additionally, many testimonies come from individuals who endured severe trauma and are still deeply affected by it. Consistent with the Civil Commission's trauma-informed approach, these accounts were evaluated with care and contextual understanding as mandated in the Commission's Code of Ethics.⁷⁷ Consequently, accounts may lack details or contain inconsistencies. The psychological impact of trauma can affect memory recall, leading to gaps or contradictions in their stories.⁷⁸ This factor is especially important to consider during ongoing

74 See The Civil Commission on October 7th Crimes by Hamas Against Women and Children, Kinocide: Uncovering the Weaponization of Families on October 7, 2023 (Dec. 17, 2024), https://www.civilc.org/files/ugd/aab121_00115134734b4e8ea6d91de6ad08132c.pdf (documenting the systematic torture and abuse of families and hostages' families); UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 56 ("The true prevalence of sexual violence during the 7 October attacks and their aftermath may take months or years to emerge and may never be fully known, given that sexual violence remains a chronically underreported crime in every conflict-affected setting, due inter alia to trauma, stigma and fear faced by survivors. As in other conflict-affected contexts, there remains a significant likelihood that the findings of the mission team, in terms of verified violations, only partially reflect the crimes actually committed."); Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p. 8 ("The extent to which acts of sexual and gender-based violence were committed during the October 7 assault will likely never be fully known: many victims may have been killed; stigma and trauma often deter survivors from reporting; and Israeli security forces and other responders largely did not collect relevant forensic evidence from the attack sites or the recovered bodies").

75 Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, p. 11, 21-22, 29 (describing homes being set on fire while families sheltered inside).

76 See Part I ("Geographic Findings: Attacked Sites and Communities"); UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4 (referring extensively to bodies who were also found with extensive burn damage across multiple locations); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, paras. 141; UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 284-285; Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p. 99-100.

77 See Appendix: The Civil Commission's Code of Ethics and Practice, also available at: <https://www.civilc.org/code-of-ethics>.

78 John C. Yuille & Judith Daylen, *The Impact of Traumatic Events on Eyewitness Memory*, in *Eyewitness Memory* (Charles P. Thompson, et al., eds., 1998); Kenneth A. Deffenbacher, et al., *A Meta-analytic Review of the Effects of*

conflict, where the chaotic environment can further exacerbate these issues.⁷⁹ Therefore, it is crucial to approach these accounts with sensitivity and care. Despite these challenges, it is essential to carefully analyze victims' testimonies to gain a clearer understanding of their experiences and the harm they endured. Accounting for the experiences of survivors remains vital for addressing the events, underscoring the need to consider the effects of trauma while striving to grasp the full scope of the abuses. Thus, the information presented in this report reflects the most accurate and reliable information available to us at the time of writing, based on the abovementioned methodologies and safeguards.

Notably, this report focuses specifically on sexual and gender-based violence perpetrated by Hamas and its collaborators on October 7th and in its aftermath. In line with the Commission's mandate to investigate the impacts of October 7th on women and children in Israel, the report centers on these victims. At the same time, the report is grounded in a broader commitment to stand with all victims of sexual violence - across contexts, conflicts, and societies. Sexual violence, wherever and against whomever it is perpetrated, demands recognition, protection, and accountability. This report therefore maintains a clear evidentiary and analytical focus, while affirming a universal principle: that the dignity, safety, and rights of all victims of sexual violence must be upheld without exception.

To reach its conclusions, the Commission applied a tiered evidentiary approach. Findings are based at a minimum on a "reasonable basis to believe," and in most cases meet "substantial grounds to believe," meaning that significantly more evidence supports the finding than contradicts it.⁸⁰

"I saw them raping her. While they were raping her, we heard her screaming. Then they murdered her. And then they raped her again, even after she was no longer moving. I saw them raping her. . ."

Raz Cohen, Nova Survivor

High Stress on Eyewitness Memory, 28 (6) Law Hum. Behav. 687 (2004); Landy F. Sparr & J. Douglass Bremner, *Post-Traumatic Stress Disorder and Memory: Prescient Medicolegal Testimony at the International War Crimes Tribunal?* 33 (1) J. Am. Acad. Psych. L. 71 (2005). See also Prosecutor v. Jean-Paul Akayesu, ICTR-96-4-T, Judgement (Sept. 2, 1998); See e.g. Prosecutor v. Katanga, ICC-01/04-01/07-3436-tENG, Judgment pursuant to article 74 of the Statute, ¶¶ 944, 988-992 (Mar. 7, 2014); Prosecutor v. Bemba, ICC-01/05-01/08, Judgement, ¶ 490 (Mar. 21, 2016); Prosecutor v. Bemba, ICC-01/05-01/08-1386, Appeals Judgement, ¶ 118 (May 3, 2011); Prosecutor v. Ongwen, ICC-02/04-01/15-1762-Red, Trial Judgement, ¶¶ 258, 403-427 (Feb. 4, 2021); TRIBUNAL PENAL FÉDÉRAL [Federal Criminal Court], Jun. 18, 2021, SK 2019.17, ¶ 7.17.2.1, 6.3.3, (Switz.), reprinted in <https://75890720.flowpaper.com/20210618SK2019171/#page=1> (in French) ("As regards the assessment of the facts, even if the existence of contradictions or errors in the statements of the complainants and the prosecution witnesses may raise questions about their credibility, it is necessary to take into account what they experienced during violent and traumatic events. Indeed, when such events are recounted, certain contradictions and imprecisions are foreseeable").

79 See, generally, Nigel C. Hunt, *Memory, War and trauma* (Cambridge University Press, 2010).

80 See Stephen Wilkinson, *Standards of Proof in International Humanitarian and Human Rights Fact-Finding and Inquiry Missions*, Geneva Academy of International Humanitarian Law and Human Rights (2012) <https://geneva-academy.ch/wp-content/uploads/2025/11/Standards-of-Proof-in-Fact-Finding.pdf>, p. 5.

BACKGROUND AND CONTEXT

This section provides contextual background on the Israeli region known as the “Gaza Periphery” (or “Gaza Envelope”), where many of the October 7th attacks took place. Drawing on the Civil Commission’s investigation, it outlines the setting in which the events unfolded and the vulnerabilities of the communities targeted.

THE REGION IN ISRAEL KNOWN AS THE “GAZA PERIPHERY” OR “GAZA ENVELOPE”

The Gaza Periphery refers to the populated Israeli communities in Israel that lie within very short range of the Gaza Strip. The area is made up of dozens of small towns, kibbutzim and moshavim (communal and cooperative Israeli agricultural communities), such as Be’eri, Re’im, Nir Oz, Nahal Oz, and Kfar Aza, as well as a few larger towns, like Sderot, Ofakim and Ashkelon. The area is also open and rural, with wide tracts of undeveloped hard, sandy fields, planted trees, and scrubland surrounding the communities. Those open spaces, near Re’im, for instance, are used for the annual wildflower festival as well as music and art events.

The area is home to a unique mix of residents: long-standing kibbutz and moshav communities, young families and farmers, townspeople who commute to regional centers, and vocal and active communities of “peace activists.” As shared with the Civil Commission by survivors and community representatives during site visits, prior to October 7th, many individuals from the region had been actively engaged in bridging the gaps between Palestinians and Israelis by opening lines of communication across to the Gaza Strip and assisting Gazans with obtaining modern medical treatment and employment in Israel.

A defining everyday feature of life in the Gaza Periphery has been repeated exposure to rocket and mortar fire from militants within the Gaza Strip. Many border communities have only seconds to reach protected rooms or bomb shelters when the early-warning siren (the Red Alert / Tzeva Adom) sounds. That reality has shaped how people in the communities live, work, teach children, and operate local services. The mix of rural serenity with proximity to the Gaza barrier is part of the region’s character. A resident of Kibbutz Be’eri who lost his sister and 101 of his neighbors in the October 7th attacks described his home as “90% paradise, 10% hell.”⁸¹ Others shared with the Commission a sense of betrayal by neighboring Gazan communities with whom they had maintained close relationships.

81 Statement of Dani Majzner (Sept. 16, 2025), provided during site visit to Kibbutz Be’eri. Notes from the site visit archived with Civil Commission.

THE OCTOBER 7TH HAMAS-LED ATTACK

The attack unfolded in a complex, multi-axial operation. In the predawn and dawn hours a very large rocket barrage provided cover while hundreds to thousands of perpetrators breached the Gaza–Israel fence and infiltrated Israeli territory by land, sea, and air (including the use of pickup trucks, motorcycles, bulldozers, speedboats, and powered paragliders).⁸² Perpetrators then entered Israeli territory through approximately 120 separate breaches in the border fence between Gaza and Israel.⁸³

Hamas-led armed groups spread rapidly across the Gaza envelope, moving along rural tracks, roads, and open fields and into kibbutzim, moshavim, small towns, and selected military installations. The attacks were carried out in three successive waves: an initial infiltration and assault that seized entry corridors and attacked civilian targets; follow-on attacks that expanded the area of operations and overwhelmed local defenses; and subsequent groups and irregulars, including Palestinian civilians who responded to calls from Hamas leaders to take up arms, that consolidated control of particular sites, the cumulative effect being thousands of Israeli civilians and military forces caught in a chaotic multidirectional assault.

The unprecedented scale, coordination, and surprise of the October 7th assault meant that at many of the attack sites, communications infrastructure was quickly disrupted, security forces were overwhelmed, and emergency responders could not reach the attack sites due to ongoing gunfire, roadblocks, ambushes, and the sheer number of simultaneous incursions. During this critical window, civilians were trapped in their homes, hiding in shelters, or fleeing under fire on foot and in vehicles while Hamas armed groups roamed freely. Under these circumstances, perpetrators could prolong their assaults, inflict further brutality, and increase the number of victims. It was in these prolonged hours, before any organized rescue efforts were deployed, that cruel acts of sexual violence and torture were committed. For those taken into Gaza, however, the ordeals extended for months: the weaponization of sexual violence continued throughout multiple captivity sites in Gaza.

Attack on the Nova Music Festival and Route 232: Shortly after the invasion, at around 8:00 a.m., approximately 110 Hamas Nukhba forces stumbled upon the Nova Music Festival site near Re'im in southern Israel, where thousands of young people had gathered.⁸⁴ More than 3,500 people attended the festival, mainly young men and women, along with approximately 400 festival-staff members and 75 security guards. Initial official investigations revealed that the

82 See Introduction section above. For an extensive overview of the attack see Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p. 3, 9–12, 29–35, 204–210, 233–234.

83 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9; See also UK Parliament APPG Report (2025), *supra* note 4, p. 8; Footage showing multiple infiltration points along the Gaza border, archived with the Civil Commission. See also *Probe reveals 6,000 Gazans infiltrated Israel during October 7 massacre — report*, Jerusalem Post (Aug. 31, 2024) <https://www.jpost.com/israel-hamas-war/article-817176> (“119 breaches were discovered in the border fence, almost twice the previously estimated number of 60.”).

84 See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 57, <https://docs.un.org/en/S/2024/217>; See also UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 202.

perpetrators had intended to move toward the city of Netivot (northeast of the festival site) and had no prior knowledge of the festival taking place near Re'im.⁸⁵ After encountering the site they changed course and encircled the festival grounds. Instead of proceeding with the original plan, the perpetrators cut off and closed exit routes; blocked the nearby highway and access roads; set vehicles and temporary structures alight; used gunfire, sharp tools, grenades, and explosives to hinder movement; and systematically targeted civilians as they tried to flee the grounds.

Numerous witnesses described gunmen sealing escape routes, moving through the crowd and attacking festivalgoers, along the perimeter fences and on the adjacent road. Perpetrators actively hunted and executed victims who were fleeing for their lives. Shortly after the attack began, dozens of Palestinian civilians arrived at the Nova site and joined the attack. Victims who were caught were abused and tortured, including sexually, and were either executed or taken hostage. Shortly thereafter, perpetrators began loading bodies and live hostages onto cars, motorcycles, and trucks.⁸⁶ Bodies were later found burned, mutilated or shot, including documented cases of victims who were found naked or partially dressed and who sustained gunshot wounds to the face and genital area. Reports of sexual violence in the area began to emerge shortly after the attack.⁸⁷ In the first few hours of the attack, 396 people were murdered at the festival, and another 44 were taken hostage to the Gaza Strip.⁸⁸

Attacks on kibbutzim and southern communities. The attack in the residential communities in southern Israel was widespread, and included invasion of armed groups to the villages, kibbutzim, cities, and towns invaded during the attack.⁸⁹ Numerous kibbutzim and communities adjacent to the Gaza border fence (including Be'eri, Kfar Aza, Nir Oz, Nahal Oz, Re'im, Mefalsim, Holit, Nirim, Alumim, and others) were attacked simultaneously. Perpetrators breached perimeters, entered homes and communal buildings, abused and tortured families, set dwellings ablaze, carried out mass shootings, and abducted residents and families, including children. In several such communities (for example, Nir Oz, Be'eri, and Kfar Aza) security forces arrived hours after the invasion, and in some cases, full control of the communities was not restored until the following day or days later. For instance, residents of Nir Oz faced hundreds of armed perpetrators who carried out sustained attacks on the community for over six hours. Approximately one quarter of the people present that morning in the community were murdered, and 76 civilians were taken hostage to Gaza. Israeli security forces reportedly arrived

85 See e.g., Josh Breiner, *Israeli Security Establishment: Hamas Likely Didn't Have Advance Knowledge of Nova Festival* (Nov. 18, 2023) Haaretz, <https://www.haaretz.com/israel-news/2023-11-18/ty-article/.premium/israeli-security-establishment-hamas-likely-didnt-have-prior-knowledge-of-nova-festival/0000018b-e2ee-d168-a3ef-f7fe8ca20000>; *Police probe of Re'im massacre shows terrorists didn't know about party in advance*, Times of Israel, (Nov. 17, 2023), https://www.timesofisrael.com/liveblog_entry/tv-police-probe-of-reim-massacre-shows-terrorists-didnt-know-about-party-in-advance/.

86 Footage archived with the Civil Commission. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶¶ 6, 57-60; Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, pp. 49, 80-81, 192-195, 239.

87 See Section I.A (*Nova Music Festival, Route 232, and Surrounding Fields and Areas*) for a detailed description. Footage relevant to SGBV is archived with the Civil Commission; See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶¶ 57-60.

88 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html;

89 The widespread nature of the attack on residential communities in southern Israel is documented across multiple independent fact-finding and investigative sources. See generally Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6; UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶¶ 5-6; Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, pp. 36-37, 43.

largely after the armed groups had retreated to Gaza.⁹⁰ Be'eri's community remained under attack during October 7th–8th and IDF reporting and subsequent probes indicate control was only re-established by the evening of October 8th,⁹¹ while another community, Kfar Aza, was overrun rapidly and took longer to clear fully in the days after the attack.⁹² In total, across the kibbutzim, around 300 kibbutz residents were murdered and around 150 were taken hostage to the Gaza Strip.⁹³ Attacks on civilians who were fleeing or traveling also occurred along rural roads and junctions, as well as in nearby towns, such as Sderot, Ofakim, and points on the Ashkelon approach. At least 80 people were murdered at various places in Sderot and Ofakim.⁹⁴

In this regard, the State of Israel has recognized approximately 61,000 people as victims of the attacks.⁹⁵ However, the Commission notes that the damage of the attack extends far beyond direct physical harm and site of the attack; the long-lasting adverse outcomes have wide societal and multigenerational impacts that affect families, the communities and society as a whole.⁹⁶ This element is especially relevant and dominant with the specific communities impacted by the attack on October 7th—mainly the kibbutzim and moshavim—due to their unique communal, cooperative, and collectivist characteristics and ideologies, and the mutual accountability, intimate familiarity, and closeness among community members.⁹⁷ These unique characteristics amplify the destructive and devastating effect of the attack.

With regard to incidents of SGBV, members of the affected communities expressed before the

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- 90 See Yaniv Kubovich, *The Forces in the Area That Did Not Come, the Command That Collapsed Completely: The IDF's Investigation into Nir Oz Presents an Unusual Picture of Failure Even In Relation to October 7*, Haaretz (Mar. 14, 2025), <https://www.haaretz.co.il/news/politics/2025-03-14/ty-article-magazine/00000195-9139-d155-affd-9d3d982d0000> (in Hebrew) (reporting on the IDF's acknowledgement that its forces reached Kibbutz Nir Oz long after the attackers had left, highlighting extensive civilian exposure to terror and delays in military response); Itay Blumenthal, Carmela Menashe, *Without a situational picture and without forces: IDF investigation into Nir Oz*, Kan (Mar. 14, 2025), <https://www.kan.org.il/content/kan-news/defense/870296/> (in Hebrew).
- 91 Israel Defense Forces, *7.10 The Inquiries: Battle of Kibbutz Be'eri* (July 11, 2024), <https://www.idf.il/en/mini-sites/710-the-inquiries/all-of-the-710-inquiries/battle-of-kibbutz-beeri-the-inquiry/>.
- 92 Yaniv Kubovich, *IDF's Kfar Azza Investigation: Terrorists Massacred Residents for Hours with No Israeli Soldiers Arriving*, Haaretz (Mar. 3, 2025), <https://www.haaretz.com/israel-news/2025-03-03/ty-article/premium/kfar-azza-probe-terrorists-killed-residents-for-hours-with-no-israeli-soldiers-arriving/00000195-5cd8-da4c-a9f7-fcdd19dd0000>.
- 93 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.
- 94 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.
- 95 See State Comptroller of Israel, *The October 7 Terror Attack and the Iron Swords War: Regulating Assistance for Victims of the October 7th Attack* (2025) (English translation), <https://library.mevaker.gov.il/sites/DigitalLibrary/Documents/2025/Swords-of-Iron-1/EN/2025-Swords-of-Iron-300-Taktzir-EN.pdf>
- 96 The multigenerational and community-wide impacts of mass atrocities and family-targeted violence are examined in detail in Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, Section II (“why do families deserve special attention,” examining the enduring emotional, psychological, and social harm inflicted on families and communities, including patterns of intergenerational trauma observed in diverse atrocity contexts); For scholarly analysis on the transmission of trauma across generations and its broader societal effects, see e.g., Rebekka Friedman & Hanna Ketola, *Violations of the Heart: Parental Harm in War and Oppression*, 50 (2) *Rev. Int'l Stud.* 393, 407-10; (2024); See generally, Our World in Data, *How Important Family Is to People in Life* (2022), <https://ourworldindata.org/grapher/how-important-family-is-to-people-in-life?tab=table&time=2022>; A. S. Masten & A. J. Narayan, *Child Development in the Context of Disaster, War, and Terrorism: Pathways of Risk and Resilience*, 63 (1) *Ann. Rev. Psych.* 227 (2012); Krista P. Woodward, et al., *Childhood Bereavement, Adverse and Positive Childhood Experiences, and Flourishing among Chinese Young Adults*, 20 (5) *Int. J. Environ. Res. Public Health* 4631 (2023) (introduction).
- 97 *Id.*; For an explanation on the Kibbutz ideology and characteristics, see: Ran Abramitzky, *The Limits of Equality: Insights from the Israeli Kibbutz*, 123 (3) *The Qtr. J. of Econ.* 1111 (2008). See also Becky Sullivan, *What is a kibbutz? The roots of Israel's communal villages where violence raged*, NPR (Oct. 12, 2023), <https://www.npr.org/2023/10/12/1205284601/what-is-a-kibbutz-the-roots-of-israels-communal-villages-where-violence-raged>.

Commission profound concern for the families who would later learn the full extent of what happened to their loved ones. They emphasized the anticipated multigenerational trauma these revelations could cause within their close-knit communities and the need to balance public disclosure of events with respect for the dignity and privacy of victims, survivors, and their families. The Commission recognizes the communities' sensitivity in navigating these painful realities and their desire to protect individual and collective well-being. In this respect, it is important to note that some cases may take years to be revealed, whether due to the profound trauma experienced by victims and families, the continuing sensitivity and stigma surrounding sexual violence, or the deep desire within communities to protect the privacy of their members.

Attacks on military bases and security installations: Several IDF posts, observation posts, and training bases near the border were attacked, engaged, or temporarily overrun in the early hours of October 7th (including the Nahal Oz military base and other border posts).⁹⁸ In some cases, the fighting was intense and prolonged; in others, military units repelled perpetrators more quickly. These attacks were designed to distract immediate military resistance and to open routes toward civilian communities. More than 350 security forces personnel were killed that day.⁹⁹ At Nahal Oz base alone, over 50 soldiers were killed, among them 22 female soldiers, including nineteen-year-old Noa Marciano, who was murdered in captivity.¹⁰⁰ In total, seven female surveillance soldiers and three tank soldiers were taken hostage.¹⁰¹ Around 24 soldiers and one police officer were among the 251 people taken hostage on October 7th.¹⁰²

Emerging videos published by Hamas, footage recovered from surveillance cameras, and reports from survivors provide disturbing evidence of abuse, mutilation, burning and execution of victims, including female soldiers.¹⁰³ In several instances, the footage itself is indicative of deliberate sexualized humiliation and gender-based violence directed against men and women, consistent with the patterns of SGBC documented across other attack sites and against hostages in captivity.

98 For reporting on delays in the operational response during the first hours of the October 7th attack, see e.g., Yaniv Kubovich, *The Forces in the Area That Did Not Come, the Command That Collapsed Completely: The IDF's Investigation into Nir Oz Presents an Unusual Picture of Failure Even In Relation to October 7*, Haaretz (Mar. 14, 2025), <https://www.haaretz.co.il/news/politics/2025-03-14/ty-article-magazine/00000195-9139-d155-affd-9d3d982d0000> (in Hebrew).

99 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.

100 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9; See also Lihi Gordon and Yael Ciechanover, *The investigation into the Nahal Oz base battle was presented to the families: '3 surveillance balloons didn't work, there weren't enough forces*, Ynet (Feb. 27, 2025) <https://www.ynet.co.il/news/article/r1adcbqkg> (in Hebrew); Yoav Ziton, *Abandoned positions, breaches in the fence: The IDF investigations into the Nahal Oz base and the massacre at Kibbutz Kfar Aza have been published*, Calcalist (Mar. 3, 2025), https://www.calcalist.co.il/local_news/article/h1cmhlqs1g (in Hebrew).

101 Three soldiers were murdered. One of them, Noa Marciano, was violently murdered in captivity; Hamas released a video of her begging for her life, followed by footage showing her body. The video is archived with the Civil Commission; Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9; See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 106 (describing the soldier fatalities and abductions in the Nahal Oz base).

102 Information provided to the Civil Commission by the Yuval Harpaz research team in response to a direct request, based on their independent analysis of available data. Information archived with the Civil Commission. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9. This figure includes soldiers who were on active duty at the time of the attack. It does not include soldiers who were abducted while on leave, nor members of local civilian security personnel whose bodies were abducted.

103 Footage archived with the Civil Commission. See detailed accounts and descriptions of videos and archive items in the Factual Findings and Thematic Analysis sections below. See also e.g., UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶¶ 69.

Other attack sites: Hamas-affiliated units also attempted amphibious landings (Zikim beach and nearby coastal points) in the early morning of October 7th; naval approaches were intercepted in several instances, but some attackers did land and attacked Israeli civilians in the coastal plain. Seventeen civilians and one soldier were murdered on Zikim beach and in nearby areas.¹⁰⁴

Hostage-taking and movement. 251 individuals, including a baby, toddlers, young children, teenagers, adult men and women, and the elderly—were taken hostage and violently transported into the Gaza Strip, both alive or as corpses of those murdered.¹⁰⁵ Hostages were dispersed across different parts of Gaza, held in private houses, in or under public buildings (such as hospitals and UN buildings), and inside tunnels. While many were under the control of Hamas, others were held by Palestinian Islamic Jihad, other local armed groups, and Gazan civilians, rather than being confined to a single central facility. Subsequent releases, exchanges, escapes, and battlefield recoveries occurred over weeks and months. The accounts of returning hostages and medical professionals treating them indicate that hostages—both men and women—were systematically subjected to extreme physical and sexual violence and sexual torture while in captivity.¹⁰⁶ As of the date of writing, all living and deceased hostages have been released from captivity.

OPERATIONAL PREPARATION PRIOR TO THE ATTACK

A wide range of documentary material seized from the bodies and homes of perpetrators, and recovered from October 7th sites, demonstrates that the attacks were not a spontaneous outbreak of violence but rather were planned and rehearsed with specific instructions to kill, kidnap, and humiliate civilians.¹⁰⁷ The Civil Commission has reviewed extensive operational materials, notebooks, checklists, maps, phrasebooks, and tactical guides that guided perpetrators on how to enter civilian communities, how to control victims, and what commands to use in Hebrew during abductions. These materials contain explicit incitement to violence and religiously framed hatred.¹⁰⁸

104 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9;

105 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9;

106 See Section I.E (*Sexual and Gender-Based Violence Against Hostages During Abduction*), Section I.F (*Sexual and Gender-Based Violence Against Hostages in Captivity*), and generally in Section III (*Thematic Analysis: Identified Patterns*).

107 UN Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) UN Doc. S/2025/389 (2025), *supra* note 1, ¶ 35 (“Both my Special Representative and the Commission of Inquiry found that the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, including the military arms of Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Popular Resistance Committees and the Palestinian Mujahideen Movement, as well as civilians from Gaza. My Special Representative concluded that the complexity and *modus operandi* of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected (see S/2024/217)”; See also Ronen Bergman, Adam Ragson & Patrick Kingsley, *Secret Documents Show Hamas Tried to Persuade Iran to Join Its Oct. 7 Attack*, New York Times (Oct. 12, 2024), <https://www.nytimes.com/2024/10/12/world/middleeast/hamas-israel-war.html> (reporting that documents seized and obtained from Hamas “provide a detailed record of the planning for the Oct. 7 terrorist attacks, as well as Mr. Sinwar’s determination to persuade Hamas’s allies, Iran and Hezbollah, to join the assault...” and show that Hamas sought to first attack military bases as it “would be easier to target... residential areas if the military bases were overrun first.”); Amos Harel, ‘Nightmare Scenario’: Hamas’ Victory Is an Israeli Failure on a Massive Scale, Haaretz (Oct. 7, 2023), <https://www.haaretz.com/israel-news/2023-10-07/ty-article/premium/hamas-victory-is-an-israeli-failure-massive-scale/0000018b-0a1a-d8fc-adff-6b7e7e3b0000>.

108 Materials archived with the Civil Commission.

These materials further include Arabic-to-Hebrew phrase lists with imperatives and humiliating commands (for example, commanding victims to “take off your pants/take your clothes off,” “lie down,” “spread your legs”), as well as kits containing zip ties and other materials to physically restrain victims.¹⁰⁹ In several cases, the operational materials were accompanied by doctrinal and ideological publications and books recovered from perpetrators or circulating in the organization’s literature, and on social media channels used by Hamas and its collaborators.¹¹⁰ These ideological materials contained an underlying dehumanizing narrative against the Jewish people and Israeli civilians, including women, children and the elderly, who were represented in some texts and statements as legitimate objects of violence. This ideology is consistent with, and reinforced by, the 1988 Hamas Covenant (the “Charter”), which explicitly depicts Jews collectively as an existential enemy and glorifies armed struggle against them.¹¹¹ Article 13 of the Charter, for example, proclaims that “[t]here is no solution to the Palestinian problem except by Jihad”—invoking the concept of holy war and sanctifying violence against Jews and Israelis.

Across all sites of the attacks reviewed by the Commission, perpetrators were observed celebrating the massacres, chanting religious slogans, and filming scenes of violence and humiliation. In many cases, perpetrators invoked religious phrases framing the atrocities as acts of divine victory or fulfillment. Civilian property in the kibbutzim was also defaced with religious graffiti glorifying the attacks. For example, the Civil Commission documented several homes in Be’eri bearing inscriptions in Arabic, including phrases such as “This is one of God’s days” and “God is great.”¹¹²

109 Materials archived with the Civil Commission. The Civil Commission has obtained copies of some of these documents from the families of victims. For public copies of some of these documents, see Dr. Igal Shiri, Dr. Hayim Iserovich, Avishi Karo, *Instructions Given by Yahya al-Sinwar for the October 7, 2023 Attack and Massacre*, The Meir Amit Intelligence and Terrorism Information Center (Oct. 9, 2025), https://www.terrorism-info.org.il/app/uploads/2025/10/E_145_25.pdf. Original documents referenced have been reviewed by representatives of the Civil Commission during the Civil Commission’s visit to ‘Return to October’ exhibition at the Israel Heritage & Commemoration Center (IICC) (Sept. 15, 2025).

110 *Id.* For public and official statements made by Hamas leadership: see for example, Hamad Al-Regeb in April 2023 “prayed” for the annihilation and paralysis of the Jews, whom he described as “filthy, ugly animals.” See *Hamas Official Sheikh Hamad Al-Regeb Refers to Jews as ‘Brothers of Apes and Pigs’ During a Rafah Friday Sermon, Prays for Annihilation of Polytheists and Atheists, Adds: ‘Oh Allah, Enable Us to Get to the Necks of the Jews’*, Memri TV (Apr. 7, 2023) <https://www.memri.org/tv/rafah-gaza-friday-sermon-hamas-official-regeb-allah-necks-jews-annihilate-them>.

111 See *Hamas Covenant 1988: The Covenant of the Islamic Resistance Movement* (Aug. 18, 1988), translated in Avalon Project, Yale Law School, https://avalon.law.yale.edu/21st_century/hamas.asp, art. 7: “Our struggle against the Jews is very great and very serious. It needs all sincere efforts. It is a step that inevitably should be followed by other steps. The Movement is but one squadron that should be supported by more and more squadrons from this vast Arab and Islamic world, until the enemy is vanquished and Allah’s victory is realized” (Introduction), “The Prophet, Allah bless him and grant him salvation, has said: The Day of Judgment will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees.” For elaboration see Part II (Legal Analysis).

112 Images of graffitied houses in Kibbutz Be’eri, captured by Civil Commission investigatory teams, Sept. 16, 2025. Archived with the Civil Commission.



Photo by Ziv Koren | Nova, October 10, 2023

The preexisting doctrinal environment and operational materials demonstrate how Hamas and its collaborators were operating within a framework in which civilians, including women, children, and the elderly, were treated as legitimate targets. They functioned as a tool of terror, humiliation, and control, reinforcing the broader objectives of the attack and reflecting the “sixth dimension” identified by the CTED report on SGBV linked to terror, whereby such acts are committed pursuant to, or in furtherance of, an ideology that seeks to control and subjugate individuals and communities.¹¹³ In this context, the use of SGBV on October 7th appears consistent with established patterns in modern terrorism, serving as a deliberate tool of terror, humiliation, and control.

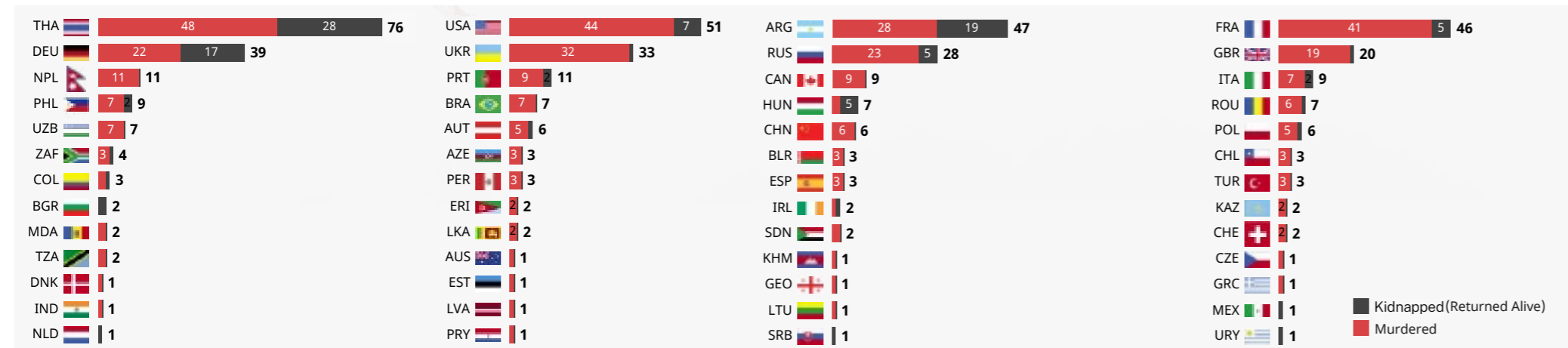
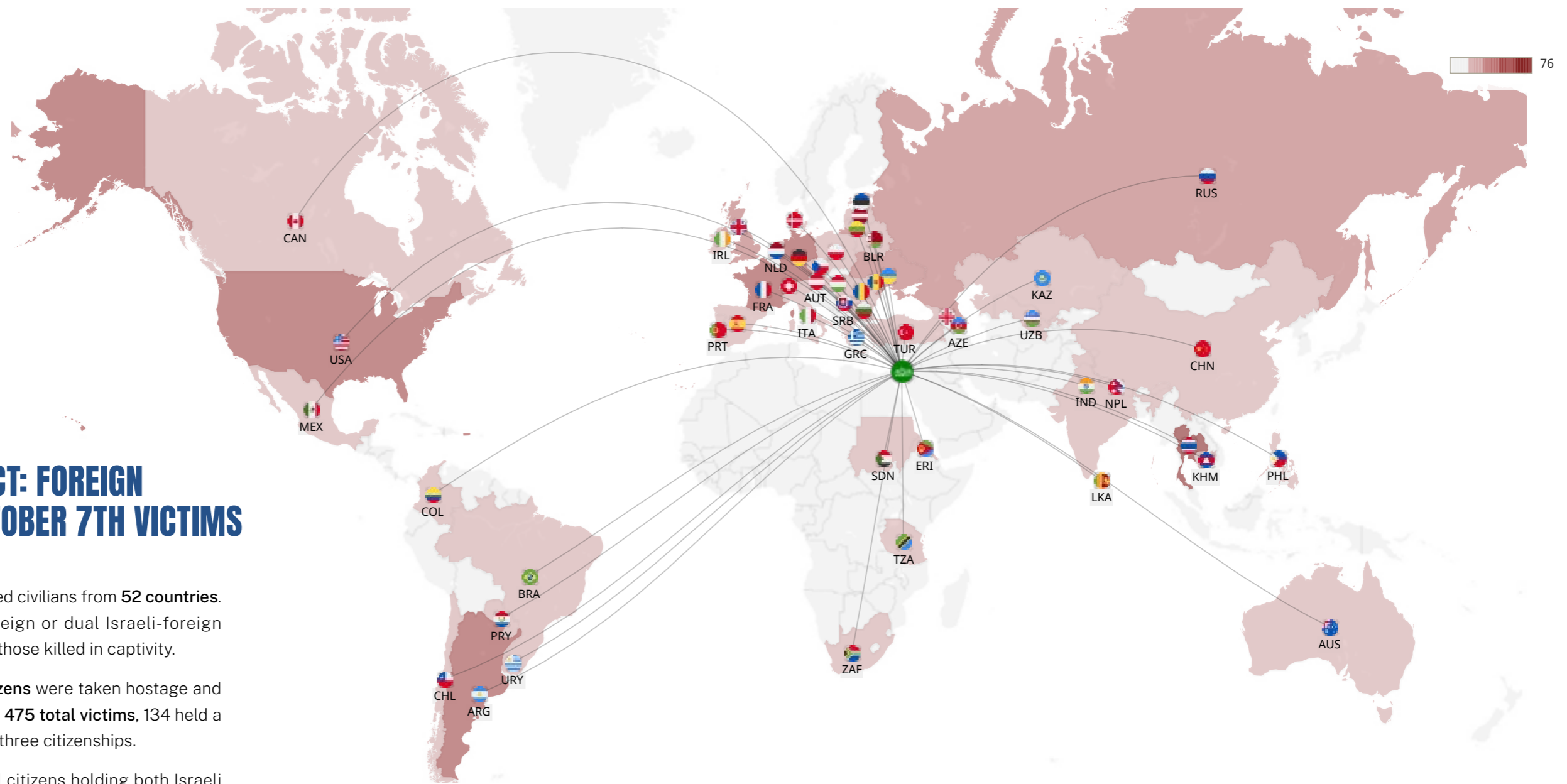
¹¹³ SGBV has recently been widely recognized as a tactic employed by terrorist groups to achieve strategic objectives, consolidate power, and terrorize civilian populations. See CTED Report on Accountability for SGBV Linked to Terrorism (Nov. 2023), *supra* note 42, p. 9 (“Terrorist groups have adopted SGBV as part of a strategy for radicalization, recruitment, and retention of its members. . .”).

CROSS-BORDER IMPACT: FOREIGN NATIONALITIES OF OCTOBER 7TH VICTIMS

The October 7th Hamas attack targeted civilians from **52 countries**. A total of **369 persons** holding foreign or dual Israeli-foreign citizenship were murdered, including those killed in captivity.

An additional **106 foreign or dual citizens** were taken hostage and later released or rescued alive. Of the **475 total victims**, 134 held a single foreign citizenship and 18 held three citizenships.

The remaining 323 victims were dual citizens holding both Israeli and foreign nationalities.

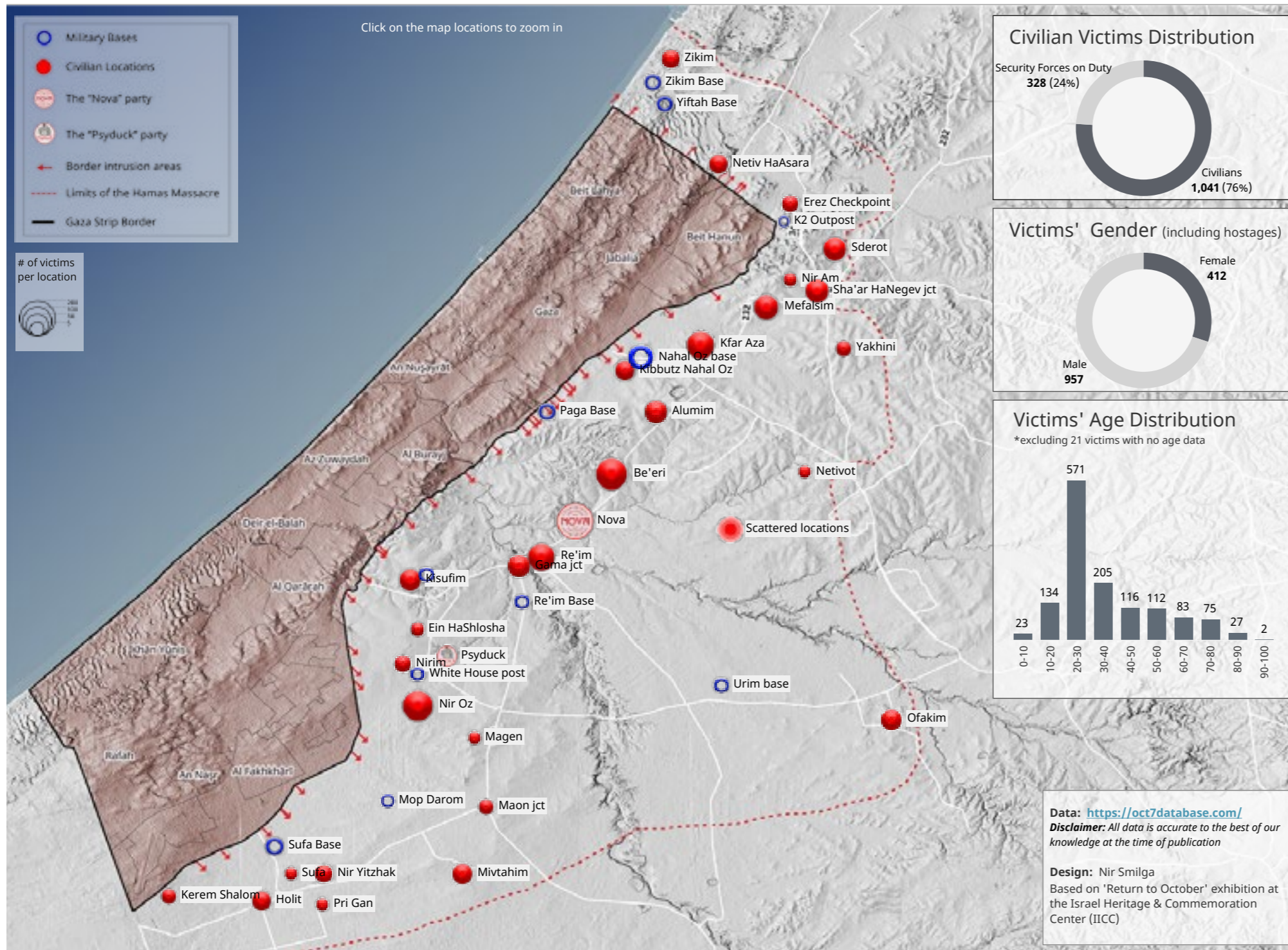


* Figures include only victims holding foreign citizenship and represent a subset of those murdered and taken hostage on October 7th

Data: IL Police, Intelligence and Investigations Dept, Dvir Eliav | The Hostage and Missing Families Forum | In addition, data regarding foreign and dual-national victims of the October 7th attacks was compiled from official government statements, global ministries of foreign affairs, and international diplomatic missions. Supplementary verification was provided by independent parliamentary commissions and major international news agencies.

Disclaimer: All data is accurate to the best of our knowledge at the time of publication

Design: Nir Smilga



OCTOBER 7TH HAMAS MASSACRE IN THE GAZA ENVELOPE

TOTAL **1,203** FATALITIES

TOTAL **251** HOSTAGES

TOTAL **1,118** (815 CIVILIANS) KILLED

85 (69 CIVILIANS) TAKEN HOSTAGE AND KILLED OR KILLED AND TAKEN HOSTAGE

ADDITIONAL **166** (157 CIVILIANS) TAKEN HOSTAGE AND RETURNED ALIVE



[Click to open the interactive map:](#)
 zoom in on locations to learn more about the victims

* Numbers refer to victims of events occurring between October 7 and 9, 2023, including individuals who were injured during the attacks and subsequently died. The majority of the victims were murdered within a few hours of the attack.

** An additional 22 individuals (including 3 women and one girl) were killed outside the Gaza Envelope; their locations are therefore not reflected on this map.



PART I

FACTUAL FINDINGS

CONFLICT-RELATED SEXUAL AND GENDER-BASED VIOLENCE ON OCTOBER 7TH AND ITS AFTERMATH

During the October 7th attacks and in its aftermath in Hamas captivity in Gaza, women, girls, men, and children were subjected to acts of SGBV in numerous documented incidents, alongside killings, abductions, torture, burning, and other grave violations of international law. For many victims, these crimes ended in death; for others, they marked the beginning of prolonged captivity, physical torture, and psychological trauma. For survivors and families, the consequences of the attack remain ongoing. Affected communities similarly continue to bear the lasting physical, psychological, and social consequences of these crimes.

This factual section provides a comprehensive assessment based on more than two years of ongoing investigation and collection of testimonies concerning the conflict-related SGBV committed on October 7th and afterwards in captivity. It draws on a consolidated evidentiary record compiled by the Commission, encompassing testimonies from survivors, returning hostages, eyewitnesses, first responders, family members, medical professionals, and other experts and individuals involved in the response to the attack or its aftermath. It also encompasses medical and forensic assessments, visual and digital materials, open-source investigation, and corroborating documentary sources.¹¹⁴

It is important to underscore that the Commission continues to receive new information and testimonies on an ongoing basis, including testimonies from individuals returning from captivity and others who are only now starting to recount what they experienced or witnessed. In keeping with its mandate, the Commission remains obligated to continue collecting, verifying, and preserving this material within its archive for historical, legal, and accountability purposes.

Against this backdrop, this section examines the modus operandi of Hamas and its collaborators on October 7th with respect to the perpetration of SGBV.

Section I presents the Commission’s findings based on *the geographic distribution of documented cases*, setting out individual testimonies and accounts site by site. It documents how the SGBV manifested across distinct attack sites—including in civilian communities, public spaces, transit routes, military bases, post-attack identification sites, during abduction, and in captivity, situating each account within its specific factual and situational context. The section also presents relevant visual and digital materials identified in connection with these sites, together with associated medical and forensic assessments indicating SGBV.

114 See *Methodology* section for a detailed account of the Commission’s evidentiary framework, source evaluation, trauma-informed practices, and investigative methodology.

Section II then examines recurring patterns and themes emerging from the factual record.

It assesses whether the documented acts of SGBV reflect practices employed as part of a broader strategic operation. In doing so, this subsection identifies distinct and recurring patterns of operation. This **thematic analysis** highlights the use of SGBV as a weapon of war and terror and identifies thirteen consistent and repetitive patterns. Considered together with the distinct timing and circumstances of the attack, and with testimonies of hostages held in different locations and at different times, these findings indicate that the SGBV perpetrated on October 7th and in captivity exploited sexualized terror and torture to maximize pain and suffering.

Sensitive materials, testimonies, and information are securely archived with the Civil Commission. Information provided to the Civil Commission on a confidential basis has been withheld in order to safeguard the privacy, dignity, and security of victims, survivors, returned hostages, witnesses, and their families.

Consistent with a survivor-centered and trauma-informed approach, certain findings are presented in generalized terms and identifying details have been removed where necessary. The Commission remains committed to balancing transparency with the ethical obligation to protect those who entrusted it with their accounts. In light of the sensitivity of the subject matter, and to prevent the identification of victims, particularly in circumstances where families of murdered victims are not aware of the SGBC committed against their loved ones, certain information has been omitted from the location-specific analysis and is presented only in the thematic section.

“Many times these beautiful young women were shot in the eye, disfiguring their faces. . . And, you know, they didn’t die from that because they were killed with a bullet to the heart.”

Sharon Laufer, Shura Morgue - prepared the bodies for burial

I. GEOGRAPHIC FINDINGS: ATTACKED SITES AND COMMUNITIES

A. NOVA MUSIC FESTIVAL, ROUTE 232, AND SURROUNDING FIELDS AND AREAS

The Nova Music Festival site emerged as one of the central locations examined by the Commission in its investigation of the October 7th attacks.¹¹⁵ Situated in an open desert area in southern Israel, approximately five kilometers from the Gaza border, it became the scene of mass civilian killings, abductions, and extreme violence. The festival drew thousands of mostly young men and women who had gathered to celebrate the final days of the Sukkot holiday.¹¹⁶ Of the approximately 3,400 people who attended the festival, 396 were killed, including 18 members of security forces (15 police officers and 3 soldiers), 44 were abducted to Gaza, and among them 33 people were taken hostage alive and 11 murdered.¹¹⁷

The Commission examined testimonies from survivors, first responders, and witnesses, as well as photo and video footage, and found clear and convincing evidence of acts of SGBV that occurred at the site.¹¹⁸ This includes credible information derived from digital materials and witnesses indicating incidents of rape, gang rape, sexual torture, forced nudity, mutilation, burning of bodies (including targeted burning of the groin area), postmortem SGBV, the binding of victims, and other forms of SGBV. Victims, predominantly women, were also found with gunshot wounds to the face and genital area. In addition, bodies recovered from the area showed signs of severe and deliberate violence, including SGBV, burning, and mutilation.

115 See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 13 (the report of the UN SRSG-SVC, based on information available to the mission at that stage within the time and access constraints of the mandate, found that: “At the Nova music festival and its surroundings, there are reasonable grounds to believe that multiple incidents of sexual violence took place with victims being subjected to rape and/or gang rape and then killed or killed while being raped. Credible sources described finding 5 murdered individuals, mostly women, whose bodies were naked from their waist down — and some totally naked — tied with their hands behind their backs, many of whom were shot in the head. On Road 232, credible information based on witness accounts describe an incident of the rape of two women by armed elements. Other reported instances of rape could not be verified in the time allotted. The mission team also found a pattern of bound naked or partially naked bodies from the waist down, in some cases tied to structures including trees and poles, along Road 232.”)

116 See *Background and Context* and *The Oct. 7th Hamas-Led Attack* sections above.

117 Information provided by the Harpaz team. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, also available at: https://oct7database.com/oct_7_9.html, *supra* note 9.

118 The Commission’s examination of the Nova site is based on an extensive investigation of the area, including open-source investigation, comprising: (i) an index of all public reports, official documents, witness reports, and media coverage related to the sexual and gender-based violence at the site; (ii) a separate index of investigative human-rights reports; and (iii) an index cataloguing archived images and videos indicating sexual and gender-based violence. The assessment further draws on analysis of indexed filmed testimonies, as well as formal and informal interviews and meetings conducted by the Commission. The Commission conducted site visits to the Nova location on June 19, 2024, and September 16, 2025. The archive also includes numerous photographs and files from the Nova site and surrounding areas deposited by survivors, journalists, family members, and first responders. See also *Methodology* section above.

The following paragraphs present selected examples of testimonies and other accounts reviewed by the Commission. As noted above, this presentation is non-exhaustive and cannot represent the full body of materials archived with the Civil Commission or capture the full scope of the events, but rather extensively illustrates detailed and corroborated accounts that reflect broader documented cases:

1. Hamas and other perpetrators arrived at the Nova Music Festival and its surrounding areas in the early hours of October 7th. One witness from the Nova site sought cover in the caravan in which she had arrived, together with seven other people. As the attack unfolded, she began to hear acts of rape. She described hearing three rapes from her hiding place, with the sounds originating from three separate locations in the immediate vicinity of the caravan. After leaving her hiding place, the witness was also an eyewitness to the scene at the site, including the condition and positioning of bodies observed in the aftermath of the attack, as further described below. In relation to one of the rapes she heard, she said: “I heard one rape where they were passing her around. She was probably injured, judging by her screams—screams you have never heard anywhere. It’s between silence and screams, between pain and wanting to die. These are screams . . . it’s something I have never heard in my life, and I have no way to explain to you what it sounds like. But it’s screams. It’s screams. It was simply horrific. And after one finished, he told another to go up ‘Ta’al’ [in Arabic], like to the next one. And apparently there was a round. . . . And after they finished, they shot her.”¹¹⁹ She continued: “You hear the screams, and then you hear silence. You hear a bang—and silence. And then there’s a kind of calm. And then you say: okay, it’s over at least. She’s done with it. And like that with each person they abused—you heard. The moment they were killed, I said, ‘Oh my God, finally, it’s over.’”¹²⁰

2. Describing the events she heard, she stated, “my greatest fear was that he would notice me somewhere and I wouldn’t be able to defend myself, and then they would rape me. Because you hear—this is not rape as it is usually understood. I don’t know what ‘regular rape’ is, but what was heard there was not that. There was laughter. There were jokes. They were passing them from one to another. It wasn’t—it was done for fun. I keep saying this. . . . They were celebrating there. They were really, really celebrating with this.” About another case of rape, she mentioned: “Another one was that I heard someone screaming, ‘Don’t touch her, don’t do this,’ and then they apparently raped his girlfriend . . . in front of his eyes. And then they killed

119 Testimony of Darin Komarov (Oct. 31, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission. For Darin Komarov’s public statement to the Israeli parliament, see *The Knesset Caucus Meeting in Memory of the Victims of the Massacre at the Festival in Re’im on Oct. 7* (Nov. 5, 2024) The Knesset Channel 99, <https://www.knesset.tv/committees/digitalknesset/35478/77738/> (“... And while they were shooting at us and everything was happening — you could hear the horrors happening outside. You hear the rape, you hear the murder. It doesn’t stop. It just doesn’t stop — and it goes from one person to another.”)

120 Testimony of Darin Komarov (Oct. 31, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

both of them. I can tell you where I heard it. I was sitting here in the caravan; I heard rape here, here, and here. I can point to where. It was very distinct. It was on this side, on this side, and on this side—three points.”¹²¹

3. The witness was rescued from the caravan after the arrival of rescue forces to the festival site, some seven hours later. Upon exiting the caravan, she saw the condition of the bodies and described the following: “when you come out . . . you see that they mutilated bodies. Women with their legs spread open . . . These are sights . . . even the faces of the murdered. You see the terror. You really see the terror. You see it in their eyes. You see this evil. It’s something that cannot be grasped. You cannot understand it . . . They screamed for help. You can really see it in the bodies. There wasn’t a single body that just ‘died normally.’ Every single one had gone through torture. . . . And people were tied. They tied them, tied them, and then abused them. You can see they couldn’t respond. . . . There were some who had a gunshot wound to the back of the head and were tied. Women tied with their hands behind their backs. And it was evident that they had been sexually harmed. Very evident. . . . From the fact that they had no underwear. From injuries in the lower areas. From wounds in those areas—blood and cuts. . . . There was one woman—it looked as though her entire lower body had exploded. As if there was only half a body left.”¹²²

4. The testimony of this witness was corroborated by at least one additional witness, who hid in the same caravan throughout the attack. That witness similarly described hearing the screams of women being raped outside the caravan, as well as the voice of a man repeatedly pleading with the attackers to leave a woman alone.¹²³ In a public statement, she recalled: “We entered the caravan, clearly knowing we had nowhere to move. For these seven hours, my fears kept growing—from fear of missiles to fear of getting killed, and the most significant understanding was that I was going to remain silent for all these hours, even if I’d be wounded, even if they’d shoot me. . . . I was afraid to die. I was afraid to be raped.”¹²⁴ She further described the passage of time and the violence she heard: “A few minutes felt like hours. . . . Women screaming. Screams that pierced the heavens and cut the soul into pieces. They made clear to me that if they always taught us that men fight each other in war situations, I quickly realized that me being a woman was a great disadvantage.”¹²⁵ In one of the incidents she heard, she similarly described: “I heard a couple, a boy who was yelling and pleading for them to leave the girl alone, leave her alone.” After exiting the caravan following the arrival of rescue forces, this witness was also an eyewitness to the scene at the site. She described seeing the bodies of women with their legs spread, underwear pushed aside, and with their shirts torn. She further

121 Testimony of Darin Komarov (Oct. 31, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

122 Testimony of Darin Komarov (Oct. 31, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

123 Testimony of Tali Biner, in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), <https://www.screamsbeforesilence.com>, starting at min. 7:54.

124 Interview with Tali Biner in Liza Rozovsky, ‘Rape Has One Sound’ Survivor of October 7 Hamas Massacre Testifies to Witnessing Sexual Violence (Nov. 27, 2024) Haaretz, <https://www.haaretz.com/israel-news/2024-11-27/ty-article/premium/survivor-of-october-7-hamas-massacre-testifies-to-witnessing-sexual-violence/00000193-6974-d62c-a1db-7bf6be7e0000>.

125 Interview with Tali Biner in Liza Rozovsky, ‘Rape Has One Sound’ Survivor of October 7 Hamas Massacre Testifies to Witnessing Sexual Violence (Nov. 27, 2024) Haaretz, <https://www.haaretz.com/israel-news/2024-11-27/ty-article/premium/survivor-of-october-7-hamas-massacre-testifies-to-witnessing-sexual-violence/00000193-6974-d62c-a1db-7bf6be7e0000>.

reported witnessing indications of sexual crimes committed against male victims at the site.¹²⁶

5. A male survivor testified that he was subjected to a violent gang rape and torture by multiple perpetrators at the Nova Music Festival site, and that he heard others being sexually abused.¹²⁷ He underwent a polygraph examination that confirmed his testimony.¹²⁸ The Commission also held several meetings with his attorney and was provided with medical records documenting his condition, as well as a detailed account of the events. The survivor described arriving at the festival with a friend, noting a unique atmosphere of freedom and joy among the festivalgoers. At approximately 6:30 a.m., announcements began over the loudspeakers warning of rockets, followed by reports of a terrorist infiltration. Gunfire and widespread confusion quickly spread throughout the area, leading to the abrupt suspension of the event. As he recounted: “I arrived at the festival in the evening, together with a friend, in her car. There was a very special atmosphere, people were enjoying themselves, there was a feeling of freedom. Around 6:30 a.m., there were announcements over the loudspeakers, people were shouting that it might be rockets or gunfire. They started telling us that something was happening. Then, they updated us that there was a terrorist infiltration. At some point, a huge panic began. They told us the party was shutting down and that we needed to evacuate. No one really knew what was happening. There were screams, shouting, gunfire. No one could grasp what was going on, and it took people time to understand the situation. At some stage, we started running. We were near the stage area that later, there were bodies there, very disturbing scenes. There were also people who had been captured and managed to escape, and people who were harmed in various ways, including through sexual violence and humiliation. I heard them speaking Arabic. I understand Arabic because I served in the intelligence forces. . . . At a certain stage, at least five of them beat me violently. They held me by the neck and beat me. They were in groups, and you hear and see the sexual assaults happening, and at some point you go into a blackout. To this day, my hands still feel locked from how badly they beat me. They hit me so hard, strangled

126 Interview with Tali Biner in Liza Rozovsky, ‘Rape Has One Sound’ Survivor of October 7 Hamas Massacre Testifies to Witnessing Sexual Violence (Nov. 27, 2024) Haaretz, <https://www.haaretz.com/israel-news/2024-11-27/ty-article/premium/survivor-of-october-7-hamas-massacre-testifies-to-witnessing-sexual-violence/00000193-6974-d62c-a1db-7bf6be7e0000>; See also Testimony of Tali Biner, in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), <https://www.screamsbeforesilence.com>, starting at min. 7:54. Testimony also quoted in UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 282.

127 Testimony of D., provided to the Civil Commission. The testimony is based on and supported by a deposition, documentation, and medical records submitted to the Civil Commission. The Civil Commission also conducted meetings and follow-up communications with the survivor’s legal counsel, Adv. Gilad Ginzburg, on file with the Civil Commission; For public coverage of the case, see: Interview with D’ in Nir Dvori, “Nova party survivor recounts for the first time: Nukhba terrorists raped me” (in Hebrew), Mako/N12 (July 29, 2024), https://www.mako.co.il/news-israel/2024_q3/Article-afbd990efe0e091026.htm. (“These were Nukhba terrorists, really pinning you to the floor,” he recounted. “You try to resist, they strip off your clothes, they laugh at you, humiliate you, spit on you, touch your genitals, rape you.”) See also Amnesty International, “Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza” (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 126 (reporting the case: “Amnesty International spoke to one man who testified to an Israeli news channel in July 2024 that he was subjected to rape at the Nova festival site after it was infiltrated in the early morning; he confirmed that testimony to Amnesty International. He said the armed assailants had pinned him to the ground, stripped him, touched his private parts and raped him. In the news report, the man, who chose to remain anonymous, was referred to only by an initial, the Hebrew letter *Dalet*. Amnesty International also spoke to his lawyer, Gilad Ginzburg, who had twice accompanied *Dalet* to speak to the police, first in June 2024 to report his case and again in July 2024 for a follow-up visit, and reviewed his medical records in December 2024. The reports show that he visited the doctor twice, in March and May 2024, that he reported during both visits anxiety and fears from having been at the Nova festival when it was attacked and that he reported, during the second visit, having been subjected to sexual assault at the Nova festival site. At this second visit, the doctor referred *Dalet* to mental health support services for treatment.”).

128 Documentation archived with the Civil Commission.

me to such an extent that blood came out of my eye.”¹²⁹

6. He continued: “We went through abuse of every kind. They spat in our faces, humiliated us, said things about Jews. At one point, I was alone with my head on the ground. At first, I resisted, until I was hit in the head so hard that I felt I lost myself, and the more I resisted, the harder they beat me. They injured my genitalia . . . I was beaten with a belt, they also laughed at me. One of them took out a knife and started laughing about different things. I told him I was sorry and begged him to leave me alone. I don’t know what they took before they did this, they were like animals. In the final stage, I felt like they just left me there. There were several of them, and they genuinely enjoyed it. They laughed, they were really pleased, as if I was their sex doll. It felt like all boundaries were broken. . . . There were no boundaries. I was completely naked. They did whatever they wanted to me. You feel dirty all the time. Today, I shower a thousand times a day, and I still feel disgust and filth. I never returned to myself physically. . . .”¹³⁰

7. Describing how he survived, he stated: “At some point, police officers came and they were making rounds and searches, they managed to pass the barrier and told us to get into a vehicle so they could rescue us. I was in such a state that I didn’t want to get in. I didn’t understand what was happening. Then I pulled myself together and got into the vehicle, because they told me that either I get in or I stay there. I returned home. I did not want to be taken to the hospital. I felt a complete lack of trust in human beings. I did not want to talk to anyone about what I had been through. Even speaking about it brings up a deep sense of disgust. I just wanted to rest.” Describing his life since the attack, he testified: “Since then, every time I go out, I have this fear that things will fall on me. I am afraid people will attack me, I am afraid that suddenly I will be naked in the street. I constantly check whether I locked the door and don’t remember if I did. I live with very severe anxiety. I have nights without sleep. I can fall asleep and wake up from nightmares. I feel like a ninety-year-old person, everything is difficult. I shower all the time, especially at night, because I wake up drenched in sweat. I feel that in my sleep I begin to confront and process everything I suppressed. I have moments when I freeze, and then I return to the situation I went through.”¹³¹

“I saw them raping her. While they were raping her, we heard her screaming. Then they murdered her. And then they raped her again, even after she was no longer moving. I saw them raping her. . . .”

Raz Cohen, Nova Survivor

129 Testimony of D., provided to the Civil Commission.

130 Testimony of D., provided to the Civil Commission.

131 Testimony of D., provided to the Civil Commission.

8. He further recounted the perpetrators threatened to kill him and pressed a gun to his head. They threatened to cut off his genitalia and other body parts. The abuse continued until, according to his testimony, he lost consciousness and did not remember what happened to him. During the event, he heard, in the background, women being brutally raped and screaming for help. His face was forced to the ground and, in his words: “It felt as though they were on a mission. They laughed at me and humiliated me. They trampled all the human dignity I had left, they trampled my body and my soul. Since then, I suffer from constant flashbacks, where I disconnect from reality and watch myself as if in a film, going through the abuse again.”¹³²

9. Another witness from the Nova Festival site reported witnessing gang rape.¹³³ The witness hid under dry grass beneath a tree approximately four miles south of the Nova site, just off Route 232, and stated that she saw motorcycles, cars, and trucks pull up approximately 15 meters from her hiding spot, carrying an estimated one hundred Hamas fighters, mostly dressed in military uniforms and dark-colored civilian clothing. The fighters were exchanging weapons and captured women. The witness described seeing a woman being raped by several assailants. She stated that they “forced her to bend over,” after which the perpetrator handed her over to another assailant. “She was still alive, standing on her feet,” with blood running down her back. The assailant “pulled her by the hair.” The witness described the woman was undressed, and stated that the attacker “cuts her breast, he cuts her breast. . . he throws it on the road, and they are playing with it.” According to the witness, “someone penetrated her and shot her in the head while he is still inside her.” The same witness reported also seeing the naked body of a second female victim being carried on the shoulder of another assailant: “I just saw her back that way,” she recalled.¹³⁴ Another individual who was hiding in the same hiding place, stated that he barely lifted his head to watch the attackers but can also confirm that a woman was raped and killed.¹³⁵

132 Testimony of D., provided to the Civil Commission.

133 Testimony of “Sapir” (pseudonym). The witness provided testimony to law-enforcement authorities, investigators, UN officials and media outlets concerning acts of gang rape, mutilation, and execution committed at the Nova Music Festival. Her testimony was filmed and formally presented by the Israeli Police in November 2023 to journalists and invited observers, including the Chair of the Civil Commission. A detailed transcript of the filmed testimony quoted in the paragraph, together with a summary of the briefing, is archived with the Civil Commission (Nov. 14, 2023). The testimony was presented at the United Nations in December 2023. Sapir’s testimony was repeated on multiple dates and repeated in open sources, also archived with the Civil Commission. See e.g., Josh Breiner, *Israeli Police Collect Eyewitness Testimony of Gang Rape During Hamas Attack* (Nov. 8, 2023), Haaretz, <https://www.haaretz.com/israel-news/2023-11-08/ty-article/israeli-police-collect-eyewitness-testimony-of-gang-rape-during-hamas-attack/0000018b-b025-d3c1-a39b-bee5ef400000> (reporting on the case).

134 *Id.*; See also Physicians for Human Rights—Israel, *Position Paper: Sexual & Gender-based Violence as a Weapon of War during the October 7 2023, Hamas Attacks* (Nov. 2023), https://www.phr.org.il/wp-content/uploads/2023/11/5771_Sexual_Violence_paper_Eng-final.pdf, pp 4-5; UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 282; The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 20, 22, 25, 28; see also reports by CNN and BBC: Jake Tapper and Kirsten Appleton, *Israel investigates sexual violence committed by Hamas as part of October 7 horror* (Nov. 17, 2023, updated Apr. 10, 2024), CNN, <https://www.cnn.com/2023/11/17/world/israel-investigates-sexual-violence-hamas>; Lucy Williamson, *Israel Gaza: Hamas raped and mutilated women on 7 October, BBC hears* (Dec. 5, 2023), BBC, <https://www.bbc.com/news/world-middle-east-67629181>; The witness was hiding together with another individual, who stated that he barely lifted his head to watch the attackers but also saw a woman raped and killed: Interview with Yura Karol in Jeffrey Gettleman, Anat Shwartz, and Adam Sella, ‘Screams Without Words’: How Hamas Weaponized Sexual Violence on Oct. 7 (Dec. 28, 2023), New York Times, <https://www.nytimes.com/2023/12/28/world/middleeast/oct-7-attacks-hamas-israel-sexual-violence.html>. All materials archived with the Civil Commission (“. . . Mr. Karol said he barely lifted his head to look at the road but he also described seeing a woman raped and killed”).

135 Interview with Yura Karol, *Id.*; All materials archived with the Civil Commission.

10. Another witness provided testimony reporting an incident in which he witnessed a woman being raped and murdered by multiple perpetrators, and observed the condition of bodies at the site.¹³⁶ Describing the events leading up to the incident, the witness recalled: “I suddenly started hearing it. We started hearing bursts of gunfire coming from the road. . . . We got up from where we had been hiding among the trees and ran to look for somewhere we could hide. . . . Then we started hearing the gunfire getting closer and closer very quickly, moving toward the festival grounds from the direction of the road. . . . One of the guys who was hiding with us ran over to us. He had gone to check what was happening. He came back running and told us, ‘Everyone has to run. Terrorists are on their way here. They have rifles.’ We had no weapons, nothing. We ran from the stage toward the open area. In the end, we decided to hide inside a bush.”¹³⁷

11. The witness stated that at one point the attackers were approximately ten meters away, during which time he observed them killing people: “they were walking around, and we saw them slaughtering people there. We heard screams.” He described the attackers as wearing civilian clothing and sandals and being armed with axes, knives, and rifles. The witness further reported seeing a white commercial vehicle arrive, from which four or five armed men exited. According to his account, the men pulled a woman from the vehicle, forcibly removed her clothing, and raped her. He stated that one of the perpetrators repeatedly stabbed her, killing her, and that the perpetrators continued to rape her after her death. Recalling the incident, the witness stated: “Then a white vehicle arrived. I don’t remember exactly what kind—it was some kind of commercial vehicle. Several terrorists got out. They pulled a woman out of the vehicle. I saw them raping her. While they were raping her, we heard her screaming. Then they murdered her. And then they raped her again, even after she was no longer moving. I saw them raping her. . . . They grabbed her, pinned her . . . , took off her clothes, and raped her. . . . It’s hard. It’s very hard. I’m in shock that I’m even telling this—actually seeing it.” He added that he remained silent in hiding and described the aftermath as a state of shock: “When you ask me what I remember hearing—it’s the screams. Screams for life. Screams that were unbearable to hear. Screams I had never heard in my life.” Regarding the killing, the witness stated: “How did they kill her? He stabbed her. He stabbed her. I didn’t see another weapon—just the stabbing motion. I saw her convulsing and fading away. We stayed completely silent. Just silent. It was shock. Silence.”¹³⁸

136 Testimony of Raz Cohen (July 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

137 Testimony of Raz Cohen (July 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

138 Testimony of Raz Cohen (July 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. When rescued, he described seeing “a lot of bodies . . . body parts . . . And I saw burned bodies” on the side of the road, as he was being driven away from the site: “When I came out, I saw burned vehicles along the sides of the road. I saw many bodies. I saw body parts. I saw just heads. I saw just hands.” Public testimonies of Raz Cohen provided in several other sources archived with the Civil Commission, including *Testimonies About Hamas Rapes on “Black Saturday”* in “Zman Emet,” Season 7, Kan 11, (Dec. 14, 2023), <https://www.kan.org.il/content/kan-news/local/657750/> (in Hebrew) (“... Gunfire from everywhere. We saw there some kind of big bush, we went into the bush. After about a quarter of an hour, a white van arrived, from it five terrorists came out, and they came out and they pulled out a woman. They were kind of in a sort of half-circle around her . . . They grab her so she won’t move, they take control of her. I’m kind of looking through the leaves, through the branches, and they started pulling her from everywhere, and they stripped her. It was rape. And then I look, but I don’t want to look, and I see that the girl is already not moving, like, but the terrorist is still continuing, like. . . continuing to rape her. I see, I . . . and. . . there was no way to help her—that would be suicide. Also, I don’t know, listen, in the end, if they have weapons, what can we do? Throw leaves and branches at them? We have nothing we can do. I wish, I wish, I wish, I wish, that we had a weapon there.”); See also Testimony of Raz Cohen in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), <https://www.screamsbeforesilence.com>, starting at min 8:46; Jeffrey Gettleman et al.: New York Times Investigation of SGBV on Oct 7th (2023), *supra* note 11.

12. Another witness who hid beneath a stage at the Nova Music Festival site reported witnessing several separate acts of violence, including the rape of a woman, and, in a distinct incident, the shooting of a woman in the head in his presence: “She fell to the ground, shot in the head, and I pulled her body over me and smeared her blood on me so it would look as if I was dead too. . . I will never forget her face. Every night I wake to it and apologize to her, saying ‘I’m sorry.’”¹³⁹ He recalled that after an hour of hiding, he saw “a beautiful woman with the face of an angel and 8 or 10 fighters beating and raping her.” He heard her scream, “Stop it, already, I am going to die anyway from what you are doing, just kill me!” He explained that when they finished raping her, they were laughing and the last one shot her in the head. The witness later fled from his hiding spot into bushes near the festival site. There, he saw two Hamas fighters attacking a female victim who they had “caught near a car.” He stated that she was fighting back and not allowing them to strip her. They threw her on the ground and one of the fighters took a shovel and beheaded her, and her head rolled along the ground.¹⁴⁰

13. A Nova Music Festival survivor reported that he heard an incident of sexual abuse and rape while hiding for approximately two hours. He stated that during this time, he heard people being “abducted and women being raped, and endlessly you hear repeated sounds of people dying, begging for their lives, women begging for their life. And you can’t make a sound, because they’ll find you too, kidnap, kill you too.” The witness further reported hearing girls speaking in English, saying “help,” “no,” and “please.” He stated that the girls were crying and that it sounded to him as though they were being raped. Recalling the events, he said: “They take them to the pickup trucks. They cry. They scream. They shoot them. I heard men’s voices screaming, and when I heard shots, they immediately stopped screaming. I heard the girls for a long time.”¹⁴¹

14. Another witness, who was among those fleeing through the open fields surrounding the Nova site, described hearing incidents of rape while hiding in bushes with others as the attack unfolded. He recalled hearing a group of women running and screaming for help as they attempted to escape, before being caught by the attackers: “I hear a group of girls—there were three of them. They were probably trying to escape toward their car and ran into the terrorists. They shouted, ‘Please, please, we’re begging you, we didn’t do anything,’ and within a second we heard four gunshots and then complete silence. Then we heard more girls screaming from the bushes, ‘I’m being raped, help me, help me.’ And you just lie there, completely helpless. You can’t do anything. Nothing. We had no weapons; we were hiding, powerless, in the middle

139 Interview with Nova survivor Yoni Saadon in: Christina Lamb, *First Hamas Fighters Raped Her. Then They Shot Her in the Head* (Dec. 2, 2023), *The Times*, <https://www.thetimes.com/uk/article/ten-hamas-fighters-were-raping-the-woman-she-begged-for-death-6ldlmh8sp>; See also UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 282.

140 *Id.*

141 Interview with Gad Liebersohn in Yonat Shimron, “*Hamas terrorists’ ‘sadistic’ sexual violence included shoving knives inside Israeli rape victims’ genitals before execution: report*,” *New York Post* (Feb. 21, 2024), <https://nypost.com/2024/02/21/world-news/hamas-shoved-knives-inside-israeli-rape-victims-report/>. See also the report in The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 21; Dan Lieberman, Gad’s brother, also described hearing the screams of a woman asking for help and pleading for the men to stop. See Testimony of Dan Liebersohn in Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 62; See also Interview with Dan Liebersohn in *Testimonies About Hamas Rapes on “Black Saturday”* in “Zman Emet,” Season 7, KAN 11, (Dec. 14, 2023), <https://www.youtube.com/watch?v=1hscoEgAFC4>.

of that hell.”¹⁴²

15. A former hostage abducted from the Nova Music Festival also publicly described her abduction at the United Nations, including hearing women being raped during the attack. She stated: “. . . I went with my friend to a dance party. It became a bloodbath. Hundreds of young men and women were shot, dismembered. All of those who were brutally kidnapped to the tunnels of hell in Gaza. I was shot at point-blank range when my arm almost detached from my body, hanging and bleeding. All around me, I heard screams of people being raped and murdered.”¹⁴³ Her mother also provided testimony to the Civil Commission, stating that her daughter had heard “cries” of rape while she was hiding, injured, before her abduction to Gaza.¹⁴⁴

16. A witness who arrived at the Nova Music Festival site as a first responder to assist with rescue efforts, and who spoke Arabic, provided testimony describing witnessing the naked, abused and mutilated bodies of women.¹⁴⁵ As the attack unfolded and information about the attacks spread across the country through WhatsApp messages sent by festivalgoers to their families, individuals familiar with the Nova area began arriving at the site in attempts to rescue those in hiding. The witness explained that, due to his fluency in Arabic, he disguised himself as one of the attackers in order to blend in with Palestinian armed civilians and militants who had joined the attack several hours after it began. Describing the events, he recalled: “Even though the area was swarming with terrorists, I said to myself that maybe I would hear some crying, some sound, a scream, and it would give me a direction to go. . . . I did everything I could to reach everyone, to rescue everyone, to lift bodies, body parts, to cover them, crying. Nothing stopped me. But at a certain moment, it became hard for me to breathe because of the smell. It was hard to see the burned bodies. I was shouting and crying. The smell comes in, it already surrounds you. It was very hard. . . . At a certain point, I look around and call out: ‘Is anyone here alive? Does anyone need help? Can anyone hear me?’ I didn’t hear anything. I decided to run back to my car, the whole way crying and shouting. I reached the car and tried to catch my breath. The smell doesn’t leave you. It stays with you. It becomes part of your body. Suddenly, you get used to something you were never meant to get used to. I started looking at my phone. I began speaking with families, sending locations, answering countless calls, promising so many parents. Then I decided to go further inside. These were the coordinates of the festival area. That’s what gave me the strength, even now, to enter the festival grounds—the thick smoke, the burning cars, the fires. Under the cover of the heavy smoke, I managed to run toward the festival. On the way, I saw many bodies scattered everywhere. You don’t understand. I’m shouting and crying. Who

142 Testimony of Ron Freger, *Testimonies from the Inferno*, Ascola (Open Univ. of Isr.), No. 9, Issue 4, at 17–19, https://www.openu.ac.il/Lists/MediaServer_Documents/publications/ascola/9/9-4.pdf (in Hebrew). The testimony was personally authored by the witness, a survivor of the Nova Music Festival attack, and published as part of a special collection of survivor testimonies. A copy is archived with the Civil Commission.

143 Testimony of Mia Schem in UN General Assembly, *Media Stakeout by Danny Danon, Permanent Representative of Israel to the United Nations, accompanied by guest Mia Schem, on the situation in the Middle East ahead of the informal meeting of the General Assembly* (Nov. 6, 2024), <https://webtv.un.org/en/asset/k1u/k1u13eitsk>, starting at min. 06:32.

144 Testimony of K. (Aug 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. See also Testimony of Mia Schem in UN General Assembly, *Media Stakeout by Danny Danon, Permanent Representative of Israel to the United Nations, accompanied by guest Mia Schem, on the situation in the Middle East ahead of the informal meeting of the General Assembly* (Nov. 6, 2024), <https://webtv.un.org/en/asset/k1u/k1u13eitsk>, starting at min. 06:32 (“All around me I heard screams of people being raped and murdered while their butchers laughed.”)

145 Testimony of Rami Davidian (May 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

did these terrible things like this?”¹⁴⁶

17. At the Nova site, he described seeing young people “scattered everywhere—some naked, abused, embracing one another. . . It is unbearable.”¹⁴⁷ He further added: “Embracing, naked. What is that? Do you understand what they did to them? Do you understand they abused them? Do you understand now? You see bodies without hands, without heads, without legs. You see things that are unbearable. You don’t understand who is capable of doing such things? All the crying, all the shouting, it was me. And then I decided to leave that place. I couldn’t anymore. I couldn’t help anyone. I failed, I say to myself. Rami, you didn’t get there in time...”¹⁴⁸

18. Describing the physical condition of the bodies he observed, he stated: “You see bodies without a head, without a leg. . . . They had damaged their internal organs. . . . Things had penetrated their internal organs.”¹⁴⁹ Approximately 500 meters from Route 232, the witness reported locating a young woman who was still alive and surrounded by five or six perpetrators: “Then I see her: curled up, sitting under a tree, with five or six terrorists around her.” Speaking to them in Arabic, he was able to convince the men that Israeli soldiers were approaching and persuaded them to hand her over to him, thereby saving her life.¹⁵⁰

19. Another witness, who drove to the area in an attempt to rescue a friend, testified finding and filming the burned body of a naked woman along Route 232, shot in her face, approximately nine miles north of the Nova Music Festival site.¹⁵¹ The videos are archived with the Civil Commission. In her testimony to the Civil Commission, she stated: “I remember seeing the Jeep, and there was the body of a woman wearing a black dress. God, it was horrifying. It didn’t look human. It didn’t look like a human being. They simply burned her—her entire face was covered in soot. Half of her face was burned, half wasn’t. She had a bullet in her cheek, and she was frozen in that position. Her dress was pulled up, and she wasn’t wearing underwear, not because it burned, because there was no trace. If it had burned, there would have been some plastic residue, some trace, because the dress itself was intact. If the underwear had burned, the dress would have burned too. It didn’t. They removed her underwear. Her legs were spread. Her genitals were exposed. It was a very, very difficult sight. Her husband’s body was on the other side of the car, apparently it was her husband; I didn’t know that at the time. There was another body that was just ash. It didn’t even look like a human being anymore—just a lump of ash.”¹⁵²

146 Testimony of Rami Davidian (May 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

147 Testimony of Rami Davidian (May 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

148 Testimony of Rami Davidian (May 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

149 Testimony of Rami Davidian (May 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. Public statements of Rami Davidian provided in several other sources archived with the Civil Commission, including Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 10; The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 28.

150 Testimony of Rami Davidian (May 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

151 Testimony of Eden Wessely (Nov. 5, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. Videos captured by Eden Wessely, archived with the Civil Commission.

152 Testimony of Eden Wessely (Nov. 5, 2025), provided to the Civil Commission; video and transcript archived with the

20. In the video materials filmed by the witness and archived with the Civil Commission, the victim is seen lying on her back, without underwear, with her dress torn, her legs spread, and her genital area exposed. Her face and upper body show visible signs of burning. Three forensic pathologists who reviewed the materials together with the Civil Commission confirmed that it depicts a female body, genital area exposed without underwear, with open wounds on the right thigh, and that the body had been exposed to fire.¹⁵³

21. A civilian witness and father of three, testified about the condition of bodies he personally observed while driving to the Nova Music Festival area in an urgent attempt to rescue his sister, who had contacted him from a public concrete shelter at the site. The witness described seeing multiple injured bodies with signs of extreme violence at and around the Nova Music Festival area, including the killing and mutilation of civilians, burned bodies, female bodies found naked or partially naked, dismembered bodies, including at least one woman whose body was severed, and killings involving the use of heavy tools such as hoes and shovels.¹⁵⁴ In the early morning hours, knowing that his sister was at the festival area, the witness opened Telegram and saw footage of the attack: “I’m walking around the house going crazy, my sister isn’t answering me. Where could she be?” . . . Then she answers me, whispering. She says to me, ‘Listen, . . . come here fast. There are dead people, there are wounded. Come here. . . . Please come, save me.’ And then, boom, the call disconnects.” During the drive, the witness described encountering post attack sites. He stated: “As I get closer to her location, I saw people in the shelters, outside the shelters, people lying on the ground, inside the cars, women, men . . . Everyone you see is dead. . . . They dragged people out of cars . . . They abused the bodies at the most extreme levels... You know what a construction hoe is? They cut people with hoes, tools are in their bodies ... We drive maybe another 50 meters. There are trees on both sides. Everything is burned. Bodies are thrown along the side of the road. A lot of equipment, so much equipment.”¹⁵⁵

22. The witness then testified to seeing female victims found naked or partially naked along the road and near the vehicles: “Girls without clothes, dead bodies. . . . Yes, naked. Without clothes, or only with a shirt. At that moment, you don’t think about it.” In one specific scene, he described the body of a woman whose body had been severed: “We drive another minute or two. Again, it’s hard to drive between the burned cars. You’re very focused on the sides. You see so many things. So much death. I have this image of a woman. Her legs are inside the car. The driver’s door was open. Her legs were on the seat. Her body was on the ground. She was without clothes, completely without clothes, missing an arm, shot . . . in the head.”¹⁵⁶ As he continued

Civil Commission. Videos captured by Eden Wessely, archived with the Civil Commission.

153 Videos captured by Eden Wessely, archived with the Civil Commission. The Commission has confirmed the identity of the victim. Incident first reported in Jeffrey Gettleman et al.: New York Times Investigation of SGBV on Oct 7th (2023), *supra* note 11. This case has also been reported by other fact-finding reports, including the UN Commission of Inquiry, which similarly concluded, based on evaluations by forensic pathologists, that the female victim “had burns covering at least 45 percent of her total body surface, along with a fourth degree burn on the left side of her head. The report assessed that the burns were most likely due to a fire ignited by the perpetrators using an accelerant. See UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶143. See also UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 233; Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 11 (reporting on the case).

154 Testimony of Amit Ezra, (June 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

155 Testimony of Amit Ezra, (June 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

156 Testimony of Amit Ezra (June 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

driving, the witness stated that the scenes intensified: “I keep talking to myself all the time: don’t look . . . So it won’t stay with you. The deeper you go inside, you discover more death and more bodies, and more bodies, and more dead people.” He reported that many of the victims had sought refuge inside public concrete shelters located near the Nova site. According to his account, dozens of civilians tried to hide in these shelters after being ambushed, as armed groups threw grenades and fired directly into the enclosed spaces, killing and injuring those trapped inside. The witness ultimately found his sister alive inside one of the shelters near the festival grounds. She was injured, covered in blood, and hiding beneath several bodies, with shrapnel embedded in her head. Her two friends, both women, were found dead. Describing that moment and the condition of the bodies, he testified: “My parents are very hospitable people. My sister’s friends were always at our house. And I see them, these two girls I’ve known for about ten years, lying on the floor. One of them, was cut in half. She was cut in half. Her legs and body weren’t there. I saw . . . from the stomach to the head, I couldn’t identify the legs. There wasn’t much left, simply nothing. And the other one, she looked as if nothing had happened to her. She was just clean...”¹⁵⁷

23. Witnesses who were part of the Nova Music Festival staff similarly publicly reported encountering female victims found naked or partially naked, in some cases without underwear, including victims positioned with their legs spread and showing injuries or mutilation to the groin area.¹⁵⁸

24. Another witness recounted seeing bodies whose genitals had been cut off or shot: “There were many gunshot wounds. There was targeted gunfire at the genitals of men, gunfire to the abdominal area, the limbs, and the buttocks. They had a fixation on the genital organs of both men and women. We saw amputations of breasts and gunshot wounds, and among male victims we saw many cases of genital mutilation.”¹⁵⁹ In addition to witnesses, first responders also described seeing multiple gunshot wounds to the genital area.¹⁶⁰

157 Testimony of Amit Ezra (June 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

158 See, for example, Interview with Rami Shmuel, a Nova music festival survivor and member of the festival staff, in *Israel investigates sexual violence committed by Hamas as part of October 7 horror* (Nov. 17, 2023, updated Apr. 10, 2024), CNN, <https://www.cnn.com/2023/11/17/world/israel-investigates-sexual-violence-hamas>; UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 283 (Rami Shmuel, the CEO of UNITY Festival Israel and one of the organizers of the Nova Festival, told CNN, “What we found, in the area, on the field outside the safe zone, there is not a doubt about what our girls went through. The terrorists. . . we found naked women, stripped out, without any clothes. Their legs were spread out and some of them were butchered.”); Testimony of Elad Avraham, a Nova music festival survivor and member of the festival staff, in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), <https://www.screamsbeforesilence.com>, min. 29:00 (“... Bodies of girls whose clothes were ripped, in some position. . . where she’s lying on her back and her legs are spread. There was also one that you see on the bumper of a car, bent over with her pants down. You see the body of a girl with torn clothes and body parts mutilated and ripped off. So you say to yourself, ‘they raped her, slaughtered her, and also mutilated her? What more can you do to someone?’”); Interview with Yinon Rivlin in Jeffrey Gettleman et al.: *New York Times Investigation of SGBV on Oct 7th* (2023), *supra* note 11, (“Near the highway, he said, he found the body of a young woman, on her stomach, no pants or underwear, legs spread apart. He said her vagina area appeared to have been sliced open, “as if someone tore her apart.””).

159 Anonymous witness testimony given during a meeting of the Knesset Committee for the Advancement of the Status of Women, attended by the chair of the Civil Commission: see Knesset Committee for the Advancement of the Status of Women (Meeting Protocol No. 40), Nov. 27, 2023 (Isr.). The incident was also reported by others, including The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 25 (describing a testimony given by a witness who testified to seeing an abused naked man’s body).

160 See e.g., Testimony of Chaim Otmazgin (Feb. 21, 2024), provided to the Civil Commission; audio and transcript

25. First responders who arrived at the Nova Music Festival site and surrounding areas in the immediate aftermath of the attacks, whether to rescue survivors, provide medical assistance, or recover bodies, provided testimonies to the Civil Commission and to public outlets describing mutilation, abuse and gunshot wounds to the breasts and genital areas of women, as well as other indications consistent with SGBV. Several of these first responders also provided the Commission with videos and photographs taken at the scene, documenting the site and victims' bodies, including materials relevant to SGBV.¹⁶¹ In addition, testimonies from first responders and other witnesses and visual materials show that some victims at the Nova site and surrounding areas were found with their hands or legs tied.¹⁶² Female bodies were further described as showing extreme signs of violence, including burning and, in some accounts, the presence of foreign objects inserted into genital areas.¹⁶³

archived with the Civil Commission; Testimony of Eran Masas, (Sep. 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Deposition document of Shari Mendes, provided to the Civil Commission (Feb. 3, 2025). Archived with the Civil Commission.

161 Testimonies and digital materials are archived with the Civil Commission; See also The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, pp. 27-28 (“Bodies of women were found with gunshot wounds targeted at the breasts and genital mutilation, some with severed breasts. . . [witnesses] reported finding naked, injured women with mutilated sexual organs. . . many of the bodies were found partially clothed or unclothed, with severe bleeding from the pelvis and destruction of sexual organs. . . Regarding mutilated bodies of men: “Bodies of men were found with their genitalia severed, while others had their genitalia shot and mutilated.”); UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 58 (describing the Nova Music Festival and surrounding areas, the report references credible sources who described “seeing multiple murdered individuals, mostly women, whose bodies were found naked from the waist down, some totally naked, with some gunshots in the head and/or tied including with their hands bound behind their backs and tied to structures such as trees or poles.”); See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶152 (documenting cases at the Nova festival where bodies of victims “showed signs of some form of sexual violence [and] had been partially undressed.”); The UN Commission of Inquiry also took testimony from a witness who found a body of a woman along Route 232, who appeared to be in her 20’s. The woman was naked from the waist down, had blood on her genital area and gunshot wounds in her back. Her clothes were found near the body. See *Id.*, ¶ 144; UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p 282 (indicating “multiple murdered victims, mainly women, were found partially or fully naked”; Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, pp. 67-71 (describing documented incidents of SGBV at the Nova Festival and surrounding areas, including from footage and testimonies).

162 Testimonies and digital materials documenting the binding of victims are archived with the Civil Commission; See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 13 (describing a “pattern of bound naked or partially naked bodies from the waist down, in some cases tied to structures including trees and poles, along Road 232.”), ¶ 58 (“Other credible sources at the Nova music festival site described seeing multiple murdered individuals, mostly women, whose bodies were found naked from the waist down, some totally naked, with some gunshots in the head and/or tied including with their hands bound behind their backs and tied to structures such as trees or poles.”), ¶ 60 (“The mission team was also able to ascertain that multiple bodies of women and a few men were found totally or partially naked or with their clothes torn, including some bound and/or attached to structures, which — though circumstantial — may be indicative of some forms of sexual violence.”). In a testimony from Oct. 22, 2025, a Nova Festival survivor testified that the perpetrators attempted to tie and bound her with ropes. She was injured in the back of the head with a weapon and lost consciousness, while her two friends hiding next to her — one woman and one man — were shot in their throats at close range and killed. She herself played dead and had armed men trying to tie ropes around her legs. They ultimately left her lying on the ground. See Testimony of Mazal Tazazo (Oct. 22, 2025), provided to the Civil Commission; video and transcript archived with the Commission. See also Interview with Mazal Tazazo in *Israeli woman recounts Oct. 7 attack survival story to NC audiences*, ABC 11 Eyewitness (Mar. 29, 2025), <https://abc11.com/videoClip/16098586/>.

163 Testimonies and digital materials are archived with the Civil Commission. See also other investigative reports, including UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶¶ 153-154 (describing bodies of women and men found with signs of sexual violence, e.g., “All three women had been completely undressed from the waist down and two were positioned with the legs spread apart. According to the witnesses, two of the bodies displayed signs of considerable violence. One of the women had multiple gunshot wounds to her thighs and legs. The other woman had been burnt in the face, according to the witness likely as a result of a liquid accelerant having been applied. . . The digital evidence shows the bodies of women found partially undressed and with signs



Photo by the Civil Commission | Re'im , June 19, 2024

26. One of the first responders who arrived at the Nova Music Festival site to assist in rescuing survivors provided testimony to the Civil Commission describing extensive scenes of extreme violence at and around the Nova area. The witness reported encountering naked bodies, mass civilian deaths, burned and dismembered bodies, decapitations, and injuries consistent with sexualized violence.¹⁶⁴ The witness testified that he left his home at approximately 7:00 a.m. to assist with rescue efforts and arrived at a nearby community where survivors from the Nova Music Festival were being evacuated. He described seeing “groups of children, teenagers,” and upon reaching the central community hall area, stated: “There are many young people. . . you can see there is chaos, shouting, crying, people bleeding, injured, bandaged with shirts or pieces of fabric.” He assumed responsibility for organizing the place: “You take responsibility, that’s what I did. I said, okay, I understand. I’ll tell you what we do from now on. Move everyone into the protected space, bring them into the community hall. Let’s manage lists. . . let’s set up a command center. . . let’s do this in an organized way.” He further recalled stopping to orient himself and questioning the absence of formal forces: “I stop for a second to get my head straight. I say: okay, what do I need to do? Who am I? Where is the army? Who am I speaking to? I need to connect the army here. I need to evacuate them. With what resources?” He stated that he then began assigning responsibilities: “So I gather everyone and start making lists. I assign roles. . . basic management instructions.” A reporter began broadcasting and he shared his phone number to assist those seeking help. He recalled: “I said: ‘Anyone who needs help can come to me.’ I gave out my phone number publicly, and within seconds my phone crashed.” He emphasized that this led to an influx of urgent requests: “The messages I received flooded my phone. People who knew me, people who didn’t. . . begging me to go find their loved ones. Sending locations, voice messages, pleas.” He concluded: “At that point I understood I had to close my responsibility there. . . and go to Nova.”¹⁶⁵

27. Describing the Nova area, the witness testified: “Now I’m driving, and I can’t ignore what I’m seeing. I’m zigzagging with the car between bodies. . . . People are running, shouting, they see me and run toward me in panic, bleeding, injured. . . It was truly hell. Fire. Heat. A strange silence inside chaos. Burned cars forming a blockade. The smell of burnt flesh. Occasional gunfire. Cries of despair, of a father or brother searching for someone.”¹⁶⁶ Describing the first site he encountered and the condition of the bodies found there, he stated: “The first thing I see is what looks like a planned bonfire, between the trees and field. I get closer and realize these are skeletons with bits of flesh still on them. A leg that hadn’t fully burn, a charred body. From

of considerable violence.”); UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, pp 7, 283 (describing victims being subjected to SGBV, including mutilation before or after their deaths); The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, pp 27-30 (describing the mutilation and destruction of genital organs of victims, repeated in testimonies of witnesses, rescue personnel and medical forces); Jeffrey Gettleman et al.: New York Times Investigation of SGBV on Oct 7th (2023), *supra* note 11 (describing testimonies and footage of brutalized female victims on October 7th, including women and girls found with their “legs spread, clothes torn off, signs of abuse in their genital areas”).

164 Testimony of Eran Masas, (Sep. 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. For a public source, see Testimony of Eran Masas in Screams Before Silence (Anat Stalinsky dir., Kastina Commc'ns 2024), <https://www.screamsbeforesilence.com>.

165 Testimony of Eran Masas, (Sep. 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

166 Testimony of Eran Masas, (Sep. 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

there, only bone. Clothes burned away. Five or six bodies piled together. . . . Diesel canisters. They had surrounded them with fire, and there was flammable material even on the bodies themselves. Jerrycans of diesel arranged precisely, fuel poured on the bodies; and the positions of the bodies—one in a crawling posture, another with an arm stretched out, frozen in a gesture of pleading. The jaw open, mouth frozen as if screaming. A human scream in a burned skeleton. . . . Every three meters, another body. Gradually: skeletons, then body parts, heads, hands, a severed leg. They cut people apart. Cut hands, legs, heads. Some had their throats slit, deep. And I ask myself: she was shot, why slit her throat too?”¹⁶⁷

28. The witness testified that he began recovering bodies from the site. The first body he reached was that of a young woman lying naked, face down. He recalled: “It was a situation where there was only death. I decided that I would start collecting the bodies. . . that this would be the mission I would focus on. . . . I started on the western side, and the first body I reached was the body of a girl, a young woman, lying face down. From a distance I could already tell that she was completely naked. . . her clothes were next to her. . . . She was lying face down on the ground. I saw that she had been shot in the shoulder. I get closer I’m in a battle between shame of seeing a naked woman. As a man, it puts you in deep discomfort. It doesn’t matter whether she is alive or dead, it puts you in that kind of discomfort. All the more so because I had to lift her. There is something here that is much bigger than that.” He further testified: “The difficulty is doubled. . . . her intimate area was severely injured and bleeding, completely bleeding. . . . She is lying with her legs spread. . . I begin a dialogue, really a monologue, asking her permission to touch her. I can’t do it. I can’t.”¹⁶⁸ In a public statement, the witness similarly recalled that the first female body he found was naked and shot in her shoulder, arm, and genitalia: “The first body I collected was of a naked woman. I will tell this a million more times, but this is the hardest for me [tearing]. She was lying on the ground naked, with gunshot wounds to her hand and shoulder, and to her intimate area. I started talking to her, as if she were alive. I asked her permission to put clothes on her. I wanted to dress her because I looked at this as a father, the father of Romy, my seven-year-old daughter, and I said to myself, what if it were the opposite, what if this was my Romy? I wanted to do it as respectfully as possible. . . . I came to assist as a citizen. I have been walking through hell for three days. If someone wants to know what hell looks like, I can tell him.”¹⁶⁹

29. The witness also described a scene involving a male and female victim that had been deliberately staged: the male victim’s genitals had been severed, and, in his words, it appeared that “*someone had engineered it*” so that the woman’s hand was placed holding the severed genitals. Asked to conclude his impressions, the witness described the case: “The purpose was humiliation. Not victory. In the end, when you kill, you kill. . . but when you start doing other things to the person, especially after the person is already dead, what they did. . . meaning the abuses. . . the torture. . . this is something else.” He added: “They are doing this now as well, openly, to our hostages, it’s happening in real time. One can try to place this within the rules

167 Testimony of Eran Masas, (Sep. 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

168 Testimony of Eran Masas, (Sep. 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

169 Interview of Eran Masas in Chen Zander, ‘I Felt Like the Angel of Death’: The Rescuer Who Documented the Horrors Returns to Nova (Mar. 29, 2025), Channel 13 <https://13tv.co.il/item/news/domestic/internal/cldsa-904522344/> (in Hebrew).

of war, to talk about it within that framework. . . . But when you move into necrophilia, that is already beyond that framework. When I find a body ... and someone has ‘engineered’ the scene so that her hand is placed on his genital area after his genitals were cut off, this is not incidental. This is pathology. . . . And this is what we are failing to convey to the world. We are failing . . .”¹⁷⁰

30. After the attacks concluded, additional first responders arrived at the scene to recover bodies. One such volunteer received a call around 2:20 a.m. on October 8th to assist with the collection of bodies on Route 232 and the area surrounding the Nova site. He described the bodies he saw along the highway: “Burned bodies, charred bodies, bodies in conditions, some mutilated, some scattered across the area. Burned-out cars to a degree you can’t even comprehend.”¹⁷¹

31. Another volunteer also described seeing several “completely burnt” bodies at the Nova site and the surrounding areas, some without clothes, and burnt to the point where you could not recognize if it was a male or female.¹⁷² In some cases, people appeared to have been killed first and then burned. He stated: “because they were holding each other, we understood that they had been killed first and then burned. They’d had plenty of time in the field. To this day, I still don’t understand why burn them, but it really supports the idea that they came to torture, to humiliate.”¹⁷³

32. One volunteer described encountering cases involving the recovery of naked civilian bodies, including a female victim whose body showed signs of extreme physical destruction and a male victim found naked with indications suggesting prolonged suffering and possible abuse prior to death.¹⁷⁴ The witness described finding these two bodies that he could “never forget”: “[A] pickup arrived from the field with two bodies on it, apparently from the area behind the party toward Gaza. And I ask him [the driver], “What do you have?” He . . . couldn’t speak, he just pointed to the back. And there was the body of a naked woman. I remember she had a bag with a chain—a small black bag—but she was completely torn. She was fully naked, completely torn apart. She was like a pile of gel, so that when you touch it, you know. . . it was just extremely

170 Testimony of Eran Masas, (Sep. 15, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. See Testimony of Eran Masas in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), min. 31:16, <https://www.screamsbeforesilence.com>.

171 Testimony of Simcha Greinman, (Jul. 30, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. Some of these were volunteers with ZAKA Search and Rescue. ZAKA participates in body recovery and identification processes. See *ZAKA Search, Rescue & Recovery*, <https://zakaworld.org/>. The Commission engaged with ZAKA teams and individual volunteers in its investigation, collecting materials and conducting interviews and filmed testimony. These interactions included group meetings with ZAKA teams in Sderot (Mar. 23, 2025) and in Ofakim (Mar. 25, 2025); meetings with Chaim Otmazgin across Feb.–Mar. 2025 and Apr. 2024, and a recorded interview on Feb. 21, 2024; Filmed testimony was also obtained from ZAKA volunteers, including Nachman Dickstein, Valerie Dickstein, Simcha Greinman, and others. The Civil Commission’s Archive contains photographs, videos, and internal documentation relating to the Nova Festival site, deposited by volunteers. In this context, by way of background, ZAKA is a volunteer-based humanitarian organization that responds to atrocities, mass-casualty incidents, and terror attacks to recover and identify bodies in accordance with Jewish burial practices. Its teams also operate internationally, assisting in disaster and crisis zones. Many of the volunteers who worked in the aftermath of the October 7th attacks are themselves deeply traumatized.

172 Testimony of Avichai Amosi (Sep. 2, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

173 Testimony of Avichai Amosi (Sep. 2, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

174 Testimony of Nachman Shai Revivo (Nov. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

shocking.”¹⁷⁵ He continued: “Next to her was another body, of a man, who caught my eye the most, because his hands were clenched and there was grass and mud in his hands. Meaning he had been on his stomach and was desperately looking for a hole to crawl into. I don’t know what he went through; it was dark, I didn’t see exactly the abuse they inflicted on his body, but I believe he went through some form of abuse. . . He was naked too.”¹⁷⁶

33. Another volunteer described the bodies of three women who were collected from the main Nova site, who had been shot in the groin, and the bodies of two additional women found with their legs spread and the upper part of their pants torn.¹⁷⁷ The witness further described finding the bodies of two women in a field near the Nova site who had gunshot wounds around the groin area and torn clothing. One of the victims had her jeans torn and visible bruises on her legs.¹⁷⁸ Documentation showing the discovery of the latter female bodies was also provided to the Civil Commission.¹⁷⁹ Three forensic pathologists who reviewed the materials together with the Civil Commission concluded that the images depict female victims. The first has a torn shirt, disrupted tissue, an upper arm wound, and injuries in the groin and upper thigh area. The second victim has visible damage to the chest and breast area, consistent with severe trauma and head gunshot injury.

34. Another volunteer provided testimony to the Civil Commission describing a case involving the recovery of a female victim whose body showed clear indications of sexual abuse, including the insertion of foreign objects into the genital area.¹⁸⁰ The witness described the collection of a woman’s body transferred from the Nova site to the collection area in Ofakim. He recounted that the victim’s body had her legs spread. When he attempted to move and position the body respectfully, he was unable to close her legs and observed that metal cans had been inserted into her vaginal area. The witness stated: “. . . they brought us a roll of bags, and we began placing the bodies inside. There was one case I will never forget. I couldn’t close her legs in order to place her into the bag. [interviewer: “Because of rigor mortis?”] No, no, it was something else. They had inserted various cans into her. Her legs were spread open. I looked more closely: she was half-naked, and they had inserted tin cans, into her genital area.”¹⁸¹

175 Testimony of Nachman Shai Revivo (Nov. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

176 Testimony of Nachman Shai Revivo (Nov. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

177 Testimony of Chaim Otmazgin, (Feb. 21, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission. See also Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 1111 (the witness recounts several cases, including three women who were shot in the groin and two women who were found with their legs spread apart and their pants torn).

178 Images and videos archived with the Civil Commission. Testimony of Chaim Otmazgin, (Feb. 21, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

179 Digital materials are archived with the Civil Commission.

180 Testimony of M. (Mar. 25, 2025), provided to the Civil Commission; The witness’s identity is on file with the Civil Commission. A video recording and minutes of the Commission’s session with ZAKA volunteers, including the related testimony, attended by a representative of the Civil Commission on Mar. 25, 2025, are archived with the Civil Commission.

181 *Id.* Several witnesses testified the insertion of foreign object to genital area of victims. See for example, Section I.D (*Post-Attack Body Identification Sites*) where members of the morgue staff, testified that bodies arrived bearing signs of sexual and gender-based abuse, including the insertion of objects into the genital area. One such witness explained: “We encountered sexual abuse in certain forms. . . the main patterns were gunshots to intimate areas, the insertion of blunt objects into intimate areas, gunshots, clusters of gunshots, to intimate areas, intentional harm to sexual organs of various kinds. . .” Testimony of ND (Sep. 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

35. One first responder provided testimony to the Civil Commission describing multiple cases of burned and executed civilians found along Route 232 and in the vicinity of the Nova Music Festival site, including female victims whose bodies bore indications of restraint, nudity, and severe injury to intimate areas.¹⁸² He said that while traveling along Route 232, he passed approximately sixteen burned bodies scattered outside public shelters where young festivalgoers had attempted to find refuge. He also reported seeing burned and charred bodies inside vehicles. Describing the condition of the body of one victim in particular, he stated: “She had two marks of binding on both hands. Completely naked, and I say completely naked because even when clothing is burned and it’s on a person, you still see the clothing’s marks; here there were no clothing marks. The entire groin area was completely damaged.”¹⁸³ The witness further described finding the bodies of two young women outside a vehicle in the hilly areas surrounding Route 232 and the Nova Festival site. According to his testimony, their clothing had been pulled down and their bodies showed extensive gunshot wounds: “They were riddled with bullets. And it looks like something happened to them, again the same thing—clothing in the same pattern, some of their clothes pulled down.”¹⁸⁴

36. Another first responder provided testimony to the Civil Commission describing extreme forms of violence along Route 232 and in the vicinity of the Nova Music Festival site, including decapitated bodies, male victims bearing signs of mutilation, and the discovery of naked women’s bodies with indications consistent with SGBV.¹⁸⁵ The witness stated that along Route 232, he saw: “some without heads . . . blood, cars . . . bodies. So many. . . . You see everything. Everything you’d never imagine seeing, you see it there. Things you’d say could never happen in this world, happened there. You see . . . girls with no clothes at all.”¹⁸⁶ The witness further described discovering the bodies of naked women, explaining: “You see the body, how she was positioned, you see . . . you see everything. . . . you understand that someone fought there, someone . . . someone tried to live. Someone wanted to live, wanted to keep living despite everything that happened, but that’s what you see.”¹⁸⁷

37. Another first responder testified that he observed the body of a man with severed male genitalia in his mouth.¹⁸⁸

38. Additionally, a family member of a victim of the Nova Music Festival attack recently shared publicly the experiences of families who chose to witness the bodies of their loved ones. She described the condition of her sister’s body, explaining that her sister had been shot in the face: “It devastates us. What occurred there was a massacre. It ought to be explained to those ministers, Knesset members, decision makers - hundreds of families whose loved ones were murdered on October 7th were advised not to identify the bodies because the sights were difficult, and we were asked to remember them as they were before, beautiful young people.

182 Testimony of Itzik Itach (Sep. 4, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

183 *Id.*; video and transcript archived with the Civil Commission.

184 *Id.*; video and transcript archived with the Civil Commission.

185 Testimony of Samuel Barzilai (Aug. 27, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

186 *Id.*; video and transcript archived with the Civil Commission.

187 *Id.*; video and transcript archived with the Civil Commission.

188 Testimony of Chaim Otmazgin (Feb. 21, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission, also documented in writing on February 23, 2026.

But for those who need a reminder, I invite them to come with me to the offices of Lahav 433 [the police investigation unit] and open my sister Noa's file. And to see, that beyond two bullet wounds to her chest, an additional confirmation shot was fired to her face."¹⁸⁹

39. *Photographic and video documentation* of the attacks and of the bodies found afterwards, archived with the Civil Commission and reviewed by independent forensic pathologists, are consistent with and further support these accounts:¹⁹⁰

40. Photographs and videos, captured on the night of October 8th, show the body of a young man lying on a sidewalk outside a concrete public shelter on Route 232, with severe burn injuries concentrated in the groin area. The body also shows a bullet wound to the head.¹⁹¹ Three forensic pathologists who reviewed the materials together with the Civil Commission concluded that the burn pattern shows a focused injury, a highly localized area of burning centered on the groin, consistent with the use of an accelerant. They further noted the absence of burn damage in the surrounding environment or on other parts of the body, indicating that the fire was deliberately set and not accidental. The experts therefore assessed that the injury represents a targeted and intentional act.

41. Another photograph archived with the Civil Commission, captured in the aftermath of the Nova Music Festival attacks, depicts a young woman with her insides protruding out of the groin area.¹⁹² Three forensic pathologists who reviewed the materials together with the Civil Commission confirmed that the image showed body tissue that seemed to have erupted out of the groin area. The pathologists stated that the injury may have been caused either by a high velocity gunshot wound to the area or a sharp weapon inserted into the vaginal area that was quickly pulled out, causing the tissue to be pulled out.

42. Another image archived with the Civil Commission shows the body of a female victim with what appears to be a gunshot wound to the groin area. Her trousers are stained with blood around the pelvis. Three forensic pathologists who reviewed the materials together with the Civil Commission concluded that the injury was targeted at the pelvic region and, based on the localized blood pattern, was consistent with a gunshot wound likely inflicted while the woman was lying on the ground.¹⁹³

43. Another image from the Nova site archived with the Civil Commission shows a female victim with gunshot wounds to the left arm and lower abdomen. The woman's trousers show visible and significant bleeding from the groin area, which appears to have been caused by gunshots.¹⁹⁴ Three forensic pathologists who reviewed the materials together with the Civil Commission concluded that the image depicts a female victim with a tear in the groin area, a

189 News 13, Interview with Chen Zander, Facebook (Feb. 14, 2026), <https://www.facebook.com/reel/1585498226115110> (in Hebrew); video archived with the Civil Commission.

190 Photographs and video materials referenced in this report were provided to the Civil Commission by first responders, survivors, or other individuals who provided testimony to the Civil Commission. All such materials are securely archived and preserved by the Civil Commission in accordance with international standards. The archive maintains detailed records of the source of each item, the date and time of receipt, and the circumstances under which the material was obtained. Where available, the materials are accompanied by recorded testimonies or follow-up interviews.

191 Materials archived with the Civil Commission.

192 Materials archived with the Civil Commission.

193 Materials archived with the Civil Commission.

194 Materials archived with the Civil Commission.

focused injury to the inner aspect of the upper thigh, and damaged trousers with multiple tears. Injuries consistent with additional gunshot wounds were identified in the left arm and lower abdomen, with visible bleeding in the groin region.

44. Another archived image shows the bottom half of a female body with bleeding in the groin area.¹⁹⁵ Three forensic pathologists who reviewed the materials together with the Civil Commission concluded that the image depicts a female victim wearing a dress, with blood concentrated around the groin and pelvic region.

45. Another archived image shows the body of a female victim lying face down on the ground, with visible trauma in the groin area. Three forensic pathologists who reviewed the materials together with the Civil Commission concluded that the image depicts a female victim with bleeding originating from an injury to the front inner aspect of the thigh, near the groin area. The experts noted damage to the victim's skirt and assessed, based on the direction of the blood flow, that the bleeding came from the front inner thigh.¹⁹⁶

46. Another archived image from the Nova site was reviewed by the Commission and evaluated by three forensic pathologists, who concluded that it shows a female victim with a gunshot wound to the head and an open wound to the neck.¹⁹⁷

47. An additional archived image was reviewed by the Commission and evaluated by three forensic pathologists, who concluded that it depicts a female body with a gunshot wound to the head and hands zip-tied behind her back, consistent with an execution injury.¹⁹⁸

48. Another image was reviewed by the Commission and evaluated by three forensic pathologists, who concluded it shows a female body with a torn shirt, an exposed breast, disrupted tissue in the upper body, and injuries to the upper arm, groin area, and upper thigh.¹⁹⁹

49. Another image was reviewed by the Commission and evaluated by three forensic pathologists, who concluded it shows a severely burned female body with rope tied around her wrists and her arms bent upward, a position consistent with exposure to extremely high temperatures.²⁰⁰

50. Another archived image was reviewed by the Commission and evaluated by three forensic pathologists, who concluded it shows the body of a female victim with a focused injury to the lower abdomen with associated bleeding.²⁰¹

51. Other visual documentation collected and reviewed by the Commission, comprising of multiple images and videos from the Nova Music Festival site, Route 232, and the surrounding areas, also reveals scenes of extreme violence as described by the witnesses. The materials depict burned bodies, vehicles set on fire, and victims with gunshot wounds concentrated in the face and genital areas. Numerous bodies appear to have been executed, mutilated, or subjected to other forms of abuse, including SGBV.

195 Materials archived with the Civil Commission.

196 Materials archived with the Civil Commission.

197 Materials archived with the Civil Commission.

198 Materials archived with the Civil Commission.

199 Materials archived with the Civil Commission.

200 Image archived with the Civil Commission. The Commission has confirmed the identity of the victim.

201 Image archived with the Civil Commission.

52. The Commission notes that the dynamics of sexual violence at the Nova site are evident throughout the testimonies and visual materials reviewed: women were targeted in ways that were both gender-specific and exceptionally brutal, including extreme sexual violence, mutilation, and disfigurement, indicating that they were attacked because they were women and that SGBV was an integral component of the attacks. The documentation further indicates that male victims were also subjected to sexual violence and mutilation, including through acts of undressing and targeting of the genitalia that carried clear sexualized and emasculating dimensions, apparently to humiliate and punish victims.

53. Finally, while the information presently available clearly establishes grave cases of sexual violence, it almost certainly reflects only a partial account of the harm inflicted on festivalgoers. In numerous cases, victims' bodies were completely burned or destroyed; in others, the full circumstances of the crimes remain unknown due to the killing of victims or the conditions of the attacks.²⁰² Further information may emerge over time, as additional information comes to light or as survivors and first responders find the trust, and the language, necessary to share their experiences. This underscores the scale of the violence and the extreme cruelty and torture inflicted on victims in this area, as well as the enduring obligation to continue the investigations and documentation efforts.

“If someone wants to know what hell looks like, I can tell him.”

Eran Masas, First Responder

²⁰² Based on the Civil Commission's investigations and credible sources interviewed, it is estimated that a few individuals survived the Nova Music Festival attacks after experiencing SGBV. To date, only one survivor has provided an anonymized public testimony. Classified information provided by the victim's attorney, Adv. Gilad Ginzburg, is archived with the Civil Commission (received on Oct 20, 2025); Others have shared elements of their experiences of sexual violence in medical or therapeutic settings, including with trauma specialists and emergency responders, under strict confidentiality. See e.g., Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 11 (“The picture that arises from the absolute majority of the testimonies is that the women who were raped at the party were then murdered. However, there are a number of women who survived the rapes they underwent on October 7th. Sources in SafeHeart related that one of them approached the nonprofit for help and was referred for therapy elsewhere. The Welfare Ministry asserted that three women and one man who survived sexual assault in the massacre had put out feelers to its treatment centers.”); Jeffrey Gettleman et al.: New York Times Investigation of SGBV on Oct 7th (2023), *supra* note 11 (“There are at least three women and one man who were sexually assaulted and survived, according to Gil Horev, a spokesman for Israel's Ministry of Welfare and Social Affairs. “None of them has been willing to come physically for treatment,” he said. Two therapists said they were working with a woman who was gang raped at the rave and was in no condition to talk to investigators or reporters”).



Zeev Stein/Pikiwiki Israel | Nir Oz, Nov 22, 2023

B. KIBBUTZIM

54. The Hamas-led attack on October 7th was designed to infiltrate Israel and attack dozens of kibbutzim as well as small villages, cities, and towns.²⁰³ Bodies recovered from several of these communities showed signs of severe and deliberate violence, including SGBV, sexual torture, as well as burning, mutilation, binding, and execution, with patterns similar to those observed in other locations. Unfortunately, there are no known survivors of SGBV from any

203 See e.g., UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), para. 5 (Describing the October 7th attacks, the SRSG-SVC concluded that “at about 6:30 AM and under the cover of an unprecedented barrage of rockets, a coordinated attack by Hamas joined by other armed groups, which reportedly included the Palestinian Islamic Jihad, Popular Resistance Committees, other armed elements and armed and unarmed civilians, breached the Gaza perimeter fence at multiple points, entered the Gaza periphery and attacked military and civilian targets, including surrounding villages and towns, music festivals and adjacent roads. The complexity and *modus operandi* of the attacks, which seem to have occurred over three cumulative waves, appear to demonstrate a significant level of planning, coordination and detailed prior knowledge of the targets selected.”); UN Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) UN Doc. S/2025/389 (2025), ¶ 35 (“Both my Special Representative and the Commission of Inquiry found that the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, including the military arms of Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Popular Resistance Committees and the Palestinian Mujahideen Movement, as well as civilians from Gaza. My Special Representative concluded that the complexity and *modus operandi* of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected (see S/2024/217)”; For extensive documentation of the attacks on the kibbutzim, see Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on October 7th*, *supra* note 6. See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, pp. 43-57 (containing an overview of the October 7th attacks, the abuses committed, and the planning that went into the attacks).

of the kibbutzim attacks on October 7th, other than those who were abducted and taken into Hamas captivity. The attacks carried out against people in the kibbutzim and other civilian communities took place primarily inside civilian homes. The Commission's documentation of the attacks in these locations is based on photographs and videos, as well as testimonies from survivors, from first responders and from individuals who first discovered the bodies in the aftermath of the attacks.

55. Kibbutz Be'eri, located approximately five kilometers from the Gaza border, was one of the hardest hit communities, with more than 96 residents murdered.²⁰⁴ Many families were murdered, tortured or burned (alive or after death) as their homes were set on fire by attackers.²⁰⁵ Thirty people, including 10 children, were taken hostage to Gaza during the attack. According to official investigations, more than 340 armed men entered Be'eri on October 7th.²⁰⁶ Hamas-led units gained full control of the community for several hours, during which no substantial Israeli security response was mounted.²⁰⁷ It was during this time that residents were subjected to sustained assaults marked by extreme and prolonged violence. The attacks on the kibbutz continued through October 7th and October 8th.

56. The Commission conducted three field visits to Be'eri and observed firsthand the magnitude of destruction and devastation across the community: entire neighborhoods and family homes were burned, looted, and riddled with bullets, and many structures were reduced to rubble.²⁰⁸ The Commission verified footage depicting armed militants burning homes and attacking civilians in Be'eri and surrounding areas. Testimonies, visual evidence, and official documentation conducted and reviewed by the Commission further indicate that numerous Palestinian civilians participated alongside armed militants in the attack on the kibbutz, contributing to the scale of violence and destruction.²⁰⁹ The recovery of bodies from Kibbutz Be'eri continued for several days.

204 This figure includes residents who were killed outside the Kibbutz, as well as foreign workers residing in the Kibbutz. It does not include family members who were visiting the kibbutz on that day. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9; UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 34 (“Kibbutz Be’eri suffered one of the highest death tolls of all the villages, as a result of the 7 October attack: 105 residents of the kibbutz were killed by the military wings of Hamas and Palestinian Islamic Jihad as well as Palestinian civilians. The victims constituted almost 10 percent of the population of the kibbutz. In addition, 30 people were abducted from Be’eri and taken to the Gaza Strip. A least 57 structures in the kibbutz were destroyed or sustained damage, amounting to more than one third of all residential buildings.”).

205 See e.g., Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on October 7th*, *supra* note 6, pp. 21-22, 29 (describing homes being set on fire while families sheltered inside and identifying six distinct patterns of abuse of families on Oct. 7th and during captivity).

206 See UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 118; See Israel Defense Forces, 7.10 The Inquiries: The Battle in Kibbutz Be’eri (Jul. 11, 2024) <https://www.idf.il/en/mini-sites/710-the-inquiries/all-of-the-710-inquiries/battle-of-kibbutz-beeri-the-inquiry/> (“The findings reveal that approximately 340 terrorists infiltrated the kibbutz, including about 100 Nukhba terrorist operatives of Hamas, who carried out murderous massacres, abductions of hostages, looting, and other brutal crimes.”).

207 Patrick Kingsley, Aaron Boxerman, Natan Odenheimer, Ronen Bergman, and Marco Hernandez, *What Happened in the Hamas Attack on Be’eri, Israel* (Dec. 22, 2023), *The New York Times*, <https://www.nytimes.com/interactive/2023/12/22/world/europe/beeri-massacre.html> (describing the attack carried out by Hamas and other armed groups on Be’eri, and the lack of military response throughout the assault).

208 The Civil Commission conducted site visits to Kibbutz Be’eri and collected filmed testimonies and conducted informal interviews with survivors from the community; videos, transcripts, and interview records are archived and on file with the Civil Commission.

209 Materials are archived with the Civil Commission. For further information in public sources describing the assault on Be’eri, including the burning of homes and attacks on civilians, by armed forces and civilian Palestinian population, see e.g., UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶¶ 62-67 (Describing SGBV findings in Be’eri), ¶¶ 5-6 (describing the infiltration of armed groups, including by allegedly

57. On October 13th, first responders discovered two abused bodies in a destroyed home, one of them naked. The rescue efforts are documented in several videos and images that are archived with the Civil Commission.²¹⁰ One of the first bodies found was that of a female victim. The body appears to be completely naked. Her ankle had been tied with a thick black chord.²¹¹ According to witnesses who provided testimony to the Civil Commission, the body had several nails driven into her lower abdomen and groin area, as well as a metal or plastic object embedded in the groin area.²¹² As one witness stated in his testimony: “We dismantled part of the bed . . . and before us was revealed the body of a woman. The woman’s body was completely naked. In parts of the body, in the intimate area, nails were embedded. In the vaginal area there was embedded some kind of plastic or metal or something that was inside her. Parts of the body itself were also mutilated. A very difficult sight.”²¹³ Three forensic pathologists who reviewed the images and videos from the site together with the Civil Commission concluded that the materials depict the body of a naked woman. The victim’s groin area appears to have been cut using a sharp instrument. The pathologists further identified nails inserted into the woman’s lower abdomen and a “spike-like” item embedded in her groin area. A black rope was tied around the victim’s ankles. The combination of the victim’s state of undress, the binding of her ankles, and the concentrated insertion of foreign objects into the genital area led the forensic experts to determine that these injuries were not incidental but rather consistent with injuries deliberately inflicted.

58. A second body uncovered at the same site, found adjacent to the first body, was discovered headless and severely mutilated. The first responders stated the remains were “mutilated to such an extent that it was impossible to determine whether it was male or female.”²¹⁴

armed and unarmed civilians, and the subsequent civilian damage they inflicted); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 34-36 (describing the assault on Be’eri and the involvement of “unarmed Palestinian civilians” in the attack), ¶ 250-259 (“The Commission gathered and verified evidence that civilian individuals from Gaza entered Israel and joined the militants in their attacks in several locations, including Nir Oz, Be’eri and the Nova festival. In several cases, the Commission was able to conclude on reasonable grounds that these people were not members of Palestinian armed groups but were civilians who were directly participating in the hostilities.”); Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 71-88 (describing the assault on the Kibbutz, including attacks on civilians and their property).

210 Images and videos are archived with the Civil Commission; In addition, four volunteers at the site provided filmed testimonies to the Civil Commission: Testimony of Nachman Dickstein (Apr. 3, 2024); Testimony of Simcha Greinman (Jul. 30, 2025); Testimonies of Valerie Dickstein (Mar. 25 and May 21, 2024); Testimony of Chaim Otmazgin (Feb. 21, 2024); Filmed testimonies provided to the Civil Commission; videos and transcripts archived with the Civil Commission.

211 Images and videos of the body are archived with the Civil Commission. The Commission has confirmed the identity of the victim.

212 See *supra*, note 210.

213 Testimony of Simcha Greinman (Jul. 30, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Images of the body archived with the Civil Commission. Simcha Greinman also provided testimony to the United Nations in December 2023, where he described the condition of this body. See UN Event, *Hear Our Voices: Sexual and gender-based violence in the October 7th Hamas terror attack*, UN Web TV (Dec. 4, 2023) <https://webtv.un.org/en/asset/k1u/k1u8mfvmcm>, starting at minute 54:40 (“In front of my eyes, a woman, laying, she was naked. She had nails and different. . . I’m sorry. She had nails and different objects in her female organs. Her body was . . . Her body was brutalized in a way that we could not identify her. From her head to her toes, she was abused in a way that we could not understand.”) Meeting attended by the Chair of the Civil Commission, notes of meeting archived with the Civil Commission.

214 Testimony of Simcha Greinman (Jul. 30, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. Images and videos of the recovery of the body are on file with the Civil Commission. The Commission has confirmed the identity of the victim. See also Testimony of Nachman Dickstein (Apr. 30, 2024), provided to the Civil Commission; video and transcript archived with the Commission; See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 84 (reporting the case, noting that they “found part of another naked body. The body was missing its head, legs and an arm.”); Testimonies of Valerie

Three forensic pathologists who reviewed the materials together with the Civil Commission concluded that the body is seen in a condition of decay and missing its head. Due to the condition of the remains, the pathologists were unable to determine the victim's sex.

59. Another series of photographs archived with the Commission, provided by first responders, show the discovery of a burned body, uncovered from the rubble of a house in Be'eri.²¹⁵ A piece of fabric is wrapped around the victim's mouth and the back of the head.²¹⁶ Three forensic pathologists who reviewed the images and videos from the site together with the Civil Commission concluded that the materials depict a naked body that was gagged, with a piece of fabric wrapped around the mouth and back of the head. The right upper limb was mutilated, possibly due to contact with explosive material, and one hand is missing. The body displayed multiple injuries consistent with gunshots or exposure to primary missiles. The experts believe that the body was likely naked at the time of death. The sex of the victim could not be determined from the available materials.²¹⁷

60. Photographs of another victim from Be'eri show the lower body of a female victim who is not wearing trousers. The left leg displays two large, sharp injuries and deep cuts, one on the thigh and another below the knee.²¹⁸ Three forensic pathologists who reviewed the images and videos from the site together with the Civil Commission found that the image depicts injuries that are consistent with repeated sharp-force trauma.

61. Another photograph shows the body of a female victim displaying signs of severe violence. The victim appears to have been repeatedly cut on the back, shoulders, neck, and left arm with a sharp object, and her shirt is almost completely torn.²¹⁹ Three forensic pathologists who reviewed the materials from the site together with the Civil Commission found that the image depicts a female body with multiple open wounds on the left upper middle back of the body, consistent with stabbing or cutting injuries. The arm shows exposed fat tissue and bleeding, suggesting that at least some of the injuries might have occurred while the victim was still alive.

62. One volunteer who entered Be'eri on October 9th described in a testimony to the Civil Commission finding the body of a woman inside a home: "When we went inside, there was a hospital bed and a body . . . I understood that it was a woman . . . In the room were knives, scalpels, a hammer, an axe, screwdrivers, tools, tools from the household. All of those were embedded in the body. The body was completely mutilated."²²⁰

Dickstein (Mar. 25 and May 21, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Chaim Otmazgin (Feb. 21, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

215 Materials archived with the Civil Commission.

216 Id. See also Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p. 83. ("This [photo] series shows a naked, contorted body found in Be'eri with what appears to be a rope around the left wrist, where the hand appears mutilated by some kind of penetrating or explosive injury. The mouth is gagged with fabric tied around the head. The person has long black hair, but their gender is unclear. Dyksztejn said the person had at least one gunshot wound. Human Rights Watch was unable to identify the body or the cause of death, but an independent forensic pathologist who studied the images noted what appear to be at least two bullet wounds in the upper right arm.").

217 Materials archived with the Civil Commission.

218 Materials archived with the Civil Commission.

219 Materials archived with the Civil Commission.

220 Testimony of Simcha Greinman (Jul. 30, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

63. Another volunteer described finding the body of a woman inside a house, who was bound and naked. In his testimony to the Civil Commission, he described the case as follows: “Her hands were tied behind her back with metal wire. She was tied to a bed. . . I don’t know if she was standing, but she could have been sitting on a bed. . . Tied like this. . . and she was simply naked.”²²¹

64. These patterns of SGBV were repeated across several of the attacked kibbutzim. The attack on **Kfar Aza** stands out as one of the most extensive and destructive operations conducted by Hamas during the October 7th attacks, both in scale and in civilian loss. Six of the kibbutz’s eight neighborhoods were destroyed, particularly the “young generation” neighborhood, where many young couples, students, and young adults resided.²²² That area was subjected to an especially brutal and prolonged assault that lasted for several hours. Dozens of Hamas Nukhba fighters entered this section of the kibbutz from a border access point and moved from house to house, killing residents and setting fire to homes. When the perpetrators encountered locked shelters, they set them on fire.²²³

65. Sixty-four civilians were killed, including seven community members who attempted to defend the kibbutz during the assault. Nineteen residents were taken hostage.²²⁴ More than 250 armed Hamas militants attacked the community. Within a short time, the Hamas-led groups gained full control of the kibbutz, leaving residents to face the assault alone. It took the IDF and security forces many hours to regain control of the community, and many more hours, and, in some cases, days, to complete the search and evacuation of residents.²²⁵ Fighting to rescue the kibbutz community continued for several days. During this period, many residents were exposed to a prolonged attack. Some remained hidden in shelters for more than three days, often trapped with injured or deceased family members beside them.²²⁶

66. The Report of the Special Representative concluded about Kfar Aza that: “In this kibbutz, similarly to other locations, female victims were found fully or partially naked from the waist down with their hands tied behind their backs and shot.”²²⁷ It further noted: “The mission team collected information from first responders who reported discovering bodies of women naked with their hands tied behind their backs and gunshot wounds to the head. While verification of

221 Testimony of Nachman Shai Revivo (Nov. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

222 On Jun. 16, 2024, the Commission conducted a thorough on-site investigation in the ‘Young Generation’ neighborhood and across the entire community, gathering detailed information from survivors and family members of the victims, and documented the extensive destruction at the site. Site visit summary and findings are archived with the Civil Commission.

223 Of the 37 residents who were in the neighborhood at the time of the attack, 11 were murdered and 7 were taken hostage. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.

224 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.

225 Yaniv Kubovich, *IDF’s Kfar Azza Investigation: Terrorists Massacred Residents for Hours With No Israeli Soldiers Arriving* (Mar. 3, 2025), Haaretz, <https://www.haaretz.com/israel-news/2025-03-03/ty-article/premium/kfar-azza-probe-terrorists-killed-residents-for-hours-with-no-israeli-soldiers-arriving/00000195-5cd8-da4c-a9f7-fcdd19dd0000>.

226 *Id.* See also Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on October 7th*, *supra* note 6, pp. xv, 13-15 (“mothers, fathers, brothers, sisters, and grandparents were systematically killed and/or injured as other family members bore witness. These experiences were documented in at least ten different communities. The trauma continued beyond the moment of attack as family members attempted to keep injured loved ones alive for many hours under impossible conditions, often watching them die.”).

227 UN SRSR on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 15.

sexual violence against these victims was not possible at this point, available circumstantial information—notably the recurring pattern of female victims found undressed, bound, and shot—indicates that sexual violence, including potential sexualized torture, or cruel, inhuman and degrading treatment, may have occurred.”²²⁸

67. The Commission conducted a visit to the site and documented SGBV cases and the widespread destruction throughout the community: homes and public property burned, with families still hiding inside, looted, and riddled with bullets.²²⁹ In addition to reviewing available images and video footage, the Commission conducted interviews and collected testimonies from survivors, first responders, victims’ family members, and local residents, in both filmed testimonies and audio recordings.²³⁰ These materials show the deliberate killings and assaults on civilians and civilian property, and armed militants setting homes on fire and attacking civilians, with the attacks often accompanied by acts of extreme brutality.²³¹ Testimonies shared

228 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 68.

229 Images and videos archived with the Civil Commission. Site visit was conducted on June 16, 2024. Testimonies and interviews were conducted since May 2024–December 2025. Visit summaries and findings are archived with the Civil Commission.

230 Filmed testimonies are archived with the Civil Commission. Testimonies include, for example, testimony of Doron Admoni (Dec. 16, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission. For a public source see *They Were Found Embracing in the Shelter*, Kan Podcast (Oct. 15, 2023), <https://www.kan.org.il/content/kan/podcasts/p-579653/161023/592555> (in Hebrew); Testimony of Hadas Carmi Eilon (June 16, 2024), provided to the Civil Commission; video archived with the Civil Commission. Testimony recorded during a site visit and recorded in the house where her family had been hiding; See also Testimony of Hadas Eilon Carmi in *Edut 710* (Dec. 19, 2023) https://www.edut710.org/copy-of-testimonies/hadas_eylon_carmi_kfar_aza (in Hebrew); Interview with Anat and Shimon Elkabetz (Aug. 2024), survivors of the attack. Their daughter, Sivan Elkabetz, was murdered in the ‘Young Generation’ neighborhood in Kfar Aza, with her partner and friend. The Civil Commission visited her apartment; meeting minutes with chair of the Commission archived with the Civil Commission; Testimony of Ziv Koren (Jul. 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. Images and videos captured by Ziv Koren from Kfar Aza and other communities are archived with the Civil Commission; See also images of Ziv Koren in Ed Cumming, *The Destruction of Oct 7—Through the Eyes of a War Photographer* (Oct. 6, 2024), *The Telegraph*, <https://www.telegraph.co.uk/world-news/2024/10/06/israel-oct-7-photographs-one-year-on-ziv-koren/>; Testimony of former hostage Chen Almog-Goldstein, (Dec. 12, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of former hostage Agam Goldstein-Almog (Sep. 16, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; For a public source see also Agam Goldstein-Almog interview with Ynet, available at: ‘Mom, They’re Going to Rape Me’: Israeli Teen Recounts Harrowing Days in Hamas Captivity (Dec. 21, 2023), Ynet, <https://www.ynetnews.com/article/bl0avqbw7>; video archived with the Civil Commission; Agam Goldstein-Almog, interview with YNET available at: ‘He held a gun to her head and started kissing her, she started crying’: Former hostage talks about Hamas sex crimes (Feb. 13, 2023), Ynet, <https://www.ynetnews.com/article/rydfjfkjt>; archived with the Civil Commission. See also Anat and Shimon Elkabetz’s interview, October 7th survivors and parents of one of the victims, in Omri Assenheim and Roni Koban, *Parents of the Murdered Victim in Kfar Aza on the Inquiry: “A Stamp of Truth on What We Knew,”* Kan 11 (Feb. 27, 2025) (Hebrew) <https://www.kan.org.il/content/kan-news/local/865322/>; Interview with a Kfar Aza community representative (Jun. 16, 2024), provided to the Civil Commission; meeting minutes archived with the Civil Commission. Various other meetings and interviews were conducted with survivors and community members from Kfar Aza, as well as from Be’eri, Nir Oz, Netiv Ha’asara, Holit, Nirim, Re’im and other communities (Feb. 2024–Feb. 2026). Records of all the interviews are archived with the Civil Commission.

231 Materials archived with the Civil Commission. For public reports describing the attack on Kfar Aza, see e.g., UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 68 (“During the attacks on kibbutz Kfar Aza, located about three kilometers from the Gaza perimeter fence, approximately 50 residents out of its population of around 700 were killed, when hundreds of militants entered the kibbutz, armed with military grade weaponry. Most killings were reported to have occurred in the 12 hours before the IDF were deployed to the area. Dozens of houses were burned.”); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 124 (“The Commission reviewed photos of the burnt skull of a decapitated woman found in Kfar Aza. The Commission also reviewed photos of a 12-year-old girl who was shot in the head and then decapitated.”), ¶ 141 (“The Commission documented cases indicative of sexual violence perpetrated against women and men in several kibbutzim, including in Kfar Aza, Re’im and Nir Oz. Witnesses described seeing corpses with signs of sexual violence in Kfar Aza.”), ¶ 146 (“The Commission viewed CCTV footage of a woman being abducted by eight men in Kfar Aza at approximately 11:00 on 7 October.”), ¶ 168 (“Children were killed in civilian villages and towns, particularly in Be’eri, Nir Oz, Zikim beach

with the Civil Commission by first responders and survivors repeatedly described women found with gunshot wounds to the head,²³² as well as the recovery of bodies of partially unclothed female victims and victims whose hands were bound.²³³

68. A first responder, who was part of one of the first teams of first responders to enter Kfar Aza, provided testimony to the Civil Commission about the condition of the bodies they found. He described finding a female body from Kfar Aza, her upper half lying on the bed, and her knees on the floor. In his testimony he stated that the “lower part of her clothes” had been rolled down and her hands were stretched upward. She had a gunshot wound to the head.²³⁴

69. In one of the most detailed testimonies provided by returned hostages, relating to events at the Goldstein-Almog home in Kfar Aza, the perpetrators first shot the father, Nadav, in the presence of his wife and their four children (aged nine to 19).²³⁵ As the mother and children were violently removed from their home to be abducted into Gaza, the perpetrators also shot the family’s eldest daughter, Yam, in the face, killing her. The mother saw her daughter’s body immediately after the shooting. Describing the family’s first encounter with the attackers, she stated to the Civil Commission: “I remember them taking us out in a line. Yam was also still trying to put jeans on over her pajamas, and she couldn’t get them on. She was shouting, “It won’t go

and Kfar Aza.”), ¶ 173 (“Three siblings from kibbutz Kfar Aza survived the attack and witnessed their parents being murdered by militants, leading the two eldest children to hide in a closet for 14 hours while the youngest child, just three years old at the time, was abducted to Gaza.”).

232 Images and videos archived with the Civil Commission. Site visit to Kfar Aza (June 16, 2024). One such case involved twenty-year-old Yam Goldstein-Almog, who was shot in the face minutes after her father was murdered and her mother and three siblings were taken hostage. Her mother later saw her body after she was killed. See testimony of former hostage, Chen Almog-Goldstein (Dec. 12, 2024), mother of Yam Goldstein-Almog, provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Agam Goldstein-Almog (Sept. 16, 2025), sister of Yam Goldstein-Almog, provided to the Civil Commission; video and transcript archived with the Civil Commission; See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 68 (“The mission team collected information from first responders who reported discovering bodies of women naked with their hands tied behind their backs and gunshot wounds to the head.”); UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 288 (“Repeated gunshots to the head are a pattern that emerged and was noted by both United Nations SRSG-SVC Patten Report and testimony the report collected from an individual who worked at the Shura base”).

233 Site visit to Kfar Aza (June 16, 2024); Images and testimonies from Kfar Aza archived with the Civil Commission. Visit summaries and findings are archived with the Civil Commission. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 68. (referring to Kfar Aza, the report concludes: “. . . the recurring pattern of female victims found undressed, bound, and shot — indicates that sexual violence, including potential sexualized torture, or cruel, inhuman and degrading treatment, may have occurred.”); See e.g., Testimony of Jamal Waraki (Sept. 30, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Itzik Itach (Sep. 4, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of N.S. referred to in UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 284 (“[A] resident of the *Kibbutz* who helped to identify the bodies of *Kibbutz* residents killed in the attack, provided testimony detailing several bodies that were recovered with their clothes torn apart and intimate areas exposed.”)

234 Testimony of Jamal Waraki (Sept. 30, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. The case was also found to be reported by the UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 141 (“One witness described finding the bodies of two deceased women in a safe room in Kfar Aza. One of the women, who was in her early twenties, had suffered fatal gunshot wounds to her head. She was positioned lying face down on a bed, naked from the waist down, with her knees on the floor and her upper body bent over the bed. The witness described a lot of blood around the body and signs of a struggle.”)

235 Testimony of former hostage, Chen Almog-Goldstein (Dec. 12, 2024), mother of Yam Goldstein-Almog, provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Agam Goldstein-Almog (Sept. 16, 2025), sister of Yam Goldstein-Almog, provided to the Civil Commission; video and transcript archived with the Civil Commission; Chen Almog-Goldstein and Agam Goldstein-Almog’s testimonies appear in the film *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), <https://www.screamsbefore silence.com>, starting at min. 04:18, 10:43.

on me, it won't go on me," that I remember. They took us out in a line straight to the children's bathroom and shower next to the safe room, which they had broken in from. They take us out in a line as we pass. . . pass over Nadav, he is lying quietly there on the floor. We didn't stop, I didn't go down to see what condition he was in; everything happened in seconds, everything was screaming and pressure."²³⁶

70. She explained that the attackers noticed her eldest daughter's military uniform hanging in the house: "On the way to the shower, when the boys were already moving ahead, one of the terrorists noticed Yam's uniform shirt. He opened the green shirt like this. I remember him lifting it up and shouting something at me. I remember his eyes, and he was shouting in Arabic and I didn't understand what he was asking. And in my opinion, Yam probably told me, "Mom, he's asking if there is a weapon." I told him, "No, Yam would not go out with a weapon," but they understood there was a soldier in the house, a soldier—male or female."²³⁷

71. While they were being led out of their house, Yam fainted: "Yam got stuck in the doorframe, like she needed to clear the way, and she got stuck in the doorframe. We understood that she fainted; she just collapsed. This had happened to Yam once or twice before October 7th, even when she donated blood. So we laid her down there in the shower. Her head was in the bathing area, her legs where the sink was, under a cabinet like a utility cabinet. I remember we couldn't reach the shower; it was shattered into shards of glass and we were barefoot. All of us were barefoot. So Agam and I took water from the sink, wet our hands, and wiped her face and talked to her— to Yam—and she responded a little. Until one of the terrorists arrived and dragged her [Agam, the younger daughter] by the hair, and she had her hair loose, and he pulled her outside. And at that point I no longer had eye contact with the children for several seconds or minutes—I can't estimate time—but all of this was very, very fast."²³⁸

72. Noticing that Yam had started to wake up, she went outside to see where her other children were. "I saw that the boys were being directed toward the shoe cabinets near our main entrance. Then I went back inside to the shower, and I saw that Yam had been shot in the face. That was it. I was in shock. I was stunned. I couldn't believe what I was seeing. It was seconds—seconds in which I saw that a hole had opened here, her teeth were exposed, and blood was coming from her head, and she was convulsing. I ran outside. I didn't bend down to her. No. I don't know what I was thinking. I was simply terrified, horrified, numb. I ran outside."²³⁹

73. In addition, in her testimony to the Civil Commission, Yam's younger sister, who was subsequently taken hostage together with her mother and two of her siblings, described the events. She mentioned stepping over the body of her father, who had just been shot and killed, as the perpetrators began to forcefully take her and the rest of her family members outside their home. She stated that her sister, the family's eldest daughter, had fainted at the sight of her dead father: "My mother and I try to wake her and she wakes up and then faints again. I remember one of the terrorists pulling my hair as I go out, and I really remember his face... I remember him pulling my hair, looking at me angrily."²⁴⁰ She explained how the perpetrators

236 Testimony of Chen Almog-Goldstein (Dec. 12, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

237 *Id.*; video and transcript archived with the Civil Commission.

238 *Id.*; video and transcript archived with the Civil Commission.

239 *Id.*; video and transcript archived with the Civil Commission.

240 Testimony of Agam Goldstein-Almog (Sept. 16, 2025), provided to the Civil Commission; video and transcript archived

then decided to kill her older sister by shooting her in the face: “my mother steps out for a moment, gives them my father’s car keys, and comes back. And after a second she comes out again and she tells me, “They shot Yam.” I remember her looking like this and saying, “They shot Yam.” I don’t remember how I reacted; I don’t remember. I only remember seeing her come out and say it. Later, in captivity, she kept talking to me about what she saw, the sight of it—the way they shot her in the face. She described it to me in detail.”²⁴¹

74. About the way in which her sister was murdered, she stated: “Physically, she was right at the door to be taken with us, and she fainted, and she didn’t resist, and she didn’t get in their way, and they still chose to kill her, to murder her. **And not just murder—they shot her in the face. There’s something about being shot in the face that doesn’t leave me,** and also. . . a woman. She was beautiful—my sister was so beautiful—and in the face. It’s something that’s very hard. And they knew why they were doing it; they did it deliberately. Afterwards they also filmed Yam with my brother’s phone. We knew this only after we were released—it got to the Shin Bet. We didn’t see the picture. They didn’t film my father. **So there’s this evil of the staging—like “Look, we shot her in the face, we disfigured her, a beautiful woman.”** It’s not just shooting—it’s to deform. It’s something that. . . with Yam, that’s what’s hardest in this regard.”²⁴²

75. Other documented cases include, for instance, an image archived with the Civil Commission which shows the body of a woman lying face down, with a head injury consistent with a gunshot wound to the head.²⁴³ Another image archived with the Civil Commission shows a woman lying on her bed, with a severe focused injury to the head.²⁴⁴

76. One first responder testified to seeing the unclothed body of a young woman in Kfar Aza while collecting her body.²⁴⁵ Another first responder described finding women whose “lower body is without clothes.”²⁴⁶ A former resident also testified to finding the body of a man who was naked from the waist down, and several bodies with torn clothes and intimate areas exposed.²⁴⁷

“Shiri was alone. She was abducted alone and entered the post there alone—just her with the two children—and she was barefoot.”

Ofri Bibas, sister of Yarden Bibas, whose family members were taken hostage

with the Civil Commission.

241 *Id.*; video and transcript archived with the Civil Commission.

242 *Id.*; video and transcript archived with the Civil Commission.

243 Image archived with the Civil Commission.

244 Image archived with the Civil Commission.

245 Testimony of Samuel Barzilai (Aug. 27, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

246 Testimony of Itzik Itach (Sep. 4, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. The witness described the situation in Kfar Aza as follows: “you go through houses and see things you wouldn’t see anywhere else. What you see. . . this is not killing; even an animal doesn’t behave like this.”

247 Testimony of N.S. referred to in UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 284 (describing the discovery of “several bodies. . . with their clothes torn apart and intimate areas exposed”); See also The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 16.

77. A video taken in the immediate aftermath of the attack on Kfar Aza shows a car stopped in a field, between some trees in Kfar Aza. At least two bodies lay on the ground next to the car, one of the bodies is missing a shirt, with visible gunshot wounds to the torso.²⁴⁸

78. Other fact-finding investigations also documented cases indicative of SGBV at Kfar Aza and found patterns of female victims that had been undressed, bound, and shot in the head.²⁴⁹

79. In other communities, documented cases by the Commission and other investigative reports reveal similar patterns. A resident of a community near the northern border of Gaza, whose young children were seriously injured, while their father was killed in front of them when Hamas militants attacked their home in Netiv Ha'Asara, described to the Civil Commission seeing the body of a naked woman on the road with signs of sexual violence, upon being evacuated: "We are driving . . . and I see burning vehicles and bodies of soldiers and civilians, apparently also terrorists. Every second, [the first responder] pushes my and [my son's] heads down. At one point I resist, and then I saw something that to this day is etched in my mind. A white vehicle on fire; a woman lying on the ground, her pants half pulled down, half of her buttocks exposed, the other half raised; her shirt torn, her bra open; barefoot; shot all over her body, lying on the ground. I say to everyone: What is this? What happened here? What is this?"²⁵⁰

80. In Kibbutz Re'im, the UN Special Representative on Sexual Violence in Conflict found that: "Nova music festival goers also attempted to escape to the south and sought shelter in and around kibbutz Re'im, about 2 km southwest of the Nova music festival site. There are reasonable grounds to believe that sexual violence occurred in kibbutz Re'im, including rape. This included the rape of a woman outside of a bomb shelter at the entrance of kibbutz Re'im, which was corroborated by witness testimonies and digital material."²⁵¹ The UN COI

248 Video archived with the Civil Commission.

249 See e.g., UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 68 ("The mission team collected information from first responders who reported discovering bodies of women naked with their hands tied behind their backs and gunshot wounds to the head. While verification of sexual violence against these victims was not possible at this point, available circumstantial information — notably the recurring pattern of female victims found undressed, 18 bound, and shot — indicates that sexual violence, including potential sexualized torture, or cruel, inhuman and degrading treatment, may have occurred."); Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p 99-100; UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶¶ 141, 143 (describing the states in which victims were found in Kfar Aza, including a woman lying face down, naked, and with gunshot wounds to her head. The COI also "reviewed and verified video footage of a corpse of a woman found outside Kfar Aza on road 232 displaying signs indicative of sexual violence"); The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, pp. 16, 25 (describing the discovery in Kfar Aza of several bodies with exposed intimate organs and sometimes torn clothes, including the case of the body of a man who was naked from the waist down); UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 284 (describing witness testimony and findings regarding female bodies discovered in Kfar Aza who were found naked or with torn clothing and exposed genitals).

250 Testimony of Sabine Taasa (Nov. 11, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission. See also case reported by Amnesty International requiring further investigation, "Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza" (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 128 ("Sabine Taasa from the moshav of Netiv HaAsara described to Amnesty International seeing the dead body of a woman killed during the attack with her trousers and underpants partially lowered, exposing her buttocks on one side. She said the victim's underpants were stained with blood, the victim's legs were positioned in a "V shape," and one of her hands appeared to be broken.")

251 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 61. The report of the UN SRSG also referenced a second case within the kibbutz itself that was later determined by the Civil Commission to have been misattributed based on additional information received.



Photo by Ziv Koren | Beeri, October 28, 2023

also “documented cases indicative of sexual violence perpetrated against women and men in several kibbutzim.”²⁵²

81. Additionally, videos published by Hamas from its attack on **Kibbutz Nahal Oz** shows the abuse of a young male foreign student and his partially undressed body.²⁵³ The videos depict the man being dragged and beaten by a mob. Another video then shows his lifeless body being kicked on the ground, stabbed, shot at and executed by gunshots. In another video, which was published on the official Hamas Telegram group, the victim is in his underwear, partially undressed, with his legs also appearing to have been broken.²⁵⁴ The body of the victim is seen transferred in the

252 Including in Kfar Aza, Re'im and Nir Oz, as well as in Kibbutz Nahal Oz. UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶¶ 141, 150-151 (“In another case the perpetrators published videos of a victim’s execution and the mistreatment of his body in the vicinity of kibbutz Nahal Oz. The victim is lying on his stomach and appears to have been almost completely undressed; his jeans have been pulled down and there is partial tearing of his underwear.”). It further concluded “on reasonable grounds” that “perpetrators committed sexual violence on 7 October in southern Israel, including... at kibbutzim Re'im, Nir Oz and Kfar Aza. This conclusion is based, among other factors, on the state and position in which many of the bodies of victims were found. *Id.*, ¶ 291.

253 Video showing the desecration of Joshua Mollé’s body archived with the Civil Commission.

254 See also reporting on the filmed abduction of Joshua Mollé in Human Rights Watch, *Palestinian Armed Groups’*

back a truck with men screaming, “Here’s the Jew!” in Arabic, ultimately kidnapped into Gaza.²⁵⁵

82. Likewise, CCTV footage from *Kibbutz Alumim* shows a perpetrator chasing and shooting at several civilians just outside the main gate.²⁵⁶ The footage documents the execution at point-blank range of two young women, who had fled from the Nova Festival attack and sought shelter at the Kibbutz entrance. The perpetrator reaches the first woman, seizes her hand, and when she attempts to escape, he shoots her at close range. The footage then shows him turning his weapon toward a second woman, who kneels on the ground and lowers her head. After pausing for several seconds, the perpetrator appears to shoot her in the head and kills her at close range, while she is still in a kneeling position.²⁵⁷ Other footage from some of these communities show the targeting of women by armed perpetrators.²⁵⁸

83. More than 50 people were killed at *the Mefalsim Curve*, near Kibbutz Mefalsim and along Road 232, and several others were taken hostage. One witness escaping from the Nova Music Festival, while passing this area, described hearing a gang rape and killing of a woman who was forcibly removed from a car by her attackers.²⁵⁹ The witness describes: “We heard gunshots

October 7 Assault on Israel (2024), *supra* note 1, pp. 145-6, 231 (“Three videos, two posted by South First Responders Telegram channel and one posted by the Aqsa Martyrs Brigades Telegram channel, show members of the Aqsa Martyrs Brigades and the National Resistance Brigades shooting and killing a person. One of the fighters is wearing a yellow Aqsa Martyrs Brigades headband and another has a red National Resistance Brigades patch on his vest. The caption of a video posted by South First Responders and confirmed by the Tanzanian government identifies the person as Joshua Mollel, “a 21-year-old student from Tanzania,” just outside the southwest fence of Nahal Oz around noon. In the first video, fighters hold onto Mollel’s shirt, shoving him back and forth while yelling at him. Mollel, who is bleeding from the right side of his face, is standing still and not fighting back. The second video begins with Mollel already on the ground, lying motionless with two gaping wounds in his abdomen and blood on his neck. A person in civilian attire is visible holding a bloody knife above his body, suggesting he just stabbed Mollel. One fighter steps on Mollel’s chest and then fires a rifle at his head eight times. The final video, shared by the Aqsa Martyr Brigades Telegram channel, shows one of their members wearing the yellow headband standing on Mollel’s bloodied head in the same location. Mollel’s body is covered in wounds and blood. The videos also indicate Joshua Mollel’s attackers stripped him of his clothing.”); The UN COI also reported the case and noted that multiple scratches on the victim’s back suggest that the body was moved against a rough surface before or around the time of death, according to an independent forensic pathologist. The victim had gunshot wounds on the right gluteal area and stab wounds and cuts on the rest of his body, as well as gunshot wounds to his lower legs, which also appeared to have been broken, after or around the time of death. The pelvic bone or hip also appeared to be fractured.

255 Video showing the desecration of Joshua Mollel’s body archived with the Civil Commission. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 151 (“In a fourth video verified by the Commission, the body of the victim is being transferred in a truck, with men in the background screaming in Arabic, “Here’s the dog. Here’s the dog. Here’s the Jew.”). See also Section I.F (*SGBV Against Hostages in Captivity*).

256 Materials archived with the Civil Commission. The Commission has confirmed the identity of the victims.

257 Footage archived with the Civil Commission. For a description of the video as reported in the media see Hanoch Daum, *Sapir and Karin escaped from the Nova – and were brutally murdered: The young women from the horror video* (Jun. 28, 2025) Ynet, <https://www.ynet.co.il/news/article/yokra14398199> (in Hebrew); See also: UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 147 (“... CCTV footage shows a Hamas militant wearing a distinctive green headband, armed with AK-47, chasing and shooting at several people just outside the main gate of kibbutz Alumim at approximately 07:00. The video shows the perpetrator reaching one of the women, grabbing her and, when she tries to escape, shooting her at close range. A second woman then kneels on the ground and bends her head, seemingly in submission. The militant fires above her head, apparently aiming at the others who had escaped. He waits a few seconds before shooting and killing the woman from close range, while she is still kneeling.”).

258 See e.g., UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 135 (describing how patterns of undress and exposed genitals in victims were “consistent with digital footage collected and preserved by the Commission.”); UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 302 (describing the video of Bracha Levinson’s body, lying in “a pool of blood surrounded by men with guns who were shouting in the video” and was posted to her social media account.)

259 Interview with Yovel Sharvit Trabelsi in Maya Aydan, “We heard the rape here”: Survivor of Mefalsim Curve returns to Death Road, Reshet Channel 13 (Jun 6, 2024), <https://13tv.co.il/item/news/domestic/internal/7th-october-904090908/> (in Hebrew); See also Deborah Danan, *Nova Survivor Reveals She Witnessed Rape on October 7*

and screaming. The first thing we heard were two girls screaming, asking that they leave them. ‘Where are you taking us? Help.’ These kinds of screams . . . And then came the knockout. It was very clear that it was rape. It started with her asking for help from someone who was in the car with her, and he couldn’t help her. The terrorists caught him and shot him. And then she started screaming ‘they’re tearing my clothes off.’ It’s hard for me to speak about it. . . . They were a group, probably two or three, that’s for sure. It sounded like they were drinking cocktails on the beach, having so much fun. It didn’t sound like they had any conscience about anything they were doing. I’ve never in my life heard similar screams, never. It was so loud that it felt as if she was with me in the car.” The witness added that shortly afterward the attackers fired a missile (RPG) at the woman, setting her on fire: “After everything she’d been through, she was burned alive. . . .”²⁶⁰

84. Other CCTV footage archived with the Commission, captured outside the entrance to Kibbutz Mefalsim, depicts a woman being dragged several meters by an armed perpetrator. A white truck then arrives, and when she attempts to resist and escape, the perpetrators shoot her to death.²⁶¹

85. Unlike the Nova site, an open and public setting where numerous survivors, first responders, and rescuers were present, the Commission emphasizes that the kibbutzim are close and private communities. From a trauma-informed and victim-centered perspective, the Commission recognizes that sharing such experiences is profoundly difficult for these communities. Many residents are still coping with immense loss and psychological injury, as well as intergenerational effects. Some information was, therefore, not included in this report at the request of families and survivors, and other material has been intentionally presented in an anonymized manner within the following *Thematic Analysis* section.²⁶² The findings presented here represent only a largely partial account of what occurred and is known to the Civil Commission; additional details may emerge over time as communities continue their processes of mourning and recovery. As such documentation, and any future processes of investigation or prosecution, are undertaken, they should be conducted with deep sensitivity, respect, and patience, recognizing that justice and accountability must evolve alongside healing.

“Then she told us that he touched her, and she told us exactly how he touched her and what he did..”

Aviva Segal, Former Hostage

(Oct. 8, 2024), The Jerusalem Post, <https://www.jpost.com/israel-news/article-823670> (quoting Sharvit : “We saw murder, kidnappings, but the hardest of them all was rape. . . I have never heard screams for help like the ones I heard from that woman”).

²⁶⁰ *Id.*

²⁶¹ Footage archived with the Civil Commission. The Civil Commission has confirmed the identity of the victim; See also: UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 147 (“The Commission reviewed CCTV footage from kibbutz Mefalsim depicting a woman being dragged by an armed militant towards a white pickup at 08:00. The footage shows that the woman was shot in the back when she tried to run from her attackers. The Commission assesses that in this case militants may have been trying to abduct the victim to Gaza but they decided to shoot and kill her as she resisted.”).

²⁶² See Section III.A (*Patterns of Operation*).

C. MILITARY BASES

86. While the Hamas-led attacks on October 7th were primarily directed against civilians and civilian communities, Israeli military bases were also targeted.²⁶³ The invasion of military bases was marked by extreme forms of violence, including sexual torture, burning and desecration of bodies, mutilation, genital mutilation and decapitation. Video recordings and photographic materials archived with the Civil Commission depict these events showing extensive burn damage, mutilation, and other acts consistent with torture and other cruel and inhumane treatment. As in other attack sites, most victims of SGBV at these locations were killed. However, evidence drawn from Hamas's own documentation, as well as testimonies from survivors, released hostages, and other witnesses, indicates that incidents of SGBV occurred at these sites, against both men and women.

87. SGBV was documented by the Commission through first-responder accounts, images and video footage recorded by Hamas and affiliated groups, morgue staff who handled the bodies of female soldiers, and testimonies of survivors and family members. Testimonies reveal that witnesses were exposed to horrific scenes, including the bodies of women who had been shot in their genital areas; bodies covered in blood; and female bodies whose faces had been intentionally disfigured and mutilated. Testimonies further described the condition of the bodies of female soldiers when they were received at morgues, specifically reiterating these observations and additionally noting that their clothing and pajamas were torn to shreds, and that the bodies bore injuries indicative of extreme forms of violence inflicted both prior to death and post-mortem.

88. At Nahal Oz base alone, approximately 215 Hamas-led armed perpetrators infiltrated the base, killing more than 50 soldiers and taking 10 captive.²⁶⁴ Among those killed were 22 female soldiers, including Noa Marciano, who was tortured and murdered while in captivity.²⁶⁵ A total of seven female soldiers were taken hostage.²⁶⁶

263 Some of the bases invaded by Hamas and other armed groups include Nahal Oz military base, Zikim military base, the Erez military base and more. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 69 ("Nahal Oz military base operated as a hub for signals intelligence and monitoring of the Gaza perimeter fence. A significant number of male and female soldiers stationed in this base were killed in the 7 October attacks. Seven young women undertaking their mandatory military service were abducted from Nahal Oz military base and taken to Gaza."), ¶ 40 (describing the events, the report notes that "these attacks included multiple military and civilian targets, including surrounding villages and towns in the Gaza periphery, music festivals (Nova and Psyduck music festivals), and adjacent roads. The complexity and modus operandi of the attacks appears to demonstrate a significant level of planning, coordination and detailed prior knowledge of the targets selected, including civilian ones."); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 25 (The UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel conducted its investigation into crimes indicating that it had "documented cases indicative of sexual violence perpetrated against women and men in and around the Nova festival site, as well as the Nahal Oz military outpost and several kibbutzim, including Kfar Aza, Re'im and Nir Oz.")

264 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9; Avi Ashkenazi, IDF investigation into the battle of Nahal Oz: Golani outpost was defeated within 15 minutes (Mar. 3, 2025) Maariv, <https://www.maariv.co.il/news/military/article-1177260> (in Hebrew). The Civil Commission also conducted an interview with Eyal Eshel, the father of one of the fallen soldiers at Nahal Oz military base See Testimony of Eyal Eshel (Jun. 17, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

265 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9; See also Lihi Gordon and Yael Ciechanover, *The investigation into the Nahal Oz base battle was presented to the families: '3 surveillance balloons didn't work, there weren't enough forces*, Ynet (Feb. 27, 2025) <https://www.ynet.co.il/news/article/r1adcbagkg> (in Hebrew); Yoav Ziton, *Abandoned positions, breaches in the fence: The IDF investigations into the Nahal Oz base and the massacre at Kibbutz Kfar Aza have been published*, Calcalist (Mar. 3, 2025), https://www.calcalist.co.il/local_news/article/h1cmh1qs1g (in Hebrew).

266 Female soldiers taken hostage from the Nahal Oz military base on October 7th include Liri Albag, Naama Levy,

89. Footage archived with the Civil Commission shows the infiltration of the base, ensuing combat, and female soldiers attempting to hide, including footage depicting murdered female soldiers. The materials include videos of unarmed female soldiers in pajamas, as well as Hamas’s own documentation depicting the capture and assault of female soldiers.²⁶⁷

90. Hamas’s recordings and footage from Nahal Oz military base, released during and after the attack, depict scenes consistent with SGBV against female soldiers.²⁶⁸ In one such video, unarmed women are seen handcuffed, bloodied, and visibly injured, surrounded by the bodies of other female soldiers and by armed Hamas militants. In several sequences, the perpetrators are heard shouting threats and obscenities as they physically assault, drag, bind, and strike the victims, who appear terrified. The women display signs of severe beating and other injuries.²⁶⁹

Karina Arieu, Daniela Gilboa, Agam Berger, Ori Megidish, and Noa Marciano.

267 Footage archived with the Civil Commission. For reporting on the filmed abductions of the female surveillance soldiers from Nahal Oz, see e.g., Aaron Boxerman, *New footage is released of Hamas militants taking female soldiers hostage.*, New York Times (May 22, 2024), <https://www.nytimes.com/2024/05/22/world/middleeast/israel-hamas-hostage-video.html> (reporting that “In the three-minute edited collection of videos, which were verified by The New York Times, Palestinian fighters, some wearing Hamas headbands, can be seen binding the hands of five Israeli women who served as lookouts at Nahal Oz, a military base near the Gaza border. At least two of the hostages’ faces are bloodied, and they appear to be wearing pajamas. The militants repeatedly threaten the women. One of the militants calls the women “dogs,” vowing to crush them.); Amnesty International reported Hamas’ filmed abductions of the female surveillance soldiers from Nahal Oz and the abduction of Naama Levy, see Amnesty International, *“Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza”* (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 113 (“The seven women soldiers were taken from the Nahal Oz military base. In several videos verified by Amnesty International, five of them are seen being held in the base and forced into vehicles by a large number of armed fighters, all of whom are men. One video shows a group of young women soldiers — Naama Levy, Liri Albag, Agam Berger, Daniela Gilboa and Karina Arieu — surrounded by a group of fighters, at least some of them from the Al-Qassam Brigades. Several of the women are then taken to a truck by a group of fighters, including fighters from the Al-Qassam Brigades. The other two videos show some of the same scenes, as well as images of the attack on the military. Amnesty International also verified a later video of Naama Levy being transported by fighters in a jeep in the east of Gaza.”); See e.g., the video of the abduction of female IDF soldiers from the Nahal Oz base, in which the women are seen bound, wounded, and bloodied. A two-hour video, from which only a three-minute edit was released to the public, is reported. See Shira Rubin, *Families of Israeli female hostages release video showing their capture* (May 22, 2024), The Washington Post, <https://www.washingtonpost.com/world/2024/05/22/israel-hamas-video-female-soldiers/> (The article describes how “the women are clearly injured, their legs streaked with blood”); *Footage of Female Israeli Soldiers Detained on 7 October Released by Families — video* (May 23, 2024), The Guardian, <https://www.theguardian.com/world/video/2024/may/23/footage-of-female-israeli-soldiers-detained-on-7-october-released-by-families-video>; Lorenzo Tondo, *Israeli hostages’ families release footage of female soldiers captured on 7 October* (May 23, 2024) The Guardian, <https://www.theguardian.com/world/article/2024/may/23/israeli-hostages-families-release-footage-of-female-soldiers-captured-on-7-october> (Footage recorded and released by Hamas at military bases, rebroadcasted with the informed consent of the families of hostages. The article describes the video and, *inter alia*, one specifically dehumanizing moment in the video when a “man describes the women as *sabaya*, a term used by jihadists that means enslaved.”); Rob Picheta, *Families of Female Israeli Hostages Release Graphic Abduction Footage to Pile Pressure on Netanyahu*, CNN (May 22, 2024), <https://edition.cnn.com/2024/05/22/middleeast/israel-idf-hostage-video-hamas-intl> (reporting the case). Another high-profile case is that of Naama Levy, shown in footage released by Hamas, showing her being kidnapped and dragged by several armed men with her hands tied behind her back and with visible injuries. See Bianna Golodryga and Sarah Boxer, *“For Her, Time is Running Out”: A Mother’s Desperate Plea to Get Her Bloodied and Battered Daughter Out of Hamas Captivity*, CNN (Dec. 20, 2023), <https://edition.cnn.com/2023/12/20/middleeast/naama-levy-hamas-hostage-mother-demands-release-intl> (describing the initial video of Naama Levy’s abduction as she was “dragged by her hair at gunpoint by a terrorist in Gaza. Her hands are bound, her ankles cut. Her pants are soaked in blood,” and the impact on her mother who described the video as a devastating moment and is “desperately worried about her daughter going without the medical attention she needs”); other videos are referenced throughout this section. These publicly available materials, as well as the original, unedited clips, have been archived with the Civil Commission.

268 *Id.*

269 Footage archived with the Civil Commission. For public sources reporting the video of the abduction of female IDF soldiers from the Nahal Oz base, see: *Id* and *supra* note 20; See also the video footage as broadcasted in in NBC News: *New Oct. 7 video appears to show Hamas abducting Israeli women*, NBC News (May 22, 2024) <https://www.youtube.com/watch?v=BB8uGxQ1MqQ>.

The survivors of the assaults were later taken captive by Hamas. Testimonies concerning SGBV incidents they experienced during captivity are presented in the following section.

91. Another high-profile case widely disseminated globally is that of a twenty-year-old Israeli soldier abducted by Hamas from the Nahal Oz military base during the attack. Video footage of her abduction captured her in the Gaza Strip with her hands tied behind her back, being violently pulled into a vehicle full of armed militants, bleeding, barefoot, limping, with signs of previous binding on her ankles, and showing multiple visible injuries, including a large bloodstain on her clothing.²⁷⁰

92. In another video released by Hamas and archived with the Civil Commission, nineteen-year-old Noa Marciano is shown after having been kidnapped from the Nahal Oz military base during attacks and taken into Hamas captivity in Gaza.²⁷¹ In November 2023, Hamas disseminated the video in which Marciano identifies herself and begs for her life. The video concludes with still images depicting her dead body, showing a head injury, and the apparent amputation of one of her feet. The video was sent to her family, who continue to suffer profound trauma as a result.²⁷² The dissemination of this material also functioned as a form of psychological terror, directed not only at Marciano’s family but at Israeli society more broadly and at other hostage families fearing the conditions under which their loved ones were held and the circumstances of their deaths. In the days that followed, Israeli authorities publicly confirmed Marciano’s death after Hamas released the video and later announced that her body had been recovered from a structure adjacent to Gaza City’s al-Shifa Hospital and returned to Israel.²⁷³ More recently, Marciano’s father has released a public statement sharing that a

270 Video archived with the Civil Commission. Public sources reporting on the case, include: Bianca Golodryga and Sarah Boxer, ‘For Her, Time is Running Out’: A Mother’s Desperate Plea to Get Her Bloodied and Battered Daughter Out of Hamas Captivity, CNN (Dec. 20, 2023), <https://edition.cnn.com/2023/12/20/middleeast/naama-levy-hamas-hostage-mother-demands-release-intl> (describing the initial video of Naama Levy’s abduction as she was “dragged by her hair at gunpoint by a terrorist in Gaza. Her hands are bound, her ankles cut. Her pants are soaked in blood,” and the impact on her mother who described the video as “beyond upsetting” and is “desperately worried about her daughter going without the medical attention she needs”); Kim Hjelmgard, ‘We Know They Were Raped in Hamas Captivity’: Chilling Details of What Hostages Faced (Dec. 20, 2023), USA Today, <https://www.usatoday.com/story/news/world/2023/12/20/hamas-sexual-violence-rape-hostages-oct-7/71917113007/> (archived with the Civil Commission; describing the video of Naama Levy with her bloodied gray sweatpants as she was “dragged by her long brown hair into the vehicle” and a “crowd looks on”); Bring Them Home, *Naama Levy is a Young Woman Who Spreads Light, She is Funny and Wise, Athletic and Competitive, She Holds the Highest Values*, https://media.bringthemhomenow.net/media/This+video+is+all+about+our+friend+who+believed+in+peace.+Naama+was+abducted+by+Hamas%21_1siop1x3/320287072 (A video created and shared by the Hostages and Missing Families Forum urging for her immediate release from Hamas captivity. In the video, her loved ones can be seen and heard describing their initial encounter with Naama Levy’s abduction footage.); Amnesty International reported Hamas’ filmed abduction of Naama Levy, see Amnesty International, “*Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza*” (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 113 (“The seven women soldiers were taken from the Nahal Oz military base. In several videos verified by Amnesty International, five of them are seen being held in the base and forced into vehicles by a large number of armed fighters, all of whom are men. One video shows a group of young women soldiers — Naama Levy, Liri Albag, Agam Berger, Daniela Gilboa and Karina Arieu — surrounded by a group of fighters, at least some of them from the Al-Qassam Brigades. Several of the women are then taken to a truck by a group of fighters, including fighters from the Al-Qassam Brigades. The other two videos show some of the same scenes, as well as images of the attack on the military. Amnesty International also verified a later video of Naama Levy being transported by fighters in a jeep in the east of Gaza.”); These publicly available materials, as well as the original, unedited clips, have been archived with the Civil Commission.

271 Video archived with the Civil Commission.

272 Avi Marciano, phone interview with the Chair of the Civil Commission (Feb. 2025); notes archived with the Civil Commission.

273 See *Israel confirms her death after Hamas releases hostage video* (Nov. 14, 2023), Reuters (<https://www.reuters.com/world/middle-east/israel-confirms-death-captive-soldier-shown-hamas-video-2023-11-14/>) (describing the video

physician in Gaza intentionally killed his daughter by injecting air into her veins.²⁷⁴

93. A female officer, a survivor from a military base, reported hearing a person being raped outside the building where she was hiding.²⁷⁵ Afterward, when she emerged from her hiding spot, she described seeing the naked body of a female soldier and covered her. She also testified to seeing the body of a man whose penis had been mutilated.²⁷⁶

94. In a video filmed by perpetrators at a military base, two female bodies are lying on the ground.²⁷⁷ One is lying on her back with her legs spread apart and the lower part of her body appears to be uncovered. The second female body is shown burning from the waist down, with a liquid near the body, which other investigative reports referred to as gasoline.²⁷⁸

95. In another video recorded by the victims: unarmed female soldiers from Nahal Oz, wearing sleeping clothes, can be seen hiding in a shelter. The sounds of gunfire are heard in the background. The footage captures the opening moments of the attack.²⁷⁹

96. Another video reported by the UN Commission of Inquiry is described showing six perpetrators standing beside a wall. Four bodies are shown on the floor of the shelter. One female body is partially blurred and appears to have been covered with a piece of white sheet. Despite the blurring, the lower part of the body appears to be undressed.²⁸⁰ In another video, the perpetrators scream “God is great!” while standing over the same woman.”²⁸¹

displaying Marciano identifying herself on camera and the subsequent display of still images of the young woman “looking pallid and with her eyes closed, on a blood-stained bedsheet. A close-up image shows a bloody head wound”); Janis Laizans, *Family buries Israeli conscript hostage* (Nov. 17, 2023), Reuters <https://www.reuters.com/world/middle-east/family-buries-israeli-conscript-hostage-vows-never-forgive-2023-11-17/> (describing the discovery of Marciano’s body by the military at the Shifa Hospital); For an official source reporting the recovery of her body by the military from a structure adjacent to Shifa, see *The Body of Corporal Noa Marciano, who was abducted by the Hamas, was extracted by IDF troops from a structure adjacent to the Shifa Hospital* (Nov. 17, 2023), Israel Defense Forces, Israel-Hamas War: Gaza, <https://www.idf.il/en/mini-sites/israel-hamas-war-gaza/articles-israel-hamas-war-gaza/distributions-swords-of-iron-war-gaza/northern-gaza-23/171123-the-body-of-corporal-noa-marciano-who-was-abducted-by-the-hamas-was-extracted-by-idf-troops-from-a-structure-adjacent-to-the-shifa-hospital/>.

274 Avi Marciano, father of hostage Noa Marciano, has stated that his daughter was murdered in Gaza captivity by a medical professional who allegedly injected air into her veins while she begged for her life. *Id.*

275 See Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 11 (describing the witness testimony of a female officer from Nahal Oz “who was at the base on the day of the attack [and] heard a rape being committed outside the structure where she was hiding”).

276 *Id.*

277 Video archived with the Civil Commission.

278 Video archived with the Civil Commission. See also other investigative reports reporting the case: UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 285 (citing forensic analysis that “showed indications that gasoline was used to set victims’ genitals on fire, which was corroborated by a video of a female victim who was set on fire with gasoline from the waist down”); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 167 (referring to this case and concluding that a “trace of liquid near the body indicates that the perpetrators might have used gasoline to ignite [her body]”).

279 Footage archived with the Civil Commission. Video also described in UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 162 (The Commission documented and verified the digital footage that displays the female soldiers “unarmed while hiding in a shelter at the outpost at the time of the attack. The Commission also noted “the inherently unequal circumstances of these soldiers in age, sex, and combat capacity”).

280 UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶166 (describing verified digital footage from Nahal Oz military base displaying the “six militants with blurred faces standing beside the same wall where a large group of women was seen hiding in another video,” including the four bodies “shown lying on the floor of the shelter,” with one female body “partially blurred” and the lower part “appears to be undressed.” However, the Commission of Inquiry could not conclude whether the underwear was removed or not).

281 *Id.*

97. The findings of the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict offer an important official reference point for understanding the scope and nature of the violence committed at the Nahal Oz military base. Her forensic review underscores both the scale of the killings and the extreme brutality inflicted upon the victims, including “destructive burn damage” and “injuries to intimate body parts,” while also highlighting limitations in identifying patterns of sexual mutilation due to the condition of many of the bodies. The report indicates that “one discernible pattern emerged: 24 out of the 29 soldiers displayed apparent, often multiple, gunshot wounds to the head.”²⁸² The Commission’s thematic analysis of evidence since this report was able to identify gendered targeting and a recurring theme across different attack locations of targeted shootings to the head, face, and genitalia of female victims.²⁸³

98. A witness involved in the identification process and preparation for burial of female soldiers at the morgue provided a detailed deposition to the Civil Commission. In her testimony, she described the condition of the bodies upon arrival, the injuries observed during the identification process, and the challenges of treating individual remains due to extensive trauma inflicted on the bodies. She described feeling shocked at the “extent of the cruelty” she observed.²⁸⁴ She testified that victims had been shot in several places in the body, and many times in the head. Multiple victims had been shot in the eyes, face, and skull. She stated that it “seemed as if mutilation of these women’s faces was an objective in their murders.”²⁸⁵ Some victims’ heads had been bashed in, with their brains spilling out. Others had been shot in the head so many times at close range “that their heads were almost blown off.”²⁸⁶

99. In certain cases, these acts appeared to have been carried out postmortem, “just out of cruelty. We know this because these wounds had no blood. The blood had already drained from the first shots.”²⁸⁷ The witness further recounted that some of the bodies of female soldiers had arrived “with their eyes open, their mouths in grimaces. Their fists clenched. The soldiers that we dealt with had expressions of agony on their faces, still.”²⁸⁸ Female victims arrived dressed in blood-soaked, shredded clothing or were partially naked, wearing only underwear that was

282 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶70.

283 See *infra* Section III.A (*Patterns of Operation*).

284 See deposition document of Shari Mendes, a member of an all-women’s unit of volunteers that cares for deceased female soldiers, accompanying them during the identification process and preparing them for burial, provided to the Civil Commission (Feb. 3, 2025). Deposition document archived with the Civil Commission. Mendes also provided testimony to the United Nations in December 2023, where she described the condition of the bodies; See UN Event, *Hear Our Voices: Sexual and gender-based violence in the October 7th Hamas terror attack*, UN Web TV (Dec. 4, 2023) <https://webtv.un.org/en/asset/k1u/k1u8mfvmcm>, starting at minute 45:30 (describing her arrival to the Shura morgue as “unimaginable, both in “scale, and numbers, sheer numbers” and the “extent of the cruelty and the atrocities [they] witnessed,” detailing cases of gunshot wounds to the face, mutilated genitals and bloodied underwear, and burned bodies, which Mendes described as systematic mutilation that seemed to be “an objective in their murders.”). Event also attended by the Chair of the Civil Commission, notes of the UN session in New York are archived with the Civil Commission. For further public testimony of Shari Mendes, see e.g., Lucy Manning, *Israelis Tell British MP of Evidence of Hamas Sexual Violence* (Feb. 1, 2024), BBC, <https://www.bbc.com/news/uk-68162920> (recalling the recovery of “bodies decapitated” and female bodies with gunshot wounds to their genitals and breasts).

285 Deposition document of Shari Mendes, provided to the Civil Commission (Feb. 3, 2025). Archived with the Civil Commission.

286 *Id.*

287 *Id.*

288 *Id.*

often heavily stained with blood.²⁸⁹ Other members of the witness's reserve unit also reported seeing "female soldiers who were shot in the crotch, intimate parts, vagina. Or shot in a breast. This seemed to be systematic genital mutilation of a group of victims."²⁹⁰ Her unit also treated female soldiers' bodies "that were beheaded, or had limbs cut off, mutilated. One young woman came in with no legs, they had been cut off. We saw several severed heads, one with a large kitchen knife still embedded in the neck."²⁹¹

100. In addition, the witness stated that some of the female soldiers' bodies that arrived to the morgue had been fitted with explosives and had to be checked by bomb specialists.²⁹² Other bodies were "burnt beyond recognition, often without arms or legs, beyond any human shape . . . These soldiers were burnt alive at very high temperatures."²⁹³

101. Another witness who served in the same women's unit responsible for preparing the bodies of female soldiers for burial at the Shura morgue described to the Civil Commission a pattern of severe facial gunshot wounds among the victims.²⁹⁴ According to her testimony, the bodies exhibited various forms of injuries consistent with grenades, shrapnel, and direct gunfire. However, she emphasized that in several cases the victims had been shot directly in the face, which she understood as acts of "verification of killing." Reflecting on these injuries, she explained: "There were all kinds of injuries... fragments from grenades, gunfire, direct gunfire. . . One of the things that stood out very strongly, that for some of these girls they, they verified killing, but they shot them in the face. . . You see . . . It, it crushes their beauty – it's the face, it's the skin, it's ah . . . it is very . . . Look, you see a lot of different types of injuries. People sometimes ask me, 'What's the worst? . . . So I say, the face.'" She further explained why such injuries were especially devastating to witness, stating: "The face, for example, is just . . . I don't know, girls – a young girl, the face is her face. Everyone, every human being, a person's face – this is the inner self that comes out, the eyes. . . however, when you care for them and wrap them [for burial], the beauty remains. There is beauty that remains. They were beautiful. They were beautiful to me."²⁹⁵

102. Another witness, a dental expert, involved in the identification of the bodies of female soldiers at the same site provided testimony documented by other human rights organizations. She reported seeing bodies of female soldiers bearing signs of sexual violence, including several bodies with cuts in the groin area.²⁹⁶ The witness also described seeing bodies showing

289 *Id.*

290 *Id.* See also The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 27 (describing Mendes' testimony of "systematic mutilation of sexual organs").

291 Deposition document of Shari Mendes, provided to the Civil Commission (Feb. 3, 2025). Archived with the Civil Commission.

292 *Id.*

293 *Id.*

294 Testimony of Noa Lewis (Feb. 3, 2026), provided to the Civil Commission; video and transcript archived with the Civil Commission.

295 Testimony of Noa Lewis (Feb. 3, 2026), provided to the Civil Commission; video and transcript archived with the Civil Commission.

296 Physicians for Human Rights – Israel, Position Paper: Sexual & Gender-based Violence as a Weapon of War during the October 7, 2023, Hamas Attacks (Nov. 11, 2023), https://www.phr.org.il/wp-content/uploads/2023/11/5771_Sexual_Violence_paper_Eng-final.pdf, p. 6 (describing a testimony by Captain Maayan where she describes seeing "many signs of abuse in groins, broken legs and pelvises, blood-stained underwear, and women who were exposed from the waist down"); The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7*

indications of sexual abuse, including bone fractures, inserted items, as well as bodies with amputated genitals.²⁹⁷

103. Another witness, who served in the women’s unit responsible for the preparation of bodies for burial at the Shura morgue, described the condition of the female soldiers’ bodies in her testimony to the Civil Commission, noting injuries including mutilation, torn clothing and that some of the victims were shot in the face, genital area and disfigured after death.²⁹⁸ She recalled: “[I]n the treatment room, that was the first time that we would see what had happened. The clothing was ripped... [they were] covered in blood and many times the body was riddled with bullets and you could tell that this woman was killed either by a bullet to her heart or somewhere else, and then their faces were shot. They disfigured the body after death. That was my understanding of what I saw on the table. And that was unimaginable. Just how could you do that? I mean, okay, you kill, but then you mutilate . . .”²⁹⁹ She further stated that “many times these beautiful young women were shot in the eyes, disfiguring their faces, and, you know, their beautiful hair still in braids, covered with blood, with brains flowing out. ... There were some situations where it was felt that they were just brutalized afterwards.”³⁰⁰ The witness also confirmed seeing multiple bodies that had been shot in the breasts, genital area or face, and that most of the bodies “were in pajamas. . . I don’t know if the clothing was ripped because of the bullets or because it was ripped intentionally by someone physically doing that. But the pajamas were in shreds.”³⁰¹ Other witnesses involved in the identification of civilian bodies similarly reported treating bodies that appeared to have undergone torture, mutilation and SGBV.³⁰²

104. First responders also reported bodies of women found undressed and isolated in separate rooms, showing signs of physical abuse and sexual violence. In a case reported by the UN Commission of Inquiry, a witness who arrived at a military base after the attack testified that he saw “bodies of women who seemingly had been hiding under tables, in the showers and under the beds.”³⁰³ He stated that he found the bodies of two partially undressed women, with their

War: Special Report of the Association of Rape Crisis Centers in Israel (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 17. See also Interview of “Captain Maayan” (pseudonym), in Jeffrey Gettleman et al.: *New York Times Investigation of SGBV on Oct 7th* (2023), *supra* note 11 (in her testimony to the New York Times, Captain Maayan remained anonymous and described the identification of “bodies of female soldiers. . . with signs of sexual violence”).

297 *Id.*

298 Testimony of Sharon Laufer (Jan. 5, 2026), provided to the Civil Commission; video and transcript archived with the Civil Commission.

299 *Id.*; video and transcript archived with the Civil Commission.

300 *Id.*; video and transcript archived with the Civil Commission.

301 *Id.*; video and transcript archived with the Civil Commission (“The disfiguring of their faces and their sexual organs, meaning they’d be obviously shot in their breast, in the genital area and in their faces, to disfigure. And that was. . . you know, you’d see that multiple times.”)

302 See Section I.D (*Post-Attack Body Identification Sites*); see also, e.g., Anonymous testimony of a professional working at a post-attack identification site, meeting with the Civil Commission (Jan. 1, 2026) (describing a female body with gunshot wounds to the face and facial mutilation); meeting minutes archived with the Civil Commission. For additional information on indication of sexual violence on bodies arriving at the Shura morgue, see: UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 136 (The Commission received reports of “many bodies taken to the Shura camp [with] signs indicative of sexual violence,” with some bodies “completely or partially undressed with signs of considerable violence and struggle.”); See also *The Association of Rape Crisis Centers in Israel, Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 22.

303 UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 165.

pajama trousers pulled down to the knees, and with gunshot wounds. The witness stated that it was clear that the victims had been abused: “The women were brutalized, and it was clear what had happened. They were isolated, stripped, and in positions of surrender when we found them.”³⁰⁴

105. A female officer who was stationed at the Erez military base shared that perpetrators who infiltrated the base tried to take off her clothes: “Four terrorists entered my room. They tried to make me take off my uniform over and over again. I couldn’t move, I was paralyzed with fear. One of the terrorists tried to approach me. I was shaking.” According to reports, one of the perpetrators tried to take her clothes off, another stopped him, and they left the room in which she was hiding.³⁰⁵

106. In video footage captured at a military base and reported to the Civil Commission by a senior government official with direct access to the underlying materials and responsibilities in the post-attack response, a woman can be seen shot in the genitalia while still alive.³⁰⁶ Other video footage reviewed by the *New York Times* as part of its investigation also described the bodies of two soldiers at a military base “who appeared to have been shot directly in their vaginas.”³⁰⁷

107. In another video, filmed by the perpetrators at a military base, archived with the Civil Commission, they are seen searching for additional survivors to kill. They look beneath furniture; unarmed female soldiers are visible hiding under tables. When the perpetrators find them, the women are seen screaming as the assailants execute them.³⁰⁸ The UN Commission of Inquiry provided a detailed description of this incident, mentioning the existence of two videos which the Commission assessed were recovered from body cameras of Palestinian militants: “The first video shows three armed militants, including one identified as a member of Hamas military wing, entering the room. A woman in white pajamas can be seen hiding under a desk. She appears to have been wounded and there appears to be a blood stain on the front of her

304 See UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 165; See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 194.

305 Testimony of Lt. T.B.S., the witness’s full name is preserved on file with the Civil Commission. The testimony was originally shared on Oct. 17, 2023, and later referenced publicly by the Commission’s Chair, Dr. Cochav Elkayam-Levy, at Harvard Medical School: The Civil Commission on October 7th Crimes by Hamas Against Women and Children, *Testimony of Dr. Cochav Elkayam-Levy, Chair* (Nov. 12, 2023) Maimonides Society, Harvard Medical and Dental School, on file with the Civil Commission. A recording of the event, featuring Dr. Elkayam-Levy’s testimony, can be found here: *The Unspeakable Terror – Gender Based Violence on October 7* (Nov. 12, 2023) The Maimonides Society Harvard Medical School and HSDM, <https://www.youtube.com/watch?v=5D7tb4zFKdk&feature=youtu.be>; Other investigative reports have referenced this testimony in their conclusions, including the UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 285 (quoting the testimony given by the witness); The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 17 (describing the witness testimony as she “recounted how a terrorist threatened her with a weapon and demanded she remove her uniform”); For further public sources referencing this testimony, see Bethan McKernan, *Israel Women’s Groups Warn of Failure to Keep Evidence of Sexual Violence in Hamas Attacks* (Nov. 10, 2023), *The Guardian*, <https://www.theguardian.com/world/2023/nov/10/israel-womens-groups-warn-of-failure-to-keep-evidence-of-sexual-violence-in-hamas-attacks>; Yoav Zeiton, *Chilling testimony from an officer who survived a bomb attack at a captured outpost: “A terrorist wanted me to take off my uniform”* (Oct. 17, 2023) *Ynet*, <https://www.ynet.co.il/blogs/gazawar11/article/hy3deuhwp> (in Hebrew).

306 The Commission considers this information credible based on the official’s longstanding professional reliability and position. Contents of video footage described to the Civil Commission during a meeting (March 2025). Meeting summary archived with the Civil Commission. The Civil Commission anonymized this case to protect the identity of the victims.

307 Jeffrey Gettleman et al.: *New York Times Investigation of SGBV on Oct 7th* (2023), *supra* note 11 (describing a video showing two dead Israeli soldiers at a base near Gaza who appeared to have been shot directly in their vaginas.)

308 Footage archived with the Civil Commission.

trousers in the lower abdominal area. The militants are heard discussing in Arabic the number and the whereabouts of other female soldiers in the room. They count three women. One of the militants then moves a chair that seemingly blocks their access to the table and the gunman beside the cameraman shoots three times at the unarmed woman hiding under the desk. The video then ends. In the second video, which appears to be a direct continuation of the first video and to have been filmed immediately after the first video, six more rounds can be heard in the room. One of the women then starts screaming and another gunshot can be heard, at which the screaming ends abruptly. The camera then moves down and the woman in white pajamas from the first video can be seen under the desk, seemingly dead. Another body in military boots and camouflage can be seen lying beside her. One of the militants then says, “There is a fourth one that we did not kill,” and the video ends.³⁰⁹

108. While verified digital materials, testimonies, and external investigations provide evidence and indications of SGBV, further information is required to establish the full scope and patterns of these crimes. The Civil Commission continues to examine available documentation and to seek additional cooperation from relevant authorities to ensure that these incidents are recorded and assessed within the broader context of the October 7th attacks.

D. POST-ATTACK BODY IDENTIFICATION SITES

109. In the immediate aftermath of the October 7th attacks, morgues across Israel operated at or beyond capacity, and additional makeshift facilities were established to support the collection, identification, and documentation of victims’ bodies. As a result, remains were primarily transferred to Shura morgue, which became the central mortuary facility to which victims’ bodies were brought, and where multidisciplinary teams worked under extreme conditions to identify victims and prepare them for burial. Bodies that could not be identified due to the complex condition of the remains were sent to the National Center for Forensic Medicine for further examination.³¹⁰

110. Medical experts, forensic pathologists, morgue staff, forensic odontologists, police identification units, volunteer medical personnel, and military specialists were among those involved in these processes. The Civil Commission met with and interviewed these professionals, including personnel directly engaged in the identification and documentation of bodies.³¹¹

309 UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶¶ 114-115. The COI notes that the videos appear to depict an office at the Nahal Oz outpost during the attack, however, information that later became available indicates that the events took place at a different base.

310 See also Amnesty International, “*Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza*” (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, footnote 932: (“due to the volume of bodies from the attacks compared to the number that the NCFM [National Center for Forensic Medicine] could handle, starting a few days after 7 October 2023, the NCFM did not have the capacity to store and examine the bodies of civilians. Subsequently, bodies of both civilians and soldiers were stored in the Shura base, which in turn was divided into separate military and civilian compounds; only bodies that could not be identified there were transferred to the NCFM.”).

311 The Civil Commission conducted interviews and filmed testimonies with medical and forensic professionals involved in the identification of victims’ bodies, including officials at the Abu Kabir National Forensic Institute, police forensic units and volunteer first responders, Feb. 2024–Oct. 2025. Interviews and meetings with medical and forensic experts and first responders at *National Center of Forensic Medicine* and *Shura Morgue* identification staff (Apr. 9, 2024; May 21, 2024, Sept. 14, 2025, Mar–Oct. 2025; Interviews with *Schneider Children’s Medical Center* senior staff (Apr. 16, 2024); Interviews with *hospitals’ senior staff*, and *Zaka* volunteers (Feb. 21, Apr. 2024, Mar–Aug. 2025). All meeting notes archived with the Civil Commission); Meeting with Shlomit Landes (Sept. 11,



Photo by Ziv Koren | Shura, October 25, 2023

Through these interviews and filmed testimonies, the Commission obtained information regarding the procedures, challenges, and ethical considerations surrounding the treatment and documentation of victims' remains and regarding the condition of numerous bodies, including indications of SGBV. This information helped corroborate and cross-reference accounts provided by first responders, medical staff, and survivors from attack sites. The testimonies also shed light on the operational and ethical challenges inherent in mass-casualty identification efforts carried out in the immediate aftermath of atrocities. Furthermore, the Civil Commission's team conducted meetings and visits to the Abu Kabir National Center of Forensic Medicine, where the bodies of victims in the most severe condition were transferred for identification and examination.³¹² The Commission also reviewed footage from morgue sites, including the Shura morgue, where the majority of victims' bodies were received. These materials were analyzed to identify potential indications of SGBV.³¹³

111. In this regard, the Commission reviewed concerns regarding challenges in the collection of evidence relating to SGBV in those sites. Following careful examination and consultation with prosecutors experienced in the investigation and prosecution of SGBV war crimes, the Commission found that such challenges are common and characteristic of atrocities, and do not undermine the reliability or probative value of the documented findings. International practice in the investigation of mass atrocities recognizes that evidence collection in the immediate aftermath of widespread violence rarely conforms to ideal or uniform documentation conditions. Jurisprudence and investigative standards developed in response to conflicts and mass atrocities, including those addressing conflict-related SGBV, explicitly account for fragmented scenes, incomplete records, and the absence of comprehensive site- or body-level documentation.³¹⁴

2025). Meeting notes archived with the Civil Commission (explaining that it became clear on October 7th that the standard operational protocols were not suitable for a terrorist attack of this magnitude, and that decisions had to be made regarding appropriate methods for identifying the deceased); Testimony of Avner Cohen, Chief of Staff of the Military Rabbinate, responsible for identifying fallen soldiers (Aug. 31, 2025) (describing the chaos around where to collect the bodies for identification in the early aftermath of the October 7th attacks: "I'm in a situation assessment. . . [A member of the police] tells me, 'Don't worry, I'm opening a mass-fatality collection station in Sderot; we'll concentrate them in Sderot.'" . . . He says to me, "No, no, no — actually we're moving to Ashkelon. No, no — to Ashdod. No — to Rishon. No — to Tel Aviv." At 17:31, a WhatsApp message: "Avner, the Ministry of the Interior and the police have agreed that we will establish the mass-fatality collection station at Shura."); See also: Avner Cohen, *Mishura le-Tkuma* (Niv Books 2024) (Isr.). Testimony of ND, Head of the War Crimes Documentation Team at the Chief Military Rabbinate (Sep. 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission ("[T]hey bring me into Shura. I pass through the military facility, and the first thing I actually see is numerous teams preparing coffins. Coffins upon coffins. And you already understand the magnitude of the event... No one knew how many, and there were all kinds of figures that kept growing over time — 300, 400 people. And then we continue — we don't stop there. We walk through the corridors, and you see the chaos, bodies in the corridors, commotion everywhere. . . I'll share some memories — initial images that come to mind: trucks unloading very, very large quantities of bodies; enormous chaos; very rapid registration processes. . . As a result, several tents were set up in the external compound so that families could carry out a final identification.").

312 Meeting with the National Center of Forensic Medicine, Apr. 9, 2024, Sept. 14, 2025. Meeting minutes archived with the Civil Commission.

313 Review of footage from the Shura morgue conducted on Feb. 2, 2026.

314 International prosecutors and courts have long confronted similar limitations, often relying heavily on eyewitness testimony or circumstantial evidence rather than physical or medical evidence when prosecuting conflict-related sexual and gender-based violence. See UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, *Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual violence* (Jun. 18, 2021), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/06/report/auto-draft/OSRSG-SVC-Model-Legislative-Provisions-ENG.pdf> (providing a legal and procedural framework for the investigation and prosecution of conflict-related sexual and gender-based crimes in compliance with international norms and obligations, including guidance on evidentiary standards, modes of liability, and model indictments).

112. The materials and testimonies reviewed by the Commission indicate that the condition of bodies reflected grave violations: numerous bodies had extensive burn damage and other severe injuries consistent with SGBV. Based on the examination of available information from the post-attack body identification sites, including credible statements by witnesses and professionals involved in the identification process and corroborating visual materials, the Commission documented incidents of SGBV, including genital mutilation and sexual torture, occurred during the attacks.³¹⁵ At the Shura morgue, where bodies arrived for identification, volunteers, military personnel, police officers, and medical staff, provided detailed information regarding the condition of the bodies that they examined.³¹⁶ Those involved in receiving and identifying bodies reported observing clear signs of SGBV on both female and male bodies, including recurring patterns of female bodies with gunshot wounds to or mutilation of the face and groin area; naked or partially unclothed bodies; broken pelvises; severe cuts and tears, including around the genital region and instances of genital mutilation; extensive burn injuries, including burns concentrated in the lower abdomen and groin area; and marks and injuries consistent with restraint and binding of victims.³¹⁷

For case law in international tribunals that relied heavily or solely on solid and credible eyewitness testimonies to secure convictions, see e.g.: Prosecutor v. Bagosora et al., ICTR-98-41-T, Trial Judgement, ¶¶ 2201, 933 and 2201 (Dec. 18, 2008); Prosecutor v. Dordevic, IT-05-87/1-A, Appeals Judgment, ¶¶ 853, 857, 902 (Int'l Crim. Trib. for the Former Yugoslavia, 27 January 2014); Prosecutor v. Bemba, ICC-01/05-01/08-3636-Red, Appeals Judgment, ¶ 118 (Jun. 8, 2018) (where the Court convicted the accused of rape based on the testimony of family members). On the difficulties in convictions for war crimes based on forensic evidence, please see generally: Stefan Schmitt, *Why It's So Difficult to Secure Forensic Evidence of War Crimes* (Aug. 8, 2022), Forensic Magazine, <https://www.forensicmag.com/588910-Why-it-s-so-Difficult-to-Secure-Forensic-Evidence-of-War-Crimes/>; Indira Rosenthal, Valerie Oosterveld & Susana SáCouto, *Gender and International Criminal Law* (Oxford Univ. Press 2022); On the difficulty of acquiring available forensic evidence in atrocity crimes, see generally: Prosecutor v. Al Hassan, ICC-01/12-01/18_T, Trial Hearing, ¶¶ 7-8 (May 25, 2022); The ICTY and ICTR, for example, have accepted contextual and testimonial evidence to establish patterns of sexual violence where forensic evidence was not available. See e.g., Prosecutor v. Bagosora et al., ICTR-98-41-T, Trial Judgement, ¶ 1746 (Dec. 18, 2008). Prosecutor v. Bagosora, ICTR-98-41-T, Hearing Transcript, p. 51 (Feb. 3, 2004); Prosecutor v. Al Hassan, ICC-01/12-01/18-2594-Red, Trial Judgment, ¶¶ 491-2 (n. 1322-1325), 206-7 (Jun. 26, 2024). See also Darryl Robinson et al., *An Introduction to International Criminal Law and Procedure* 415-416 (5th ed. Cambridge University Press, 2024).

315 For additional information on indication of sexual violence on bodies arriving at the Shura morgue, see for example: UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 136 (The Commission received reports of “many bodies taken to the Shura camp [with] signs indicative of sexual violence,” with some bodies “completely or partially undressed with signs of considerable violence and struggle.”); See also The Association of Rape Crisis Centers in Israel, *Silent Cry: Sexual Crimes in the October 7 War: Special Report of the Association of Rape Crisis Centers in Israel* (Oct. 7, 2024), <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf>, p. 22 (“Colonel Israel Weiss, who was involved in identifying bodies at the military rabbinic camp “Shura” testified that some of the bodies had undergone torture and rape.”).

316 See e.g., Deposition document of Shari Mendes, provided to the Civil Commission (Feb. 3, 2025). Archived with the Civil Commission; Testimony of Avner Cohen, Chief of Staff of the Military Rabbinate, responsible for identifying fallen soldiers (Aug. 31, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Shlomit Landes, Head of the Israeli Police Investigations Division (Sep. 11, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Naama Samet-Rubinstein (Aug. 27, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of ND (Sep. 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

317 *Id.* See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 136-137 (“Further corroborating its findings, the Commission also received reports that many bodies taken to the Shura camp showed signs indicative of sexual violence. Some bodies were completely or partially undressed with signs of considerable violence and struggle. One witness described to the Commission receiving a body of a girl around 13 years old who was naked with signs of violence to the stomach and broken legs. . . One witness told the Commission that many bodies of men and women received at Shura were burnt in the genital area. In some cases, there were indications that gasoline had been used to set genitals on fire.”); Lucy Williamson, *Israel Gaza: Hamas raped and mutilated women on 7 October, BBC hears* (Dec. 5, 2023), BBC, <https://www.bbc.com/news/world-middle-east-67629181> (Reporting that several people involved in collecting and identifying the bodies of those killed in the attack “had seen multiple signs of sexual assault, including broken pelvises, bruises, cuts and tears, and that the victims ranged

113. Several bodies of both men and women, although predominantly women, arrived with what pathologists described as “precise burnings” to their genital area, noting that accelerants may have been used to set victims’ genitals on fire.³¹⁸ In addition, for example, a forensic pathologist who participated in the identification of bodies arriving to the Shura morgue on October 7th testified that he had repeatedly seen the bodies of women with gunshot injuries in the face and multiple bodies with cutting injuries. The forensic pathologist also stated: “Adults and children were bound and burned with wire around them. We saw shootings, executions with shots to the back of the head, faces crushed . . . literally shots to the eyes, stabbings and cuts all over the body, people with their hands tied. It’s clear to me that no one tied their hands after shooting them; this happened before they were shot or had their throats cut.”³¹⁹

114. Another witness, a member of the morgue staff at Shura, testified that bodies arrived bearing signs of SGBV, including the insertion of objects into the genital area. As he explained: “We encountered sexual abuse in certain forms. . . the main patterns were gunshots to intimate areas, the insertion of blunt objects into intimate areas, gunshots, clusters of gunshots, to intimate areas, intentional harm to sexual organs of various kinds...”³²⁰

115. Another member of the Shura morgue staff who assisted with the identification of female soldiers’ bodies stated that victims had been shot in several places in the body, and many times in the head. Multiple victims had been shot in the eyes, face, and skull. She stated that it “seemed as if mutilation of these women’s faces was an objective in their murders.”³²¹ She further described: “as we opened body bags arriving from the field, I was shocked by the contrast of grey and green mutilated, bloody bodies of young women, with their bright beautiful shiny manicures. So much hope in that nail polish. . . This hope was extinguished and we shut their young eyes and finally wept as we covered them in white linen cloth. . .”³²² A first responder who assisted the collection of bodies made a similar remark on a female body that was found naked: “I came out to help them [other first responders], and suddenly the

from children and teenagers to pensioners.”).

318 Videos and images of bodies showing signs of burning in the genital area archived with the Civil Commission. For similar findings in public fact-finding reports, see also UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, pp 285 (describing the various conditions in which bodies arrived at the Shura morgue, including cases of “sexual mutilation and burning of the genital area”); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶¶ 137, 143, 153 (describing findings of burns to the genital areas of victims and the potential use of accelerants and gasoline to burn the genitals).

319 Testimony of Ricardo Nachman in Ministry of Health, Oct. 7—*Medical Teams Documentation Project—Dr. Ricardo Nachman*, YouTube (Oct. 7, 2024), <https://www.youtube.com/watch?v=bCi6OkYt8dE&t=169s>. Meeting with Dr. Ricardo Nachman, the National Center of Forensic Medicine, Sept. 14, 2025. Meeting minutes archived with the Civil Commission.

320 Testimony of ND (Sep. 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

321 Deposition document of Shari Mendes, provided to the Civil Commission (Feb. 3, 2025). Archived with the Civil Commission. For a fuller version of her testimony, see text accompanying notes 284-293 in Section I.C (*Military Bases*). See also Testimony of Shari Mendes in UN Event, *Hear Our Voices: Sexual and gender-based violence in the October 7th Hamas terror attack*, UN Web TV (Dec. 4, 2023), <https://webtv.un.org/en/asset/k1u/k1u8mfvmcm>, starting at min. 45:30. Meeting attended by the Chair of the Civil Commission, notes of meeting archived with the Civil Commission.

322 Deposition document of Shari Mendes, provided to the Civil Commission (Feb. 3, 2025). Archived with the Civil Commission. For a fuller version of her testimony, see text accompanying notes 284-293 in Section I.C (*Military Bases*). See also Testimony of Shari Mendes in UN Event, *Hear Our Voices: Sexual and gender-based violence in the October 7th Hamas terror attack*, UN Web TV (Dec. 4, 2023), <https://webtv.un.org/en/asset/k1u/k1u8mfvmcm>, starting at min. 45:30. Meeting attended by the Chair of the Civil Commission, notes of meeting archived with the Civil Commission.

bag tore and this girl's hand comes out right in front of my eyes. . . Her nails—the color of her nails—everything is unpleasant to look at, but you see the color pink. And then it gives you some hope of what her life has been.”³²³ He added: “So you understand, this girl [was alive] the day before, either she was with her boyfriend or she was dancing or she was smiling or she was doing something, or doing sports. You see fingers, that's what remained of her; apparently in the last two days that's what remained of her from Kfar Aza.”³²⁴ Several officials interviewed by the Commission noted the extraordinary challenges faced in managing the consequences of a large-scale, coordinated assault of this magnitude, during which hundreds of bodies, many in severe condition, arrived simultaneously with remains dispersed across thousands of bags, for identification at the Shura morgue. Bodies that were in a condition that precluded immediate or conventional identification, and were therefore transferred to the Abu Kabir National Center of Forensic Medicine for further examination.³²⁵ The head of the Police Investigation Department explained that standard identification procedures had to be examined once the scale of the fatalities became apparent. An inter-ministerial decision was taken by the relevant authorities to transition to an emergency mass-casualty identification framework, designed to enable timely identification and burial of victims while maintaining as much accuracy and dignity as possible under the circumstances. The official described that nothing had prepared them for a mass terrorist event like the October 7th attacks.³²⁶

323 Testimony of Samuel Barzilai (Aug. 27, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

324 *Id.*; video and transcript archived with the Civil Commission.

325 See e.g., Visit and meetings at the National Center of Forensic Medicine, Apr. 9, 2024, Sept. 14, 2025. Minutes archived with the Civil Commission; Meeting with Shlomit Landes (Sept. 11, 2025). Meeting notes archived with the Civil Commission (explaining that it became clear on October 7th that the standard operational protocols were not suitable for an incident of this magnitude, and that decisions had to be made regarding appropriate methods for identifying the deceased); Testimony of Avner Cohen, Chief of Staff of the Military Rabbinate, responsible for identifying fallen soldiers (Aug. 31, 2025) (describing the chaos around where to collect the bodies for identification in the early aftermath of the October 7th attacks: “I’m in a situation assessment. . . [A member of the police] tells me, “Don’t worry, I’m opening a mass-fatality collection station in Sderot; we’ll concentrate them in Sderot.” . . . He says to me, “No, no, no, actually we’re moving to Ashkelon. No, no, to Ashdod. No, to Rishon. No, to Tel Aviv.” At 17:31, a WhatsApp message: “Avner, the Ministry of the Interior and the police have agreed that we will establish the mass-fatality collection station at Shura.”); Testimony of ND, Head of the War Crimes Documentation Team at the Chief Military Rabbinate (Sep. 8, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission (“[T]hey bring me into Shura. I pass through the military facility, and the first thing I actually see is numerous teams preparing coffins. Coffins upon coffins. And you already understand the magnitude of the event. . . No one knew how many, and there were all kinds of figures that kept growing over time — 300, 400 people. And then we continue — we don’t stop there. We walk through the corridors, and you see the chaos, bodies in the corridors, commotion everywhere. . . I’ll share some memories — initial images that come to mind: trucks unloading very, very large quantities of bodies; enormous chaos; very rapid registration processes. . . As a result, several tents were set up in the external compound so that families could carry out a final identification.”). See also Amnesty International, “*Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza*” (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, fn. 932.

326 Meeting with Shlomit Landes (Sept. 11, 2025). Meeting notes archived with the Civil Commission; Meeting with the National Center of Forensic Medicine, Apr. 9, 2024, Sept. 14, 2025. Meeting minutes archived with the Civil Commission. Notably, when compared with responses to other mass-atrocity or large-scale terrorist events worldwide, the Commission found similar response circumstances in attacks of this magnitude involving hundreds of mutilated and burned bodies within a single day. Although there are notable differences, examination of similar contexts, such as the 9/11 attack in the United States or the 2004 Madrid train bombings, shows that identification efforts focused primarily on humanitarian recovery, rather than on carrying out any immediate forensic investigation at each site. This is a common challenge arising from the overwhelming and traumatic conditions of a mass casualty event. See e.g., National Institute of Justice, *Lessons Learned From 9/11: DNA Identification in Mass Fatality Incidents* (Sep. 2006), <https://www.ojp.gov/pdffiles1/nij/214781.pdf>, p. 9 (“Nothing in the history of mass fatality events prepared the forensic community for the complexity of the World Trade Center identification effort. The number of victims, the extent of remains fragmentation and deterioration, and the challenge of matching victims to relatives — the demands were tremendous”; “The hours and days immediately following a mass fatality incident are inevitably



116. The National Center of Forensic Medicine confirmed that most of the bodies received for examination consisted of dismembered body parts and severely burned remains, many of which were reduced to partial or cremated condition.³²⁷ A forensic pathologist shared with the Civil Commission that he saw at least one body that he could confirm had been burnt alive, due to the presence of soot in the trachea. He also reported observing at least one body missing a head.³²⁸

117. Another witness, a medical doctor, who had been a volunteer in the police's Casualty Identification Unit for 15 years, and who was volunteering with the identification of bodies in the aftermath of the October 7th attacks, testified that multiple bodies "were burned."³²⁹ She also described seeing the body of a "woman with a broken pelvis, with the pelvic bones shattered, as if an enormous amount of force had been used there."³³⁰

118. The testimonies and visual documentation reviewed by the Commission reveal consistent patterns of extreme violence, including acts consistent with SGBV. These include female bodies bearing gunshot wounds to, or mutilation of, the face and groin area; naked or partially unclothed bodies; broken pelvises; severe cuts and tears, including injuries concentrated around the genital region and instances of genital mutilation; extensive burn injuries, including burns focused on the lower abdomen and groin area; and marks and injuries consistent with restraint and binding of victims. The findings are supported by accounts from independent witnesses and professionals that were involved in the recovery, identification, and examination of victims, as well as by documentation from other human rights organizations and official investigations. It should be noted that further information continues to emerge on a regular basis, as many of the medical, forensic, and law enforcement personnel involved in the identification process have not yet been able to provide full public testimony.

chaotic. The laboratory director must simultaneously address a number of issues, including responding to the diverse requests from elected officials, government agencies, the media, the victims' families, and the laboratory staff. Despite these competing pressures, the laboratory director must recognize that the decisions made during the first 48 hours will largely determine the efficiency and efficacy of the DNA identification effort. This point cannot be overemphasized. In fact, some hasty or reactive decisions made during the initial hours after the 9/11 attacks caused management obstacles that spanned the life of the project."); J. L. Prieto et al., *The 11 March 2004 Madrid Terrorist Attacks: The Importance of the Mortuary Organisation for Identification of Victims. A Critical Review* (2007) 121 Int J Legal Med 517, 518 ("On the morning of March 11, 10 bombs exploded in Madrid onboard four commuter trains, killing a total of 191 people and wounding more than 1, 800, making it the worst terrorist attack against civilians in Europe since the Lockerbie bombing and the worst terrorist assault in modern Spanish history. Spain did not count (and does not count so far) on an organized plan and structure for the performance of forensic tasks in mass disasters or multiple victim incidents, which had to be improvised.")

327 Meeting with Dr. Ricardo Nachman, during meeting with Abu Kabir National Center of Forensic Medicine, Sept. 14, 2025. Meeting minutes archived with the Civil Commission. See also Amnesty International, "Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza" (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 161 ("The NCFM received bodies that could not be identified at the Shura base, mostly burnt and dismembered bodies, and collected evidence by conducting CT scans of all the bodies and body parts, taking photographs and notes").

328 Meeting with Dr. Ricardo Nachman, during meeting with Abu Kabir National Center of Forensic Medicine, Sept. 14, 2025. Meeting minutes archived with the Civil Commission.

329 Testimony of Naama Samet Rubinstein (Aug. 27, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

330 *Id.*; video and transcript archived with the Civil Commission.

II. SEXUAL AND GENDER BASED VIOLENCE AGAINST HOSTAGES

A. SGBV AGAINST HOSTAGES DURING ABDUCTION

119. The abductions that took place on October 7th displayed a distinct gendered dimension, and disproportionately affected women and girls. Testimonies, videos, and other materials collected and reviewed by the Commission indicate that SGBV was not incidental to the abductions but formed an inherent part of them. Women and girls were subjected to sexual humiliation, torture, and other forms of cruel, inhuman, and degrading treatment, as well as gender-specific abuses, both during their capture and throughout their transfer into Gaza. This section focuses on the findings and testimonies concerning **acts committed during the abduction phase—the period of capture, transfer, and immediate post-attack, as distinct from the period of captivity in Gaza**. The Commission’s documentation indicates that many survivors, released hostages, and witnesses reported similar repeating incidents of SGBV occurring during the abductions themselves, deserving of separate consideration.³³¹

120. A total of 92 women and girls were violently taken hostage from multiple locations, including the Nova Music Festival site, Nir Oz, Be’eri, Kfar Aza, Nahal Oz, Nir Yitzhak, and Holit, as well as from nearby military bases.³³² Of these, eighty women and girls were taken hostage and later released. An additional seven women were murdered during the course of their abduction, and five women were taken hostage and subsequently murdered while in captivity.³³³ Within these figures, at least forty-one mothers were abducted: Nineteen mothers were taken hostage alive together with their children;³³⁴ four mothers were taken hostage after they were murdered;³³⁵ and eighteen mothers were taken hostage alive *without* their children.³³⁶ Among minors aged 0–18, twenty-one girls and thirteen boys were taken hostage and subsequently released. In addition, two infant boys were taken hostage together with their mother (four-year-old Ariel and nine-month-old Kfir) and were later murdered together.³³⁷

331 In this section, the Commission generally refrains from naming individual hostages in the body text, even where accounts are public, in order to reduce exposure and preserve their dignity; identifying details and public sources are provided in the footnotes; See also Section III (*Thematic Analysis: Identified Patterns*).

332 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9. A total of 336 women and girls were murdered on October 7th, the majority within a few hours of the attack. Some women were murdered and then taken hostage; some were murdered in captivity. Of those who were taken hostage and returned alive, five women were abducted from the Nova Music Festival site. Thirty-three women and girls were abducted from Nir Oz. Fourteen women and girls were abducted from Be’eri. Five women and girls were taken hostage from Nahal Oz, nine women and girls from Kfar Aza, six women from Nahal Oz military base, three women from Nir Yitzhak, three women from Nirim, one woman from Mivtahim and one woman from Holit.

333 Including Yehudit Weiss, whose condition upon arrival in Gaza remains unclear. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.

334 Including Sharon Avigdori, Adi Shoham, Chen Goldstein-Almog, Yehudit Raanan, Danielle Aloni, Karina Engel-Bert, Shiri Bibas, Doron Katz-Asher, Sharon Aloni-Kunio, Keren Munder, Gabriela Leimberg, Raya Rotem, Hagar Brodutch, Shiri Weiss, Shoshan Haran and Ruti Munder, as well as Irina Tati, Yelena Trupanov, and Hanna Perry. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.

335 Including Yehudit Weiss, Mia Goren, Judy Weinstein, and Ofra Keidar. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.

336 Including mothers to children who were already adults (over 18): Yarden Roman-Gat, Liat Atzili, Neta Wari Molkan, Raz Ben-Ami, as well as Aviva Siegel, Ada Shagi, Yaffa Adar, Alma Abraham, Nurit Cooper, Ditza Heiman, Hanna Katzir, Yocheved Lifshitz, Tamar Metzger, Adina Moshe, Margalit Moses, Ofelia Roitman, Clara Marman, and Merav Tal. Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.

337 Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9. For victims aged 18, 18 individuals were killed (7 young men and 11 young women), while 6 were taken hostage and later released (3 men and 3 women).

121. The Commission documented recurring patterns of violence inflicted upon female hostages during their abductions across all attack sites, which are described in more detail below.³³⁸ These forms of abuse include:

- sexual and physical assault
- physical beating
- sexual humiliation; intimidation
- forced undressing and nudity
- public parading of hostages
- groping
- binding and other forms of restraint and forcible control
- coercive and forced intimacy with captors during capture and transfer

122. In the majority of the cases, the family members of hostages were abused, tortured, threatened with execution, or murdered before or during the abduction of the hostages, and accounts of released hostages further repeatedly described the trauma associated with family separation during the abduction or immediately upon arrival.

123. Additionally, many women and girls were abducted while wearing underwear or pajamas, or were forcibly stripped during capture or upon arrival, describing their heightened sense of vulnerability, fear and humiliation. Some hostages were also abducted barefoot or while suffering injuries to their legs or feet, impairing their ability to move during capture and transfer.³³⁹ The Commission further documented that men and boys were also subjected to gendered forms of violence during abduction, and were often stripped, beaten, or sexually humiliated during abduction in ways intended to degrade or emasculate.³⁴⁰

124. Multiple abductions were filmed by the perpetrators and circulated on social media, showing women—alive or dead—partially naked, beaten, and taunted.³⁴¹ In certain cases,

338 For the full analysis of patterns see Section III (*Thematic Analysis: Identified Patterns*), below.

339 Footage and testimonies are archived with the Civil Commission; See also, UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶¶ 145-146, 155, 157, 159-161, 163-164 (describing the consistent patterns of SGBV present during the abductions of women across attack locations. The Commission further reached the conclusion that the abductions of women to Gaza “show a distinct gendered element in the form, implementation and impact of the abduction of these women.”); UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 1 (describing the findings on patterns of sexual violence “in the context of abduction and hostage-taking”); For an extensive documentation and analysis on the torture of families and the suffering involved in the separation of family members during abduction and in captivity, see Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, p. 17-18, 22-25.

340 Footage and testimonies are archived with the Civil Commission; for a thematic examination of SGBV against men and boys, see Section III (*Thematic Analysis: Identified Patterns*).

341 Footage archived with the Civil Commission; Documented examples that are known to the wider public include, for example, videos and images relating to the abductions of women: Shani Louk, Moran Stella Yanay, the female surveillance soldiers from Nahal Oz military base, Naama Levy, Noa Argamani, Shiri Bibas, Inbar Heiman, Doron Asher Katz, Efrat Katz, Bracha Levinson, Yaffa Adar, the live broadcasting of the abduction and torture of family members of Dikla Arava, Lishay Lavie, and Gali Idan via victims’ Facebook accounts, among other documented cases. For public sources reporting on these videos, see, *supra* notes 19-20. Additional footage documenting abductions was obtained from security cameras, including the violent abduction of former hostage Amit Soussana. Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission. For reporting on this case, see e.g., Patrick Kingsley and Ronen Bergman, *Israeli Hostage Says She Was Sexually Assaulted and Tortured in Gaza*, New York Times, (Mar. 26, 2024), <https://www.nytimes.com/2024/03/26/world/middleeast/hamas-hostage-sexual-assault.html> (reporting in relation to her abduction that “[s]ecurity footage from a solar farm near the kibbutz, which was widely circulated on the internet, shows the group repeatedly tackling her to the ground as they struggled to restrain her. At one point, a kidnapper picked her up and slung her across his back. The video shows her flailing so hard, her legs thrashing in the air, that the man tumbled to the ground. “I

victims' bodies were abducted, desecrated and publicly displayed, reflecting the deliberate use of sexualized humiliation to terrorize victims, their families, and the broader public.³⁴² One such widely circulated video shows the body of twenty-two-year-old Shani Louk lying face down, partially naked, visibly injured, and motionless in the back of a pickup truck, as she was paraded through the streets of Gaza, surrounded by armed perpetrators and civilians, who are seen cheering and spitting on her body. In a testimony provided to the Civil Commission, Ricarda Louk, mother of Shani Louk, recalled: "Then we also started seeing the videos circulating online, on Telegram, on Instagram. ...Then we started to worry... We felt that something was wrong, and she wasn't answering. She wasn't answering. Around 10:30 am, [my son] was here, and someone sent him a video. And then he suddenly started screaming and crying, saying, "It's Shani, it's Shani, I recognize her. I recognize her." We said, "What, what—what did you see?" And then they sent it. Shani's ex-boyfriend sent the video, Shani was actually on the pickup truck, and he sent it to [my son] because he recognized Shani by her tattoos. [My son] recognized her, and we all saw it. We all saw the horrifying video: you can see a white pickup truck, with about four armed Hamas militants in the back with weapons, and she is lying upside down on the back of the truck, half undressed, twisted, with her head hanging down, and they are pushing her down. We see the pickup driving, driving, and entering Gaza, into some city there, with lots of people around them, everyone celebrating and happy that they captured an innocent girl on a pickup truck. They lifted her head by her dreadlocks and spat on her. It was horrifying."³⁴³ In another video archived with the Civil Commission and published by the perpetrators, a young woman's body is seen being dragged by her leg and hands, bleeding, with visible injuries to her neck and head. The perpetrators are heard chanting "Allahu Akbar" ("God is great").³⁴⁴

125. Several other videos documenting the abductions show women being groped, beaten, kicked, dragged by the hair, injured or humiliated during capture. In one video, a female hostage is seen seized by a group of militants who live-streamed the abduction, showing her seated on the ground, begging for her life as a man narrates: "This is one of the Jewish dogs."³⁴⁵ In

didn't want to let them take me to Gaza like an object, without a fight," said Ms. Soussana. "I still kept believing that someone will come and rescue me.")

342 *Id.*

343 Months later, on May 17, 2024, her body was rescued. Israeli authorities confirmed that Louk had been killed during the October 7th attacks and her remains were subsequently recovered and identified. For reporting on the filmed abduction of Shani Louk, see, e.g., Emma Bubola, Gabby Sobelman and Aaron Boxerman, *Shani Louk, Believed Kidnapped, Was Likely Dead When She Was Taken by Hamas, Family Says*, New York Times, (Oct. 30, 2023), <https://www.nytimes.com/2023/10/30/world/middleeast/shani-louk-german-israel-woman-hamas-dead.html> (reporting that "[s]hortly after Oct. 7, Hamas released a video of a woman lying face down and mostly naked in the back of a pickup truck in Gaza.); Anderson Cooper, *Mother describes seeing video of kidnapped daughter on social media*, CNN (Oct. 9, 2023), <https://edition.cnn.com/videos/world/2023/10/09/israel-music-festival-shani-louk-mother-vpx.cnn> (showing segments from the video of Shani Louk's body paraded through the streets of Gaza City by Hamas terrorists celebrating over her partially naked body and men spitting on her body. Shani Louk's mother, Ricarda Louk stated "A few hours later, we got a video from a friend through social media and we identified our daughter on a pickup truck in the back lying on the floor with militant men around her and pushing her down . . ."). See Testimony of Ricarda Louk (Jul. 21, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission.

344 Video archived with the Civil Commission. Video shows the abduction of a female body by two men holding her by the arms and legs. In the video, her throat appears to have been slit.

345 Footage archived with the Civil Commission; For public sources reporting on the filmed abduction, see e.g., Shira Rubin, *A former Israeli hostage recalls the brutality of Hamas captivity*, The Washington Post (Jun. 1, 2024), <https://www.washingtonpost.com/world/2024/06/01/israel-hostage-hamas-gaza> (reporting the case); Sara Sidner, *Video shows Hamas kidnap woman at music festival*, CNN (Oct. 15, 2023), <https://edition.cnn.com/videos/world/2023/10/15/sidner-pkg-family-member-of-hamas-hostage-cnntmwk-vpx.cnn> (showing segments from the filmed abduction of Moran Stella Yanay. Her brother-in-law says: "A few hours later after we lost contact, later on, a video shows up on TikTok."); Amnesty International, *Targeting Civilians: Murder, hostage-taking and other violations by*

another video, security-camera footage captures the violent abduction of a female hostage by several men who are seen beating her and forcibly taking her into Gaza as she struggles to escape.³⁴⁶ In an additional video, a female hostage can be seen on a small motorbike between two men wearing civilian clothes, screaming, struggling to get free and pleading for her release.³⁴⁷ Another case which was widely disseminated is that of the twenty-year-old Israeli soldier abducted from the Nahal Oz military base (reported in the previous section). The video footage of her abduction shows her in the Gaza Strip with her hands tied behind her back, being violently pulled into a vehicle full of armed militants, bleeding, barefoot, limping, with signs of previous binding on her ankles, and showing multiple visible injuries, including a large

Palestinian armed groups in Israel and Gaza” (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 110 (“In a video of the event reviewed by Amnesty International, the man behind the camera says in Palestinian Arabic, “The Jewish [inaudible]. We just caught a woman who we’ll take. If we find any man, just wait to see what we’re going to do with him. Here we are in the [occupied] lands!” A second man says, “Film this!”⁵⁵⁰ Neither of the two assailants can be seen.”); Interview with Moran Stella Yanay in *Former Israeli hostage shares her story of Oct. 7 capture, being held in Gaza by Hamas* (Oct. 7, 2024) CBS News, <https://www.youtube.com/watch?v=fKDfm17BYP4>, starting at min. 1:17 (“He was standing with an iron pipe above my head, about to beat me. So I was pretending to be fainting and see me weak. I will give you whatever you want, whatever I have on me, but please don’t kill me. And then they took a video of me and posted it on TikTok... And [Moran Stella Yanay] on the ground, basically begging for [her] life.”).

- 346 Footage archived with the Civil Commission. Full testimony of the hostage is provided in the next subsection describing acts of sexual violence during her abduction. Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission (Section I.F SGBV Against Hostages in Captivity, stating: “The terrorists and I crossed the gate of the kibbutz into an agricultural field that had just been plowed. There were furrows in the soil, like small trenches. Instinctively I started walking slowly, always thinking that help would arrive. I walked slowly, stumbled, and fell. At first they seemed to accept it, but after a while they started losing patience and became more violent. While this was happening, they were also touching me, one of them in particular, I remember him very clearly. He was wearing a purple-pink shirt and he was the worst among them. He punched me in the face, repeatedly strangled me with the blanket, touched my chest, and lifted my shirt. They got tired of me taking so long, so several of them simply lifted me up, carrying me like a prize. They wrapped the blanket around my entire body. ... I started fighting wildly with my hands and legs. We fell to the ground again. It felt like forever, although I don’t know, it may have been thirty or forty minutes. I was sick that day, I had already been ill, and I didn’t care anymore that my shirt was riding up or that I was exposed. This was the fight of my life. I didn’t feel pain in those moments. I didn’t think they were taking me captive. I thought they were going to lynch me.”) Other videos of this abduction were filmed by the perpetrators themselves and are archived with the Civil Commission. For reporting on this case, see e.g., Patrick Kingsley and Ronen Bergman, *Israeli Hostage Says She Was Sexually Assaulted and Tortured in Gaza*, New York Times (Mar. 26, 2024), <https://www.nytimes.com/2024/03/26/world/middleeast/hamas-hostage-sexual-assault.html> (“The kidnappers attempted to restrain her by beating her and wrapping her in a white fabric, the video shows. Unable to subdue her, the attackers tried and failed to carry her by bicycle, she said. Finally, they bound her hands and feet and dragged her across the bumpy farmland into Gaza, she said.”); See also Interview with Amit Soussana, *Amit Soussana Speaks*, Uvda, Channel 12, (Jan. 28, 2025) <https://www.mako.co.il/mako-vod-keshet/uvda-2024/VOD-3f0e156522ca491026.htm> starting at min. 20:54, at min. 25:58, and at min. 28:17 (depicting three different videos of Amit Soussana’s violent abduction into Gaza. In one video, Amit Soussana can be seen being violently dragged, beaten and carried by a group of armed men, in the second video she can be seen being forced while bound into a car by several armed men, and in the third video she is seen being violently and forcibly transferred from one vehicle to another by a group of armed men). The videos are archived with the Civil Commission.
- 347 Video archived with the Civil Commission. For public reporting on this case and the publicly shared video footage, see Arijeta Lajka and Riley Mellen, *Video Captures Concertgoer Being Kidnapped by Militants* (Oct. 8, 2023), The New York Times, <https://www.nytimes.com/2023/10/08/world/middleeast/music-festival-israel-kidnapping-video.html> (“Videos verified by The New York ... Times show a woman — an attendee at a music festival that fliers said celebrated “free love” — being kidnapped by what appear to be militants on Saturday during a wave of ground incursions into Israel from Gaza. The footage, which was posted to Telegram, showed a group of men driving away on a motorcycle with 25-year-old Noa Argamani in their custody.”); Jake Tapper, *The family & friend of an Israeli woman kidnapped by Hamas*, CNN (Oct. 19, 2023), <https://edition.cnn.com/videos/world/2023/10/19/the-lead-yakov-argamani-shlomit-marciano-jake-tapper-live.cnn> (showing segments of the filmed abduction of Noa Argamani, and reporting that “. . . Hamas unleashed its terrorist attack and turned the festival to a massacre. Shortly thereafter, the world saw Noa in this disturbing video. Her arms outstretched, she is pleading for help, and she is kidnapped by the terrorists of Hamas. Her boyfriend was also kidnapped.”)

bloodstain on her clothing.³⁴⁸

126. One returning hostage described in her testimony to the Civil Commission the abuse she suffered during her abduction, including being dragged by her captors through the dirt, beaten as they forced her into a vehicle and sexually and physically assaulted.³⁴⁹ She recounted: “They dragged me by the hair, kicked me in the stomach, dragged me on the ground, then threw me against a wall, pointed their weapons at me. They took my phone, wanted to film me. I couldn’t unlock my phone from the stress, the code didn’t work—I don’t know, I couldn’t, so they got angrier, beat me more.”³⁵⁰ She recalled that their commander “got angry, pulled me violently, beat me, and dragged me. They pulled me onto a motorcycle, one terrorist in front, one behind me. Then we rode a bit, and stopped. They covered me with some plastic over my head. I couldn’t breathe or see. It was . . . some kind of silver plastic. And they pressed my leg against the exhaust pipe of the motorcycle.”³⁵¹

127. On the way to Gaza, she stated that “one terrorist started touching me; he put his hand under my shirt and started sliding it down my leg. That’s when I fainted. I wasn’t ready for that . . . mentally, emotionally. Already with all the physical pain from the beatings, I couldn’t take more. I fainted.”³⁵² When she woke up, she found herself “[s]urrounded by Hamas people, my shirt up

348 Video archived with the Civil Commission. Public sources reporting on the case, include: Bianca Golodryga and Sarah Boxer, ‘For Her, Time is Running Out’: A Mother’s Desperate Plea to Get Her Bloodied and Battered Daughter Out of Hamas Captivity, CNN (Dec. 20, 2023), <https://edition.cnn.com/2023/12/20/middleeast/naama-levy-hamas-hostage-mother-demands-release-intl> (describing the initial video of Naama Levy’s abduction as she was “dragged by her hair at gunpoint by a terrorist in Gaza. Her hands are bound, her ankles cut. Her pants are soaked in blood,” and the impact on her mother who described the video as “beyond upsetting” and is “desperately worried about her daughter going without the medical attention she needs”); Kim Hjelmgaard, ‘We Know They Were Raped in Hamas Captivity’: Chilling Details of What Hostages Faced (Dec. 20, 2023), USA Today, <https://www.usatoday.com/story/news/world/2023/12/20/hamas-sexual-violence-rape-hostages-oct-7/71917113007/> (archived with the Civil Commission; describing the video of Naama Levy with her bloodied grey sweatpants as she was “dragged by her long brown hair into the vehicle” and a “crowd looks on”); Bring Them Home, *Naama Levy is a Young Woman Who Spreads Light, She is Funny and Wise, Athletic and Competitive, She Holds the Highest Values*, <https://media.bringthemhomenow.net/media/This+video+is+all+about+our+friend+who+believed+in+peace.+Naama+was+abducted+by+Hamas%21/1-isiop1x3/320287072> (A video created and shared by the Hostages and Missing Families Forum urging for her immediate release from Hamas captivity. In the video, her loved ones can be seen and heard describing their initial encounter with Naama Levy’s abduction footage.); Amnesty International reported Hamas’ filmed abduction of Naama Levy, see Amnesty International, *Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza* (2025), <https://www.amnesty.org/en/wp-content/uploads/2025/12/MDE1502822025ENGLISH.pdf>, p. 113 (“The seven women soldiers were taken from the Nahal Oz military base. In several videos verified by Amnesty International, five of them are seen being held in the base and forced into vehicles by a large number of armed fighters, all of whom are men. One video shows a group of young women soldiers — Naama Levy, Liri Albag, Agam Berger, Daniela Gilboa and Karina Ariev — surrounded by a group of fighters, at least some of them from the Al-Qassam Brigades. Several of the women are then taken to a truck by a group of fighters, including fighters from the Al-Qassam Brigades. The other two videos show some of the same scenes, as well as images of the attack on the military. Amnesty International also verified a later video of Naama Levy being transported by fighters in a jeep in the east of Gaza.”); These publicly available materials, as well as the original, unedited clips, have been archived with the Civil Commission.

349 Testimony of Ilana Gritzewsky (Sep. 3, 2025), provided with the Civil Commission; video and transcript archived with the Civil Commission.

350 *Id.*; video and transcript archived with the Civil Commission.

351 *Id.*; video and transcript archived with the Civil Commission.

352 *Id.*; video and transcript archived with the Civil Commission. Ms. Ilana Gritzewsky also provided testimony to the United Nations Security Council on Aug. 27, 2025; See also Testimony of Ilana Gritzewsky, UN Security Council, *The situation in the Middle East, including the Palestinian question — Security Council, 9987th meeting* (Aug. 27, 2025), <https://webtv.un.org/en/asset/k1r/k1r5l4e20f>, starting at min 39:25 (“The terrorist beat me, humiliated me, touched me all over, threw me on the motorcycle and took me to Gaza. . . On the way to Gaza, when they start to touch me and sexually abuse me, I passed out. Physically and mentally, I couldn’t handle any more. I guess my body preferred to shut down. They kept beat[ing] me, because for them, I was a prize.”).

here, my pants down here. They sprayed perfume in my nose, threw water on my face, slapped me to wake me up, because I was unconscious. When I woke up, I saw myself half-naked with them, and I started screaming at them that I was on my period. Then I started vomiting from the stress, the perfume, the slaps. I vomited . . . then they got angry, beat me, dragged me by the hair, lifted me up. Then someone came, threw me a hijab and skirt, told me to dress.”³⁵³

128. Later on the day of the abduction, she was moved to another location. She recalled: “One of [the captors] saw me, came to me, hugged me, said I was beautiful, that I’m going to marry him. He stole my necklace, my earrings. He said I’m beautiful, I’m going to marry him, this is going to be my life. Then at night he left, I was left with two guards. The house was one of theirs . . . The first night I spent with them in the living room, on the same couch with both of them. I didn’t sleep because my whole body hurt. Only after I was freed, I learned that they had broken my pelvis, dislocated my jaw, I had also lost hearing in my left ear. That’s why I had all that pain. I also had a burn on my leg. I knew what they were capable of, so there was no chance I could close my eyes and be left . . . at their mercy. I was already at their mercy anyway . . .”³⁵⁴

129. Another returning hostage publicly described the moments of her abduction together with her children.³⁵⁵ She recounted: “When they entered the safe room with weapons, the children threw off the blankets I had told them to cover themselves with and began screaming. I started screaming too, shouting that they were just children, screaming in English, and begging them not to do anything. . . . There were about fifteen terrorists inside our house.” When taken out of the house, they were all exposed to horrific scenes: “What I remember most is that when we stepped outside, there was silence—total stillness. That you try to stretch out one more second, and then another, hoping that maybe a soldier will suddenly appear, or a helicopter, a tank, a jeep—anything. But nothing [no one came]. Just silence. It’s a paralyzing fear. You see many Gazan civilians gathered by the fence. You see people lying on the ground, bodies. You see houses in the kibbutz going up in flames.”³⁵⁶

130. During the transfer to Gaza, they were beaten and physically assaulted inside a vehicle moving slowly through a crowded street. She recalled: “The drive toward Gaza was chaotic. There were crowds of Gazans in the fields. We arrived within, I think, five minutes. There, the crowd was jubilant, cheering, people in the streets, dancing, celebrating. The terrorist driving the vehicle kept honking the horn so everyone would see what was inside the car: a woman and four very young children. A ‘prize.’ . . . Ofri, [her ten-year-old daughter], who was sitting in

353 Testimony of Ilana Gritzewsky (Sep. 3, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Ilana Gritzewsky, UN Security Council, *The situation in the Middle East, including the Palestinian question — Security Council, 9987th meeting* (Aug. 27, 2025), <https://webtv.un.org/en/asset/klr/klr5l4e20f>, starting at min 39:25 (“I wake up in a [inaudible] house, lying half-naked on rocks, surrounded by Hamas terrorists. I had to beg not to be raped—I’m telling them, I was on my period. At first, they didn’t understand if I was on my period or pregnant but nevertheless that made them leave me alone. They threw me a hijab, a dress, at me, and ordered me to get dressed. I didn’t know exactly what had been done to my body in those last minutes.”)

354 Testimony of Ilana Gritzewsky (Sep. 3, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Ilana Gritzewsky, UN Security Council, *The situation in the Middle East, including the Palestinian question — Security Council, 9987th meeting* (Aug. 27, 2025), <https://webtv.un.org/en/asset/klr/klr5l4e20f>, starting at min 39:25 (“I was suffering from a fractured jaw, a broken pelvis, ear damage from explosion and a burned leg. One of the first days, many people came to see me to play mind games. One of them fixated on me. He told me I would never leave, that I was beautiful, that we were going to marry and have children. Even if there is a deal I would not be released.”).

355 Interview with Hagar Brodutch in Lee Naim, *In Captivity: A Conversation with Hagar Brodutch*, Ehad Be-Yom (Aug. 14, 2024) https://www.mako.co.il/news-podcast_n12/one_a_day/Article-7b673ac52ec4191027.htm (in Hebrew).

356 *Id.*

the middle, the terrorist kept grabbing her shirt and lifting her up, so people could see that he had captured a little girl. Within a few minutes, we arrived at a family's house. It was complete shock. You realize that you're in Gaza, that you've been kidnapped to Gaza."³⁵⁷

131. Another female hostage recently publicly described the moments of her abduction and the violence she experienced: "They lift me outside and put me on the ground for a moment, on the road. I was terrified they would touch me, that they'll suddenly rape me in the street or something. . . Because I was also wearing a cropped tank top in the end, and I was lying there on the road like that, sprawled out, and I panicked. And suddenly, one of the terrorists came, grabbed my leg and just dragged me along the asphalt road like a garbage bag. Like that—dragging me. They grabbed me by the belt loops of my pants and just threw me—into their vehicle."³⁵⁸

132. Another former hostage, mother of four, provided testimony to the Civil Commission describing the moment of the abduction of her family, during which she directly witnessed the murder of her husband and eldest daughter, who was shot in the head, and the violent abduction of her surviving children.³⁵⁹ She testified that armed perpetrators entered the family home, shot and killed her husband and her eldest daughter in front of the family, and then abducted her and her children. Her testimony describes the immediate transition from lethal violence to abduction, underscoring the deliberate targeting of the family unit as a whole. The account of her daughter, former hostage Agam Goldstein-Almog, in her testimony to the Civil Commission, further details the terror of the abduction itself, including forced separation, threats, and the violent manner in which she and her family members were taken from their home following the killings.³⁶⁰

133. In a separate testimony to the Civil Commission, Ofri Bibas described the moments surrounding the abduction of her brother, Yarden Bibas, and his late wife, Shiri Bibas, with her two infant children (four-year-old Ariel Bibas and nine-month-old Kfir Bibas). Shiri Bibas and her children were murdered in captivity. Ofri recounted the fear, chaos, and violence that accompanied the family's capture, including the forcible removal of Shiri and the children from their home under armed threat. She recalled: "[A]t six-thirty in the morning Yarden sent a message to a WhatsApp group we shared with my mother. He wrote, "It's started—we've started, we're in the safe room."³⁶¹ For three hours she tried to calm down her brother, while also seeing simultaneous messages in another WhatsApp group of the residents of Kibbutz Re'im, where she used to live, about terrorists having infiltrated the kibbutz and murdered residents.³⁶²

357 *Id.*

358 Interview with Romi Gonen in "Romi Gonen — With Extraordinary Courage," Uvda, Channel 12 (Dec. 25, 2025), <https://www.mako.co.il/mako-vod-keshet/uvda-2026/VOD-61b098698545b91026.htm> (in Hebrew).

359 Testimony of Chen Almog-Goldstein (Dec. 12, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

360 Testimony of Agam Goldstein-Almog (Sept. 16, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. Further details of the circumstances surrounding their abduction are set out in paragraphs 68-73 above.

361 Testimony of Ofri Bibas (Nov. 19, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

362 *Id.*; video and transcript archived with the Civil Commission ("The people in the WhatsApp group — messages just wouldn't stop. They were talking about. . . they started talking there about terrorists infiltrating, about "I hear them outside the door," and about houses that were burned. And at a very early stage, the woman who was our neighbor wrote that in fact her ex-husband had been murdered and the children were alone at home. . . And indeed, the messages in the Re'im group started running like that, and I'm reading this and I say to my husband, listen, this is a horror scenario. It's like reading the script of a horror movie, what was happening there. "I hear them knocking, I hear them getting closer, how do I lock the safe room?" They started circulating videos of improvised ways to lock a safe room. And at some point, I think around seven-thirty or eight, when I understood that something different was

“And then. . .at 9:43 in the morning, he sent me what was his last message: “They’re coming into the house.” From that moment on, contact was cut off.”³⁶³ She continued: “[A]round ten o’clock, I think—maybe a little after—one of the women who was with my mother in the shelter [in Tze’elim] came in with her phone and said, “You won’t believe what my husband just sent me on Telegram,” and she showed my mother and everyone there—and she was actually showing them the picture of Shiri and the children. And my mother says to her, what is this? She says to her, “I don’t know, it came up on Telegram.” At the time it said, “An Israeli woman was abducted to Gaza,” and she looks and says to her, but that’s. . . that’s Shiri, those are my grandchildren. They tell her, “No, no way, that’s not—it’s not her. . .” What do you mean, she says, I recognize them, that’s my daughter-in-law and my grandchildren. And then she actually sent the picture to me. I showed it to my husband and we. . . I don’t know, the blood drained from our bodies, like you don’t understand what this thing is that I’m seeing right now. At that stage they still weren’t even talking about kidnappings; we still didn’t understand that this was part of the event.”³⁶⁴ After his release from captivity, Yarden told his sister about the day they were taken hostage, after he sent her his last message. In her testimony to the Civil Commission, Ofri Bibas explained: “They heard the terrorists arriving to break into the house, and he was ready with the gun; they were in the safe room. He was standing at the entrance by the door; Shiri was in the corner to his right, and Ariel was under his bed, which was directly opposite the door, watching videos. And they came in, and Yarden asked Shiri, fight or surrender? And she told him, fight. He opened the safe-room door a bit and began shooting toward the terrorists. He heard—he heard one of them shout; he thinks he hit one of them. But what happened was that they started shooting back.”³⁶⁵ Yarden decided to surrender, in fear that they would kill his children. “They came closer, took his gun, shot their dog [in front of the kids] . . . and entered the safe room. They beat him there on the floor, kicked him—punches in front of Shiri and the children—and then they told him, “Come on, get up, get up, you’re coming with us.” And he and Shiri said, “Not the children, not the children.” They told him, “Don’t worry, not the children, just you—come with us.” And he said to Shiri, “Don’t worry, they’re taking me, they’re kidnapping me, they won’t touch you.” He asked to say goodbye to Shiri and the children; they allowed him—he gave each of them a kiss, and then he said to Shiri, “I’m going with them. They said they won’t touch you,” or something like that. . .And then they took Yarden.”³⁶⁶ Moments later, Shiri and her children were violently abducted by a group of armed men who arrived and took them into Gaza.³⁶⁷

134. In February 2025, a reporter from a news channel called Ofri Bibas and asked for a response to a set of videos of Yarden Bibas’ abduction that had surfaced online. The videos had

happening and I didn’t want to worry my mother too much, I switched to corresponding with Yarden privately. I had already understood from the Re’im group not to call, that you need to keep quiet, and I only texted with him.”); See also, case reported extensively by the Civil Commission in the Kinocide report, Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, (documenting the systematic abuse and torture of families on Oct. 7th). See Elkayam-Levy, Cotler & Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War*, “<https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/>,” *supra* note 6.

363 Testimony of Ofri Bibas (Nov. 19, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

364 *Id.*; video and transcript archived with the Civil Commission.

365 *Id.*; video and transcript archived with the Civil Commission.

366 *Id.*; video and transcript archived with the Civil Commission.

367 *Id.*; video and transcript archived with the Civil Commission.



Photo by Ziv Koren | Tel Aviv, March 14, 2024

been uploaded to Shutterstock, a commercial site for videos and photographs.³⁶⁸ This was the first moment Ofri Bibas saw the moments her brother was abducted; abused and bleeding.³⁶⁹ Shortly thereafter, a new video surfaced of Shiri and the children from inside Gaza on the day of their abduction: “. . . that video shook me even more than the abduction video [of Shiri Bibas]. . . the second video, where you see them bringing Shiri and the children there, taking her down from some kind of pickup truck, immediately covering her with a large lungi. You only see Ariel’s head there, but the assumption was always that Kfir was also in her arms. They cover her with a big lungi and bring her into the post, and from there transfer her to another vehicle, and the vehicle leaves the post. But this video—what. . . what shook me the most was that I had already seen other abduction videos, and in many of them they were in groups. And what was hard for me to see in this video was that Shiri was alone. She was abducted alone and entered the post there alone—just her with the two children—and she was barefoot. And I basically said to myself: she went through all of this alone. . . So that realization—that she was there alone—this. . . it was a very, very, very hard moment for me.”³⁷⁰

135. Only when their bodies were released, approximately a year and a half after the October 7th attacks, did Yarden and his family get confirmation that Shiri and the children had been murdered in captivity. The family still does not know what they went through in the weeks before they were murdered.³⁷¹

136. Female hostages were often forced into intimate contact with their abductors, violently pressed between them on motorcycles, trucks, or other vehicles.³⁷² A former hostage described in her testimony to the Civil Commission being lifted by three armed men, “one grabbed me, literally holding one hand, another held my shoulders; they were pressed against me.”³⁷³ She recounted: “And if you wanted to talk about sexual harassment or how I felt emotionally that day, this is one moment. Suddenly, without saying anything to me, three terrorists lift me up from the chair. Young ones, the ones who were guarding us. . . One is holding me—really gripping me with one hand, holding this arm. One is holding me by the shoulders. They’re pressed right up against me. They start taking me out of the house and separating me from the rest of the hostages. When we go outside, everyone is staring at us. Shots in the air, shouts that I don’t understand. You can guess. . . Now three of them are holding me, tightly pressed against me.”³⁷⁴

137. Additionally, victims were frequently bound with zip ties, ropes, or electrical cords, and threatened with weapons during transport, with hands and sometimes feet tied behind their

368 *Id.*; video and transcript archived with the Civil Commission.

369 *Id.*; video and transcript archived with the Civil Commission.

370 *Id.*; video and transcript archived with the Civil Commission.

371 *Id.*; video and transcript archived with the Civil Commission.

372 Footage archived with the Civil Commission; See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶¶ 155, 160 (noting that “The abductees were forced to sit very close to their abductors and filmed during their abduction; in some cases the women were placed between two men on a small motorbike, forcing them to coerced intimacy with their abductors” and another case where a man can be seen covering a woman’s face “while almost sitting on top her, and she is heard crying out [loud] in fear and anguish”). See e.g., testimonies provided to the Civil Commission by K. (Aug. 10, 2025) and Amit Soussana (Feb. 3, 2026); video and transcript archived with the Civil Commission.

373 Testimony of Yasmin Porat (Sept. 16, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

374 *Id.*; video and transcript archived with the Civil Commission.

backs.³⁷⁵ Female captives had their hands and sometimes feet bound during their abductions, often behind their backs.³⁷⁶ A former hostage reported after her release that she was beaten and tied by her captors during her abduction. She described feeling that she was being treated like an object during her abduction, and like a trophy while being held hostage.³⁷⁷ She stated that within minutes of arriving in Gaza, she was surrounded by people yelling and cheering as she was beaten with sticks.³⁷⁸

138. Captors also used sheets, blankets, or plastic bags to cover women’s faces or bodies during abduction to intensify psychological terror. In several cases, perpetrators specifically used white sheets or blankets to wrap or cover female hostages faces.³⁷⁹ This conduct, of covering hostages’ heads and faces with plastic or fabric, continued in captivity.³⁸⁰

139. Several former hostages shared the fear and vulnerability associated with being abducted while wearing only underwear or short pajamas.³⁸¹ A mother whose daughters were abducted from a kibbutz, described how one of her daughters “was in the process of putting on pants . . . but in the end they abducted her in her underwear, and she didn’t even manage to put the pants

375 See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 42 (“Information reviewed by the team show that armed elements came equipped with high caliber and military grade weapons and equipment ranging from rocket propelled grenades, automatic rifles, often reported by witnesses as M16s or Kalashnikovs, ample ammunition, grenades, explosives, flammable substances, and restraints including zip ties.”); See also, UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 145 (describing digital evidence that showed “hands and sometimes feet of women [that] were bound, often behind the victims’ backs” and “the use of rope and electric cables”).

376 See e.g., video of former hostage Naama Levy taken into Gaza with her hands tied and with her feet showing bleeding signs of binding. Footage archived with the Civil Commission. Publicly reported in Bianca Golodryga and Sarah Boxer, *For Her, Time is Running Out: A Mother’s Desperate Plea to Get Her Bloodied and Battered Daughter Out of Hamas Captivity*, CNN (Dec. 20, 2023), <https://edition.cnn.com/2023/12/20/middleeast/naama-levy-hamas-hostage-mother-demands-release-intl> (describing the video of Naama Levy’s abduction where she is seen being dragged by her hair at gunpoint by a terrorist in Gaza with her hands tied).

377 Interview with Moran Stella Yanay in Hidabroot, “*He Was About to Hit Me, and Something Stopped Him*”: Moran Stella Yanay on Her Devastating Story of Captivity, YouTube (Jun. 5, 2025) <https://www.youtube.com/watch?v=u4spw5taRuQ> (in Hebrew) (describing the kidnapping into Gaza, including beatings she endured throughout her capture and being held in a crowded room with many men pushing each other to look at her); Testimony of Moran Stella Yanay also described in UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 159 (“I was a trophy. They [abductors] brought people from outside so they could look at me”).

378 Interview with Moran Stella Yanay in Hidabroot, “*He Was About to Hit Me, and Something Stopped Him*”: Moran Stella Yanay on Her Devastating Story of Captivity, YouTube (Jun. 5, 2025) <https://www.youtube.com/watch?v=u4spw5taRuQ> (in Hebrew) (describing the entrance into Gaza during her kidnapping, and the crowds that were gathered outside the car in which she was captured, cheering and yelling; including the moment her captors opened the car doors and she feared for her life).

379 Footage archived with the Civil Commission. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 161 (describing documentation of the use of “white sheets and blankets to wrap or cover female victims in several cases” that were “used to help facilitate the abduction of women.” The Commission notes one case in particular in which a woman was “wrapped tightly in a white sheet from head to toe by her abductors, not being able to see or move”).

380 See Interview with Merav Tal in Lee Naim, *In Captivity: A Conversation with Merav Tal*, Ehad Be-Yom (Aug. 20, 2024) https://www.mako.co.il/news-podcast_n12/one_a_day/Article-1ada07d69eb6191027.htm (in Hebrew) (“From the house they put us in a van, they put a black plastic bag over our heads. They closed our eyes with masking tape. They put a coronavirus mask on us, and lowered our heads. We were like that for eight hours.”).

381 See e.g., Testimony of Agam Goldstein-Almog (Sept. 16, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Tagit Zin (May 28, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission (“I was exposed to all of this for the first time simply on television. And again — it burned inside. To see [my niece] in her underwear.”); Testimony of Maayan Zin (Dec. 19, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission. For public reporting of relevant cases, see e.g., Bethan McKernan, *Evidence Points to Systematic Use of Rape and Sexual Violence by Hamas in 7 October attacks*, The Guardian (Jan. 18, 2024), <https://www.theguardian.com/world/2024/jan/18/evidence-points-to-systematic-use-of-rape-by-hamas-in-7-october-attacks>.

on.”³⁸² Another returning hostage recounted that when she was abducted, she was wearing “tiny shortie pajamas. Everything [was] very exposed. They were in control. . . That’s how they took me—at my most naked, as I was half-sleeping.”³⁸³

140. Another female hostage publicly described being abducted from her home while wearing only light clothing and taken barefoot into Gaza together with her young daughter. Upon arrival to captivity in Gaza, she and her daughter were forced down a ladder into an underground tunnel. She recounted that the first acts committed against her were the forcible removal of her jewelry and physical groping by her captors.³⁸⁴ She recalled: “I’m wearing pajamas, a simple house dress. [Her daughter] Emilia is wearing pants and a shirt and that’s it. Barefoot, with nothing. We go down underground, on some kind of ladder. The first thing they do is rip off my jewelry, and start touching me. This is how our 49-day journey begins.”³⁸⁵

141. Another female hostage described her first moments of captivity. Upon entering Gaza, she was taken to Shifa Hospital. She stated that she was taken into a room, and put on a bed: “One guy just starts cutting off all my clothes. One guy takes off my shoes, another takes off my earrings, another takes the jewelry off my body, and I’m just like this. . . And around 15 people are touching me at the same time, until it gets to the point where they cut off all my clothes. And then I’m lying naked.”³⁸⁶

142. An elderly woman who was taken hostage from Kibbutz Nir Oz provided testimony to the Civil Commission and likewise recalled that she was forcibly fully undressed upon her arrival in Gaza: “I arrived in Gaza. There were many, many people, many, many children who threw stones at me. One of them said, “Enough,” and they put me in a wheelchair. And they said, “Doctor, doctor.” We reached a tunnel for a few seconds, and I said, I’ll be here, but no. After we moved two meters to the side, there was a small room and suddenly they went in with me. Suddenly the doctor said, “She’s Jewish, I won’t do anything to her.” My hand was completely open, and I was shocked, but I didn’t say anything. Suddenly he started telling me, “Take off your shirt, also the pants, also the underwear, also the bra.” I was left with nothing, but I thought that any moment they would either beat me or do something to me, or do something with a gun so I wouldn’t stay alive. I thought about that for a second, but then one of them came and put a gown on me. A gown. I sat on the bed, it was a short bed, and from then on I don’t know what happened. I think they gave me an injection.”³⁸⁷

143. Seven female soldiers were abducted from the Nahal Oz military base on October 7th. One of them was subsequently rescued by the IDF, and five of them were released, while one

382 Video of the abduction in which the girl is seen in her underwear is archived with the Commission. Testimony of Maayan Zin (Dec. 19, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

383 Interview with Agam Goldstein-Almog in Yonatan Riger, *Agam Gets an Arabic Name: ‘You’re Getting Married in Gaza*, N12 (Dec. 22, 2023), <https://www.mako.co.il/news-military/6361323ddea5a810/Article-242d35117239c81026.htm> (in Hebrew).

384 Interview with Danielle Aloni in Hila Korach, *In Captivity in Gaza, with a 6-Year-Old Girl: ‘I Told Emilia, ‘We Are Going to Die’* (Jan. 6, 2024), Reshet 13, <https://13tv.co.il/item/news/domestic/internal/daniel-emilia-903880236/> (in Hebrew).

385 *Id.*

386 Interview with Romi Gonen in *Romi Gonen — With Extraordinary Courage*, Channel 12 (Dec. 25, 2025), <https://www.mako.co.il/mako-vod-keshet/uvda-2026/VOD-61b098698545b91026.htm> (in Hebrew).

387 Testimony of Ophelia Roitman (Dec. 22, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission.

was murdered in captivity.³⁸⁸ As described in the previous section, videos recorded by Hamas militants during the abduction show unarmed women, in their sleepwear, begging for their lives as they are lined up against a wall, bleeding and visibly injured, with wounds apparent on their bodies and faces, before being transported to Gaza, while surrounded by other bodies.³⁸⁹ In another video posted to X reported above, one of the abducted female soldiers is pulled out of the trunk compartment of a Jeep.³⁹⁰ A man drags her by the hair and, together with another man, violently forces her into the back seat with multiple men around her. She is barefoot with her hands tied behind her back with a zip tie. She has multiple injuries, including a wound on her temple and injuries or blood marks on her hands, wrists, feet, and knees. A large bloodstain is also visible on her clothes. Another armed man forces his way into the seat next to her, with several other militants sitting around her in the car.³⁹¹

144. A former hostage abducted from the Nova Music Festival also publicly described the moments of her abduction at the United Nations. She stated: “. . . I went with my friend to a dance party. It became a bloodbath. Hundreds of young men and women were shot, dismembered. . . I was shot at point-blank range when my arm almost detached from my body, hanging and bleeding. All around me, I heard screams of people being raped and murdered.”³⁹² Her mother also provided testimony to the Civil Commission, stating that her daughter had heard “cries” of rape while she was hiding, injured, before her abduction to Gaza.³⁹³ She described that a pickup truck carrying multiple perpetrators arrived and shot her daughter at point-blank range, nearly severing her arm. Gravely injured, she lay on the ground for approximately two hours. As her

388 The female soldiers taken hostage were Naama Levy, Karina Arieiv, Agam Berger, Liri Albag, Daniella Gilboa, Ori Megidish and Noa Marciano, who was later killed in captivity. Videos of their abductions are archived with the Civil Commission. See, *supra* notes 20 and 271-274.

389 Footage archived with the Civil Commission. For public reporting on these videos, see note 20 above. See also, UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 163 (“In the film “Scenes of the Al-Qassam Brigades storming the Nahal Oz military site” released by Hamas on 10 October 2023, the seven abducted female soldiers can be seen lined up, sitting facing a wall, hands tied behind their backs, guarded by six male Palestinian militants. Several of the women were taken from the shelter, indicating that they had surrendered. In video footage reviewed by the Commission the young women are seen unarmed and distressed, hiding in the shelter from the attackers. Other footage reviewed by the Commission shows that these women were subjected to physical and psychological violence prior to being taken to Gaza. Several of the women lined up by the wall are filmed with their hands tied behind their back and with visible injuries to the face, arms, knees, ankles, feet and/or hands. In video footage reviewed by the Commission the militants threatened and insulted the women while tied and lined up by the wall. One militant also stated ‘You are beautiful’”).

390 Video archived with the Civil Commission. See Section I.C (*Military Bases*) and Section I.E (*SGBV Against Hostages During Abduction*) and note 20 above.

391 Video archived with the Civil Commission. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 164 (“One woman is seen being pulled out of the back of a truck by an armed militant in Gaza. She is barefoot, her hands are tied and she has multiple injuries including a wound on her temple and injuries or blood marks on her hands, wrists, feet and knees. The woman has what appears to be a large blood stain on her trousers around the genital and gluteal area”); UK Parliament APPG Report on Oct 7th (2025), *supra* note 4, p. 244, 279 (“Hamas also uploaded footage of Levy being transported into a different car, now inside Gaza; chants of ‘God is great’ can be heard from bystanders as she moves barefoot, her hands tied behind her back and with a large bloodstain around her lower bottom, and genital area).

392 Testimony of Mia Schem, Permanent Representative of Israel to the United Nations, accompanied by guest Mia Schem, on the situation in the Middle East ahead of the informal meeting of the General Assembly, Nov. 6, 2024, UN web TV, available at: Danny Danon (Permanent Representative of Israel to the United Nations) on the Situation in the Middle East – Security Council Media Stakeout (Nov. 6, 2024), UN Web TV, <https://webtv.un.org/en/asset/k1u/k1u13eitsk> (starting at min. 03:10). “*Ulpan Shishi*”: Mia Schem speaks for the First Time, Channel 12 (Dec. 28, 2023) (in Hebrew) <https://www.mako.co.il/news-channel12?subChannelId=4c63a243aa88b810VgnVCM10000070a10acRCRD&vcid=c429f1648a1bc810VgnVCM100000700a10acRCRD>.

393 Testimony of K. (Aug. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

mother recalled, her daughter later described hearing “a terrifying silence,” realizing that the surrounding vehicles were burning and that she had nowhere to flee. When she called out for help, a perpetrator in civilian clothing approached her, she understood that “she faced an impossible choice: to stay there and burn to death, or to go with him.” He then began to touch her chest. Shortly thereafter, armed perpetrators arrived, seized her by the hair, forced her into a vehicle while her arm was severely injured, and transported her into Gaza, marking the beginning of her captivity.³⁹⁴

145. Bodies of murdered victims kidnapped to Gaza were also subjected to SGBV. Video materials archived and reviewed by the Civil Commission show victims whose bodies were subjected to acts of extreme violence, SGBV postmortem, including stripping, mutilation, and other forms of sexualized degradation. In one case, also described in the previous section on the kibbutzim, a series of videos documents the abuse and abduction of a young foreign male student, including footage showing him partially undressed.³⁹⁵ The videos depict the man being dragged and beaten by a mob. Another video then shows his lifeless body being kicked on the ground, stabbed, shot at and executed by gunshots. In another video, which was published on the official Hamas Telegram group, the victim is in his underwear, partially undressed, with his legs also appearing to have been broken. The body of the victim is seen transferred in the back of a truck with men screaming, “Here’s the Jew!” in Arabic, ultimately taken hostage into Gaza.³⁹⁶

146. In another video, the lifeless body of a partially undressed male hostage can be seen dragged on the back of a motorcycle.³⁹⁷

147. In another video shared by the perpetrators on X on the morning of October 7th, described above,³⁹⁸ the body of twenty-two-year-old Shani Louk is seen lying face down, partially naked, visibly injured, and motionless in the back of a pickup truck, as she is paraded through the

394 Testimony of K. (Aug. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

395 Videos archived with the Civil Commission. The videos show the desecration of Joshua Mollel’s body archived with the Civil Commission. See also reporting on the filmed abduction of Joshua Mollel in Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 145-6, 231 (“Three videos, two posted by South First Responders Telegram channel and one posted by the Aqsa Martyrs Brigades Telegram channel, show members of the Aqsa Martyrs Brigades and the National Resistance Brigades shooting and killing a person. One of the fighters is wearing a yellow Aqsa Martyrs Brigades headband and another has a red National Resistance Brigades patch on his vest. The caption of a video posted by South First Responders and confirmed by the Tanzanian government identifies the person as Joshua Mollel, “a 21-year-old student from Tanzania,” just outside the southwest fence of Nahal Oz around noon. In the first video, fighters hold onto Mollel’s shirt, shoving him back and forth while yelling at him. Mollel, who is bleeding from the right side of his face, is standing still and not fighting back. The second video begins with Mollel already on the ground, lying motionless with two gaping wounds in his abdomen and blood on his neck. A person in civilian attire is visible holding a bloody knife above his body, suggesting he just stabbed Mollel. One fighter steps on Mollel’s chest and then fires a rifle at his head eight times. The final video, shared by the Aqsa Martyr Brigades Telegram channel, shows one of their members wearing the yellow headband standing on Mollel’s bloodied head in the same location. Mollel’s body is covered in wounds and blood. The videos also indicate Joshua Mollel’s attackers stripped him of his clothing.”); The UN COI also reported the case and noted that multiple scratches on the victim’s back suggest that the body was moved against a rough surface before or around the time of death, according to an independent forensic pathologist. The victim had gunshot wounds on the right gluteal area and stab wounds and cuts on the rest of his body, as well as gunshot wounds to his lower legs, which also appeared to have been broken, after or around the time of death. The pelvic bone or hip also appeared to be fractured. See UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 151 (“In a fourth video verified by the Commission, the body of the victim is being transferred in a truck, with men in the background screaming in Arabic, “Here’s the dog. Here’s the dog. Here’s the Jew.”). See also Section II.A.5 (*Postmortem Sexual Abuse, Humiliation, and Desecration of Bodies*).

396 Videos archived with the Civil Commission.

397 Video archived with the Civil Commission.

398 See *supra*, notes 343-344, and accompanying text.

streets of Gaza, surrounded by armed perpetrators and civilians.³⁹⁹ Multiple men celebrate and shout while filming the scene as the vehicle drives toward Gaza. A bystander spits on the woman's body as the crowd cheers. The victim's mother testified to the Civil Commission that she first saw the video of her lifeless daughter in the back of the pickup truck around 10:30 a.m. on October 7th.⁴⁰⁰ She stated that the victim's brother had been sent the video and recognized her from her tattoos: "We all saw the shocking video: a white pickup truck with four armed Hamas members in the back, and she's lying upside down on the back of the truck, half-naked, head bent downward, being pushed down. We saw the truck drive into Gaza, into a city there, surrounded by people. And everyone around was celebrating and happy that they had captured an innocent girl on the truck, lifted her head by her hair, and spat on her. It was horrifying."⁴⁰¹ After three weeks, the victim's DNA was matched with a piece of skull bone found in Mefalsim. Because the bone was internal skull bone, it was concluded that the victim was dead before she was transported to Gaza.⁴⁰² Her body was recovered from Gaza on May 17, 2024, after 224 days in captivity with severe fractures in the skull, as well as multiple gunshot wounds.⁴⁰³

148. Another image archived with the Civil Commission shows the abduction of a young woman lying in the back of a white pickup truck, surrounded by armed militants. It is unclear from the image whether the woman is alive or not. She is seen barefoot, wearing only a shirt and what appears to be her underwear.⁴⁰⁴

149. These videos serve an example of a pattern of women's capture and posting of sexualized and partially nude images of victims on social media by the perpetrators, which seemed to have the aim and effect of further amplifying the violence and terrorizing the victims, their families and society as a whole.⁴⁰⁵

399 Video archived with the Civil Commission. See also footnote 19 above. For public reporting on the filmed abduction of Shani Louk, see, e.g., Emma Bubola, Gabby Sobelman and Aaron Boxerman, *Shani Louk, Believed Kidnapped, Was Likely Dead When She Was Taken by Hamas, Family Says*, New York Times (Oct. 30, 2023), <https://www.nytimes.com/2023/10/30/world/middleeast/shani-louk-german-israel-woman-hamas-dead.html> (reporting that "[s]hortly after Oct. 7, Hamas released a video of a woman lying face down and mostly naked in the back of a pickup truck in Gaza."); Anderson Cooper, *Mother describes seeing video of kidnapped daughter on social media*, CNN (Oct. 9, 2023), <https://edition.cnn.com/videos/world/2023/10/09/israel-music-festival-shani-louk-mother-vpx.cnn> (showing segments from the video of Shani Louk's body paraded through the streets of Gaza City by Hamas terrorists celebrating over her partially naked body and men spitting on her body).

400 Testimony of Ricarda Louk (Jul. 21, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

401 *Id.*; video and transcript archived with the Civil Commission.

402 *Id.*; video and transcript archived with the Civil Commission.

403 Raffi Berg, *Israel's Army Says Three Hostages Bodies Recovered* (May 17, 2024), BBC, <https://www.bbc.com/news/articles/c97z867r2ypo> (reporting on the recovery of Shani Louk's body from a tunnel in the Gaza Strip, alongside the bodies of Amit Buskila and Itzhak Gelerenter); Anonymized testimony of a forensic pathologist (Sep. 2025). Meeting minutes from meeting with the Civil Commission. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 157 ("According to an independent evaluation by a forensic pathologist, the body displayed signs of an injury to the scalp at the back of the head and fractures on the legs and the right arm, most likely inflicted after death.").

404 Image archived with the Civil Commission.

405 For an extensive analysis of the use of social media to maximize the suffering of victims and their families, see Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, pp 19-20, 26, 28, 59; Elkayam-Levy, Cotler & Wiseman, 'Kinocide as a Strategy of Terrorism', *Articles of War*, <https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/>, *supra* note 6; See also e.g., Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p. 186 ("Human Rights Watch research yielded evidence that members of Palestinian armed groups committed acts of sexual and gender-based violence during the attacks, including acts of forced nudity, and posting of sexualized images without consent on social media."); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note

150. The Civil Commission documented the systematic use of social media by perpetrators during and immediately following the abductions and killings of women, children, and families. Across multiple locations, including the Nova Music Festival, civilian communities in the kibbutzim, and military bases, perpetrators filmed, photographed, and disseminated images and videos of abducted women and children, desecrated bodies of women, and families in states of extreme vulnerability.⁴⁰⁶ In several instances, content was circulated in real time or shortly thereafter, depicting victims—alive or dead—being paraded, humiliated, or abused, and in some cases accompanied by celebratory or inciting commentary.⁴⁰⁷

151. To conclude, the testimonies, verified footage, and corroborating materials reviewed by the Commission establish a clear and consistent pattern of SGBV, and deliberate humiliation during the abduction of hostages on and after October 7th. Examination of the materials shows clear, repetitive patterns indicating that SGBV was an integral part of the abduction itself to inflict terror, domination, and dehumanization on hostages. These acts, ranging from sexual assaults to the desecration and public display of victims' bodies, were systematically recorded, celebrated, and disseminated, maximizing fear and psychological trauma, including against children. The Commission's documentation to date demonstrates that the abductions themselves constituted a distinct and deliberate phase of gendered violence, warranting continued investigation and accountability.

B. SGBV AGAINST HOSTAGES IN CAPTIVITY

152. The Commission's investigation into the treatment of hostages held in Gaza following the October 7th attacks indicates that SGBV against hostages occurred across multiple locations where they were held. Testimonies, medical evaluations, and open-source investigation indicate that such abuses took place throughout the entire period of captivity, from the earliest days following the abductions to the time of hostages' release or death.

153. Drawing on returned hostages' testimonies, family interviews, medical and psychological assessments, and relevant experts' evaluations, the Commission identified repeated acts of sexual violence, sexual torture, sexual assault, forced nudity, sexual humiliation, threats of rape or forced marriage, and coercive sexual acts inflicted on both women and men, including children and family members.⁴⁰⁸ These acts were not isolated incidents but rather an inherent component of captivity, designed to exert control, instill fear, and strip hostages of their dignity, autonomy, and sense of personhood. Hostages of all ages, including minors and the elderly, were affected.

154. Across testimonies and evidence reviewed by the Civil Commission, *similar SGBV*,

18, ¶ 155-156 ("In several cases of abduction at Nova, the women, or their dead bodies, were used as victory trophies by male perpetrators. The abduction, violence and humiliation of the women were put on public display, either on the streets of Gaza and/or by recording them and publishing the videos online.").

406 Images and videos archived with the Civil Commission. See, generally, notes 19-20 above; Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, in particular pp. 4, 13-14, 19-20, 23, 25, 47 (describing the filmed abuses of the Bibas, Arava, Idan, and Kalderon families, as well as other families).

407 Images and videos archived with the Civil Commission.

408 In this section, the Civil Commission generally refrains from naming individual hostages in the body of the text, even where accounts are public, in order to reduce exposure and preserve their dignity; identifying details and public sources are provided in the footnotes; See also *infra* Section III (*Thematic Analysis: Identified Patterns*).

including acts amounting to sexual torture, were reported independently by hostages held by different captors, in different locations, and over different periods of captivity.

155. Furthermore, captors routinely made sexualized threats, including of rape and forced marriage, and in several cases compelled victims to engage in or witness sexual acts and torture involving others, including family members.⁴⁰⁹ Women and girls were also forced to perform domestic labor and servitude under coercive conditions.⁴¹⁰ Several returning hostages explained that throughout their captivity, they and other captives were forbidden from crying or making sounds, and in some cases were instructed to smile and appear happy, even in the immediate aftermath of sexual abuse.⁴¹¹ These patterns were consistent across different holding sites in Gaza and across time, demonstrating the coordinated use of SGBV as a means of control and psychological torture.⁴¹²

156. Based on the Civil Commission’s findings and analysis since October 7th, almost all hostages who were abducted on October 7th and later released testified to either experiencing or witnessing acts of SGBV while in captivity. The testimonies of returning hostages indicate that sexual assaults routinely and systematically occurred in homes, tunnels, and other sites used as holding locations. Returning hostages further described conditions of constant fear and intimidation, severe deprivation and inhumane treatment, and a pervasive fear of sexual violence, reinforced by sexualized torture, humiliation, threats, and coercive control.

409 See *infra* Section III (*Thematic Analysis: Identified Patterns*).

410 See *infra* Section III (*Thematic Analysis: Identified Patterns*).

411 See e.g., Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission (“But I got up and hugged her, and it almost cost me my life. The terrorist almost killed us over that, over that hug, and only afterward did I understand why. Then she told us that he touched her, and she told us exactly how he touched her and what he did. . . And I also won’t forget the first times he came into the room and all of us had to pretend, as if we didn’t know anything, and say that everything was fine and smile – and she smiles and says that everything is fine. We had to make a ‘tamam’ gesture with our finger, that everything is okay, and she does that ‘tamam’ and smiles. It was a surreal situation for me as a human being to see and hear her dealing with this. And all of us are somehow coping, because we have no choice.”); Testimony of Aviva Siegel in United Nations Committee Against Torture, *2209th Meeting, 83rd session* (Nov. 11, 2025), <https://webtv.un.org/en/asset/k1x/k1xtfg3ku4>, starting at min. 02:40:27 (“I wasn’t even allowed to hug. I wasn’t allowed to help. I wasn’t allowed to cry. I wasn’t allowed to move. . . We weren’t allowed to cry. I used to hide myself crying. Lie, and put my hand on my face and not let them know that I’ve cried because if I did, I was screamed at.”); Testimony of Agam Goldstein-Almog (Sep. 16, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission (describing instructions given to her and her mother); Testimony of Mia Schem in UN General Assembly, *Media Stakeout by Danny Danon, Permanent Representative of Israel to the United Nations, accompanied by guest Mia Schem, on the situation in the Middle East ahead of the informal meeting of the General Assembly*, <https://webtv.un.org/en/asset/k1u/k1u13eitsk>, starting at min. 03:10 (“I was kept in a small cage with five other Israeli women. Two armed terrorists made sure we sat in the dark, in silence.”); Interview with Thomas Hand, father of a released 9-years-old girl hostage, in Clarissa Ward, Brent Swails & Rachel Clarke, *First on CNN: Father describes how his young daughter Emily Hand survived Hamas captivity*, CNN, (Nov. 28, 2023), <https://edition.cnn.com/2023/11/28/middleeast/thomas-hand-emily-hostage-intl>, starting at min. 0:53 (after his daughter was released from captivity, Thomas Hand gave an interview explaining that upon her release: “[S]he was just whispering, you couldn’t hear her. I had to put my ear on her lips. [. . .] She’d been conditioned not to make any noise”).

412 In relation to the sexual violence committed against the hostages, the UN Special Representative on Sexual Violence in Conflict found “clear and convincing information” based on firsthand accounts of released hostages that “sexual violence, including rape, sexualized torture, and cruel, inhuman and degrading treatment occurred against some women and children during their time in captivity and has reasonable grounds to believe that this violence may be ongoing.” It also found that there are reasonable grounds to believe that female hostages were subjected to other forms of sexual violence. UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 71, 72; The UN Commission of Inquiry likewise stated in its September 11, 2024 report that it had received



HOSTAGES' ACCOUNTS

157. One of the most recent public accounts provided by a returning female hostage offers a rare and detailed window into the sexual violence, coercive control, and escalating abuse inflicted on hostages in captivity.⁴¹³ She has publicly reported experiencing sexual violence in captivity, describing a sustained pattern of sexual abuse by multiple captors over time, with the severity of the acts escalating across different incidents. She stated that the first location to which she was taken immediately after her abduction was Al-Shifa Hospital in central Gaza. There, while injured and believing she was being taken for medical treatment for her arm, she was brought into a room where multiple men surrounded her, cut off her clothing, removed her jewelry, and stripped her fully naked: “They brought me into a room. At the entrance to the room there were two men standing there with guns. One man simply starts cutting off all my clothes. One man takes off my shoes, another takes off my earrings, and another removes my jewelry from my body, and I’m just like. . . around 15 people who are touching me, like, all at once, until it gets to the point where they cut off all my clothes. And then I was lying there naked—completely naked. It felt like an out-of-body experience, like I was seeing everything from above.”⁴¹⁴

158. She further reported another incident of sexual violence when a man she identified as Mohammed, a medical orderly, visited her under the pretext of changing the bandages on her injured arm. According to her account, this same medical staff member later exploited his access under the veneer of “care”: “I go into the shower and he allows himself to enter the shower because he’s a medic and he’s coming to help me shower, and I’m injured, and I have no power over them. And I’m in a situation where there’s nothing I can do, and he took everything from me. I felt like that was it, after everything that happened. . . and this is only the beginning, you understand? Only four days had passed. I already felt like there was nothing left of me.”⁴¹⁵

159. She further recounted: “After the shower, another Mohammed came, and we made my first video in Gaza,” in which she was compelled to identify herself on camera and to state: “They took me from near Re’im, from the party.” She emphasized that the recording, captured within minutes of the bathroom incident, was not voluntary, and that she did not yet know that the man filming her would later become one of her abusers. She described how, later that night, the same captor who filmed her informed her that she would be taken to his home: “And at night Muhammad, the cameraman, comes and tells me, you’re coming to be with me in my house. And from that moment I knew I was going to have a life of hell, because I felt something was not right with him. Every time he came he was extremely annoying and always close to me, and I felt that something bad was going to happen.”⁴¹⁶

160. Following this incident, the former hostage described an immediate transfer to a house

credible information about hostages “being subjected to sexual and gender-based violence while in captivity, including sexualized torture and abuse against men and women when they were held in tunnels.” UN Independent Commission of Inquiry, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, UN Doc. A/79/232 (Sep. 11, 2024) <https://docs.un.org/en/A/79/232>, ¶ 82.

413 Interview with Romi Gonen in “Romi Gonen — With Extraordinary Courage,” Uvda, Channel 12 (Dec. 25, 2025), <https://www.mako.co.il/mako-vod-keshet/uvda-2026/VOD-61b098698545b91026.htm> (in Hebrew).

414 *Id.*

415 *Id.*

416 *Id.*

where she was held with two men who would subsequently assault her, Muhammad the cameraman, and Ibrahim, and where she endured a prolonged period of sexual abuse over the ensuing sixteen days. The hostage recounted: “. . . Then he [Muhammad] brings me into a house, turns on the light, and Ibrahim leaves. And I understand that he and I are going to sleep alone that night.” She then described the beginning of a sustained period of abuse: “I sat there on some mattress in the living room. . . I didn’t know what to do. . . and suddenly I feel him coming closer to me and he starts giving me a back massage. Just like that, out of nowhere, it terrified me completely. I didn’t understand he was going to come onto me. He gives me the massage and then starts moving down to my waist, and I stopped it. At first I told him, ‘Stop touching me, stop touching me,’ in Hebrew. I didn’t know what to say to him, he doesn’t know English. I push his hand away, and when I moved his hand he went back to my waist, and then I got angry. I stood up and said, ‘Don’t touch me anymore!’ I took the mattress, went into the children’s room, and went to sleep. And that’s how the first evening ended. . . I wake up in the morning and then he tells me, ‘Listen, yesterday was a one-time thing. From today on, that’s it, from today you and I sleep mattress next to mattress, right next to each other. When you go to the bathroom, I go with you. Every night I will handcuff you.’ And that’s how my journey in that house began.”⁴¹⁷

161. The sexual abuse by her captors continued. As she recounted: “I’m sitting there on the bed, and suddenly Ibrahim comes from nowhere, comes and sits next to me and starts harassing me. Everything happens in the room in complete silence. I start crying uncontrollably, but all in silence. He keeps looking at me and saying, ‘Be careful.’ He gestures to me like this and says, ‘If you don’t calm down, I will... I will get angry.’ And that’s how the days pass. When I go to the bathroom, Muhammad comes in with me every time. And he watches me, the *** [curse]. And every day he is there with me in the bathroom, and I’m Like, I urinate, and [think] how do I do this? I’m like standing and lowering my pants with one hand, right? and then in a second I sit down so he won’t see anything. I sit there in the toilet terrified that he might see something of me. Ibrahim keeps bothering me endlessly. They constantly grab my leg. They are giving me a massage on the leg, and then move up to my thigh. And I try to push them away with kicks and pull back, but he keeps grabbing my leg. In the end, what am I next to him? He is much stronger than me.”⁴¹⁸

162. She further described: “Sixteen days. Which sounds like nothing, but it was. . . the sixteen worst days of my captivity, by far. He slept next to me every night with a gun under the pillow and a pistol next to the mattress. . . all the time he asks me, who did you sleep with? When did you sleep, when here, when there? . . . I lied to them that I have a husband, and that really occupied them all the time.”⁴¹⁹ The hostage further added: “There was another thing, I didn’t get my period. And that scared all of us terribly. My biggest fear was that they had done something to me in the first three days or at the hospital and I didn’t know, and that’s why I wasn’t getting my period.”⁴²⁰

163. Lastly, she described another sexual assault and ongoing abuse. She recounted that the first time she was allowed to go to the bathroom alone felt like a moment of brief relief, which was immediately followed by the most severe assault she experienced in that house: “This was

417 *Id.*

418 *Id.*

419 *Id.*

420 *Id.*

the first time he agreed to let me go to the bathroom alone, so I was like, wow. . . and I went to the bathroom and he came after me, and that's where the third assault happened, and it was the worst of all. It lasted almost half an hour. . . I remember one moment where I look, there was this window, a small square like a picture frame. I look through the window. Honestly? Wow, the sky is blue, birds are chirping, and this is the situation I'm in right now. The dissonance between the beautiful, normal, clean life outside, and the filth, the animality, the disgust happening here inside the bathroom. That's a moment I'll never forget, the view outside and what I felt inside." She further described the immediate aftermath of the act: "And when he left the bathroom and I left after him, in one second there's ringing in my ears and then I don't hear anything. . . I'm walking and I feel the whole world spinning around me and I'm completely deaf. . . and all the way to the living room all that went through my head was: 'everyone in Israel thinks you're dead, and you're going to be his sex slave now for the rest of your life.'" ⁴²¹

164. Recent public testimony from another returning female hostage further describes sustained and prolonged sexual abuse inflicted during captivity.⁴²² The hostage who was held in Gaza for approximately 482 days following her abduction on October 7th, reported that she was subjected to repeated sexual assaults by her captors throughout the duration of her captivity. In a recent interview, she stated that the sexual abuse occurred throughout her captivity.⁴²³ She further described enduring prolonged isolation, starvation, and physical abuse, explaining that the repeated assaults and conditions of captivity led her to attempt to take her own life on several occasions. Reflecting on the prolonged nature of her own captivity, she added that even after hearing the experiences of sexual abuse of other hostages, "the gap remained. Because it was such a long time. The things I went through, I went through from the beginning until the end. So now it's all sealed in a [tightly] closed suitcase."⁴²⁴

165. Male hostages were also subjected to sexual violence, sexual torture, and sexual humiliation in captivity. In a public interview following his recent release after an extended period in Gaza, a returning hostage described being subjected to sexual assault, sexual threats, and intimidation by his captors. He recounted: "I was on a chair, blindfolded. He said, 'Long time since you've seen girls, right? You watch porn? Want to watch porn together? Want to make a porn film together?' He grabbed me from behind and started touching me all over. I froze. After a few minutes, he's touching my entire body. Kisses the back of my neck and my back. He told me that he loves me. It was terrifying."⁴²⁵ In another incident involving the same captor, he recalled: "he let me shower, I showered, then he takes me forcefully, dragging me into their room, and [naked] didn't allow me to dress. He pulled down his pants too. I told him, 'You're joking, right? This is forbidden in Islam. You're a Muslim' (. . .) I couldn't see him, I was facing

421 *Id.*

422 Interview with Arbel Yehud, *My Body Collapsed, I Didn't Want to Accept What Arbel Went Through*, *Ulpan Shishi*, Keshet Channel 12 (Feb. 13, 2026) https://www.mako.co.il/news-n12_magazine/2026_q1/Article-5fdea30a8fc4c91026.htm (in Heb.)

423 Interview with Arbel Yehud, *My Body Collapsed, I Didn't Want to Accept What Arbel Went Through*, *Ulpan Shishi*, Keshet Channel 12 (Feb. 13, 2026) https://www.mako.co.il/news-n12_magazine/2026_q1/Article-5fdea30a8fc4c91026.htm (in Heb.); See also Tovah Lazaroff, *Freed Hostage Arbel Yehud Says She Was Sexually Abused in Gaza Captivity*, *The Jerusalem Post* (Feb. 13, 2026), <https://www.jpost.com/israel-news/article-886646>.

424 Interview with Arbel Yehud, *My Body Collapsed, I Didn't Want to Accept What Arbel Went Through*, *Ulpan Shishi*, Keshet Channel 12 (Feb. 13, 2026) https://www.mako.co.il/news-n12_magazine/2026_q1/Article-5fdea30a8fc4c91026.htm (in Heb.)

425 Interview with Guy Gilboa Dalal, *Guy Gilboa Dalal speaks*, Keshet Channel 12 (Nov. 22, 2025) https://www.mako.co.il/mako-vod-keshet/guy_gilboa_speaking-sl/VOD-5bd7ab0ae41aa91027.htm, starting at min. 14:00 (in Hebrew).

forward and he was behind me. He rubbed his genitals against my anus for a few minutes. I really froze. I didn't know what I'd do with myself. Then he shoved me back inside. At that point I told myself—I don't know if I'll always be with the same guys. If I end up alone, this could become regular. This could get worse. More beatings. More violent. More invasive. It terrified me—I had nowhere to escape. Luckily that was the last time."⁴²⁶ The hostage also described the difficulty of keeping the sexual assaults a secret: "I not only endured such a difficult experience, I also couldn't tell anyone, I had to keep it to myself, inside myself." He later adds "It was a very heavy toll, keeping it to myself. I was afraid that if anyone finds out, I'd be done. I'll never go home. I decided to tell it to Tal [Shoham] before he and Omer were released. I needed to get it off my chest. I told him not to say anything about it to my family, unless I die. Because it was important to me that they know that if I die, there's a good chance that is the reason. Because he killed me, because at some point I resisted it. . . or I don't know what I'll do."⁴²⁷

166. In another case, a recently returned male hostage, who was 19 years old when taken hostage into Gaza, described abuses that combined forced nudity, torture, sexual assaults, restraint, starvation, and physical violence.⁴²⁸ Reflecting on his captivity, he stated: "For the entire two years I was there, there wasn't a single good moment. Not one good moment. No one went through what I went through. It's important to me to tell this story, to pass it on to as many people as possible. This is documentation that must exist. . . . so that people will know what I went through, so that people will know what suffering is, and understand the level of suffering I was living in." Describing the assaults, he said: ". . . They abused me because I am Jewish. That's it. Then they decided to escalate severely, and decided to strip me. They stripped me of everything—clothes, underwear, everything, and tied me up. While I had nothing on. I was torn apart, dying without food. I was praying to God, like, please save me, get me out of this already. And you say to yourself: what the hell is happening? And while this is going on, I'm being whipped too. . . . And I'm mentally broken; I can't anymore. . . It's been going on ... It went on for almost three months, day after day after day. My body was collapsing." He described the abuse as sexual violence intended to degrade and humiliate him: "It was sexual violence, and its main purpose was to humiliate. His goal was to humiliate me, to crush my dignity, and that's exactly what he did."⁴²⁹ When asked whether these acts were repeated, he replied: "Yes. It's hard for me to talk about this specific part. I don't like talking about it. It was the most horrific part."⁴³⁰

167. Another recently returned male hostage described in a public interview after his release that he was also subjected to sexual assaults while in captivity. After he was left alone in the tunnels, particularly following the collapse of what he described as the "second hostage deal," the hostage said his captors adopted a new objective: "their new goal was to terrify me," including by manipulating food rations and engaging in sexual violence.⁴³¹ Describing an incident that occurred while he was held alone, he recounted: "That was when I was alone. You go into

426 *Id.*

427 *Id.*

428 Interview with Rom Braslavski, *The testimony the entire world needs to watch: Rom Braslavski speaks about everything*, Reshet 13 (Nov. 6, 2025), <https://13tv.co.il/allshows/series/275/season/1/4121676/>, starting at min. 37:10 (in Hebrew).

429 *Id.*

430 *Id.*

431 Interview with Alon Ohel, *Alon Ohel, choosing life*, Channel N12 (Dec. 1 2025), https://www.mako.co.il/mako-vod-keshet/alon_chooses_life-s1/VOD-3facff83efeda91027.htm, starting at min. 30:00 (in Hebrew).

the shower, and he comes to shampoo you. He puts shampoo in his hand and starts soaping you in the shower. I try to push him away, like, you know, I tell him, ‘I can do it myself, it’s okay.’ But he wouldn’t give up.” The hostage said that although he protested and tried to push the captor away, the captor persisted: “He claimed it was important that I shower well so I would not get rashes . . . and he touches you.” The hostage added: “Luckily, the sexual abuse didn’t go further.”⁴³²

168. In another case, a returning male hostage reported that he experienced sexual violence. He stated that one of his guards repeatedly urged him to perform sexual acts on himself.⁴³³ He also stated that his captors had placed a hidden camera in the shower and filmed him while he was showering. He recalled noticing the camera and attempting to shield himself from its view, explaining that he tried to “avoid [showing his] private parts towards this angle” but was unable to do so.⁴³⁴

169. Two returning hostages, minors, who were family members, reported that they were forced to perform “sexual acts on one another.”⁴³⁵ They were reportedly compelled by their captors to take off their clothes, and their captors then touched their private parts and whipped their genitalia.

170. A returning female hostage testified to the Civil Commission and publicly that she was subjected to sexual assaults, torture, physical restraint, and prolonged isolation.⁴³⁶ Her testimony was supported by fellow hostages held with her in captivity, as described below. Describing the assaults and her experience, she stated publicly: “I was held captive alone, chained by my ankles with a metal chain, unable to move and had to ask for permission to use the bathroom.”⁴³⁷ During her time in captivity, she was moved to different locations. In one of the locations where she was held, she was sexually assaulted: “In that house I was sexually assaulted by the Hamas terrorist who had guarded me. He forced me to go to the shower and entered the room, pointed his gun at me. He was breathing heavily and had a monstrous, beast-like face. He meticulously planned his assault. Scheming and waiting for the moment to have his way. He kept asking me private, sexual questions while sitting next to me in his underwear, lifting my shirt, touching me and constantly asking me when my period would be over. I knew exactly what he was planning to do and yet I couldn’t do anything to prevent it. I was utterly helpless. When the assault was over, I wasn’t even allowed to cry or to be sad. . . [I] was forced to act nice to the person who had just sexually assaulted me in the most horrifying way. Not a

432 *Id.*

433 Interview with Sasha Troufanov in Lucy Manning, ‘I can breathe again’ says Israeli hostage held for nearly 500 days in Gaza, BBC (29 January 2026), <https://www.bbc.co.uk/news/articles/c8rm20gm364o>.

434 *Id.*

435 Case anonymized due to the victims’ age and privacy concerns. Meeting with Senior Medical Expert (Sep. 2, 2025). Minutes on file with the Civil Commission.

436 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Amit Soussana in UN Security Council, *Commemoration of the 15-year Anniversary of the Establishment of the Mandate on Sexual Violence in Conflict* (Oct. 23, 2024), <https://webtv.un.org/en/asset/k1q/k1q98uvrrs>, starting at min. 01:59:05.

437 Testimony of Amit Soussana in UN Security Council, *Commemoration of the 15-year Anniversary of the Establishment of the Mandate on Sexual Violence in Conflict* (Oct. 23, 2024), <https://webtv.un.org/en/asset/k1q/k1q98uvrrs>, starting at min. 01:59:05. See also Interview with Amit Soussana in Patrick Kingsley and Ronen Bergman, *Israeli Hostage Says She Was Sexually Assaulted and Tortured in Gaza*, New York Times (Mar. 26, 2024), <https://www.nytimes.com/2024/03/26/world/middleeast/hamas-hostage-sexual-assault.html> (reporting that “Ms. Soussana said she was held alone in a child’s bedroom, chained by her left ankle. Sometimes, the guard would enter, sit beside her on the bed, lift her shirt and touch her, she said. He also repeatedly asked her when her period was due.”)

day goes by that I don't think about what that terrible man did to me."⁴³⁸ She further described the incident and that she was forced to commit a sexual act on her captor: "... I stood up and held the blanket, a small blanket, to cover myself and he came towards me and just pointed a gun really hard at my forehead, screaming at me, 'take it off, take it off', and punching me until I could not hold the towel anymore. And he started touching me, and I resisted. And then he dragged me to the bedroom. And then he forced me to commit a sexual act on him."⁴³⁹ Other released hostages also described in their testimony the abuse this hostage went through, either because they were held with her or found out immediately after.⁴⁴⁰

171. The same hostage was transferred to another location, where she described being subjected to torture in the presence of other hostages, who have likewise provided testimony corroborating this incident: "In the new location I was tortured, hung upside down, beaten, humiliated and feared for my life. Eventually I was taken into an underground tunnel, 40 meters deep, tomb-like space where we felt as if we were buried alive. We were held in such inhumane conditions."⁴⁴¹ According to her testimony, in the tunnel, her captors wrapped her head in a shirt, forced her to sit on the floor, handcuffed her and beat her with the butt of a gun. Then they covered her mouth and nose in duct tape, tied her feet and suspended her "like a chicken" on a stick between two couches, causing her immense pain. Her captors continued to beat her, focusing on the soles of her feet, while demanding information they believed she was hiding. Her captors then brought a spike and held it over her eye. The torture continued for 45 minutes, while her captors laughed, kicked her, and brought other hostages to witness the torture.⁴⁴²

172. In her testimony to the Civil Commission, the former hostage described at length the events beginning in the early hours of the attack, her abduction, and the abuse she endured in captivity.⁴⁴³ She first recounted how the events unfolded and the circumstances leading to her abduction: "Until the evening before, around nine, I think, my mother tried to convince me to stay with her because I was sick and not feeling well. But I wanted to go home. I wanted to take care of the cats. ... I knew they were at the kibbutz. I drove back and somehow managed

438 Testimony of Amit Soussana in UN Security Council, *Commemoration of the 15-year Anniversary of the Establishment of the Mandate on Sexual Violence in Conflict* (Oct. 23, 2024), <https://webtv.un.org/en/asset/k1q/k1q98uvrrs>, starting at min. 01:59:05.

439 Testimony of Amit Soussana in *Screams Before Silence* (Anat Stalinsky dir., created by Sheryl Sandberg, Kastina Communications Apr. 26, 2024), <https://www.screamsbeforesilence.com>, <https://www.youtube.com/watch?v=zAr9oGSXgak>, starting at min. 43:40; See also Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p. 195 (reporting the case).

440 See e.g., Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Chen Almog-Goldstein (Dec. 12, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission. Testimony of Keith Siegel (Dec. 22, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission.

441 Testimony of Amit Soussana in UN Security Council, *Commemoration of the 15-year Anniversary of the Establishment of the Mandate on Sexual Violence in Conflict* (Oct. 23, 2024), <https://webtv.un.org/en/asset/k1q/k1q98uvrrs>, starting at min. 01:59:05; Interview with Amit Soussana in Patrick Kingsley & Ronen Bergman, *Israeli Hostage Says She Was Sexually Assaulted and Tortured in Gaza*, *The New York Times*, (Mar. 26, 2024), <https://www.nytimes.com/2024/03/26/world/middleeast/hamas-hostage-sexual-assault.html> (Reporting the case and that the captors "carried on beating and kicking her, focusing on the soles of her feet, while simultaneously demanding information they believed she was hiding from them." [She said:] "They were hitting me and laughing and kicking me, and called the other hostages to see me.")

442 Interview with Amit Soussana in Patrick Kingsley & Ronen Bergman, *Israeli Hostage Says She Was Sexually Assaulted and Tortured in Gaza*, *The New York Times*, (Mar. 26, 2024), <https://www.nytimes.com/2024/03/26/world/middleeast/hamas-hostage-sexual-assault.html>.

443 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

to get there. I even remember the groceries my mother bought for me. I put the toilet paper in the middle of the kitchen and just went to bed. I fell asleep and turned my phone off. The next thing I woke up to was sirens and insane explosions, right when it all started. ... My first thought was: *tomorrow I'll have a day off work*. I went outside into the garden and immediately understood that something... this time something was different. You could hear the sheer number of rockets, some falling in Kfar Aza, some above us. There were constant 'Red Alert' sirens. And we immediately started hearing gunfire. The gunfire was already very close. A neighbor [name anonymized] came running and said that someone had told him there were terrorists on the fence. Then another neighbor [name anonymized] who lived across from me, came outside. I asked him, 'What is this? What is happening?' He said, 'I don't know, but go inside, go into the safe room.' So I did. I went into the safe room. I was wearing short pajama shorts, a spaghetti-strap top, and thin socks. I was in the safe room with the television on, and we started messaging on WhatsApp with my family. I still didn't understand what was happening around me. Then I started hearing 'Allahu Akbar' and gunfire. It was really a matter of minutes."⁴⁴⁴

173. Describing her efforts to hide and her growing realization that armed attackers had entered the kibbutz, she noted: "Suddenly I heard banging. I don't know if it was on the wall of the safe room or on the window, like someone knocking, like knocking on a door. ... What I thought I was hearing were battles with the army. I thought: what are the chances they would come to my house? Why would they come specifically to me? ... It will be okay, like it always is. But that knocking, something about it made me feel that something was happening. I wrote to my family. At first I crawled under the bed. I saw on Twitter that there were terrorists in Be'eri. ... At the beginning my mother and my sisters told me, 'Get under the bed.' So I went under the bed. But I didn't feel safe. I started shaking. I could still hear very close noises, and the gunfire was getting closer. So I decided to climb into the closet that I had inside the safe room, thinking that there I would be safer."⁴⁴⁵

174. She then described how she was discovered in the safe room and forcibly taken from her home: "I heard a huge explosion. Before that there had been a gunshot, and then this massive blast. Within seconds the door of the closet opened. I remember holding my phone in my hands, and one of the terrorists just grabbed me and pulled me out of the closet. Inside the safe room I saw three terrorists already there. One of them was bent over, going through my drawers. He ripped an earring out of my ear. When I came outside, I saw that they had thrown a grenade. ... They looked relatively young. They were not wearing army uniforms, but they had weapons. One had a sharp knife, another had an RPG launcher. They were heavily armed. I remember thinking: *Why did they come to me? What did I do wrong?* And then I thought about how I wasn't dressed. *The first thing I felt was exposed.* ... In the middle of all the chaos I ran back inside the house to look for something to wear because I felt exposed. There was a closet between the safe room door and the house. Everything was full of smoke. I was coughing and trying to find something to wear. I was in such stress that my mind just froze, I couldn't even decide which piece of clothing to take. One of the terrorists started pulling me outside. I grabbed the white blanket that was on my bed in the safe room, a blanket my mother had bought me about two

444 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

445 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

weeks earlier, and I wrapped it around myself.”⁴⁴⁶

175. Recounting her abduction and the sexual violence inflicted on her during it, she stated: “The terrorists and I crossed the gate of the kibbutz into an agricultural field that had just been plowed. There were furrows in the soil, like small trenches. Instinctively I started walking slowly, always thinking that help would arrive. I walked slowly, stumbled, and fell. At first they seemed to accept it, but after a while they started losing patience and became more violent. *While this was happening, they were also touching me. One of them in particular, I remember him very clearly. He was wearing a purple-pink shirt and he was the worst among them. He punched me in the face, repeatedly strangled me with the blanket, touched my chest, and lifted my shirt.* They got tired of me taking so long, so several of them simply lifted me up, carrying me like a prize. Like ... They wrapped the blanket around my entire body. ... I started fighting wildly with my hands and legs. And then, we fell to the ground again. And again. It felt like forever, although I don’t know, it may have been thirty or forty minutes. And I was sick that day, I had already been ill, and I didn’t care anymore, I didn’t care that my shirt was riding up or that I was exposed. This was the fight of my life. ... Like, I fought them. I didn’t feel pain in those moments. I didn’t think they were taking me captive. I thought they were going to lynch me.”⁴⁴⁷

176. She further testified that her abduction was filmed and described the circumstances in which she was transported into Gaza while injured and bound: “They cut the blanket into strips, tied my hands and feet, and began dragging me along the ground, first on my stomach, then on my back. I was screaming. They tied my hands to my legs. Then a car arrived. In my memory it felt like the car was waiting there, although later I saw a video showing that the car actually came to us. By that point I remember someone filming with a camera. I immediately thought about my family. He was filming me, and by then I was already covered in blood from the beatings. I tried to cover my face so that my family would not see me like that. I knew videos were being uploaded to Telegram. After that, I think I lost consciousness. [interviewer: Not a phone camera—a real camera?] Yes, at the time, I thought it was a still photograph, only later did I understand that it was actually a video. Someone had gotten out of the vehicle and started filming. They put me into this pickup truck. I remember being in the back seat, packed tightly together with four or five others. I was already completely exhausted from everything that had happened. My hands were still tied, and the way they were bound almost dislocated my elbow. The pain from that lasted for months afterward. At some point I must have lost consciousness, because later the IDF found the footage of this in Shifa Hospital. In the video I saw that they transferred me into another vehicle right at the entrance to Gaza. By that point it is clear that I was already unconscious. They were moving me from one vehicle to another like a rag doll. My socks were sticking out, everything was torn, and there was a lot of blood coming from my mouth. My lip had been split open, my nose was broken, and my eye socket was fractured. ...”⁴⁴⁸

177. The former hostage then described the first days of her captivity, during which she was physically restrained: “I don’t think I went to the bathroom on the first day, I don’t remember it

446 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

447 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

448 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

at all. There was a bathroom in the room across from me, on the roof. It was filthy, black and disgusting. I remember that the next day I had stomach pains, so I used it. About two days later he brought me a bucket so that I could at least wash myself a little from all the filth. I begged them to let me change clothes. Eventually they brought me a T-shirt and a pair of pants that belonged to the woman who lived there, and I could breathe a little more easily. I often try to reconnect to what I felt in those first days, what I was thinking, but I was convinced every moment that it would soon be over. That a soldier would arrive in a helicopter, especially because of the drones I could hear, and that they would come rescue me. I kept thinking: this isn't real. This isn't my life now, being in Gaza with Hamas. . . . Three days later suddenly another militant arrived carrying an iron chain. ... I didn't understand what it was for. I remember I could smell him before he came in, they liked to wear strong perfume, and his had a sour smell. I would always smell it before he entered the room. ... He brought the iron chain, and they shackled me with it. They locked my left ankle to the chain with a padlock. The mattress was under the window, and they secured the chain to the window so that I could barely move. I remember not understanding why they were doing this. They already had weapons, and there were two of them there guarding me. They took turns through the night, one sleeping by the door while the other stayed awake. And then this as well.... It makes you feel as though all your humanity has been taken from you... They brought me into the room and tied me up there. I was sitting on the bed closest to the door. He fastened the lock to a hole where the door's lock would normally be, there wasn't actually a lock there, just an opening, so he attached the chain there. I was sitting on the bed, and in front of me there was a mirror. For the first time I saw myself. My left eye was completely shut. I hadn't even noticed it before. It was black. My hair was standing up wildly, and my lip was split open. I saw the padlock, and I remember looking at myself and starting to cry. Because I think that was one of the first moments when I truly understood what was happening. That was when I began to realize that maybe no one was coming."⁴⁴⁹

178. Describing the first incidents of sexual violence that she experienced in captivity, she stated: "They were laughing, saying something like, 'Look at her.' That made me angry. Even in the middle of everything that was happening, I still knew that it was important for me to preserve my dignity, the little humanity I had left. It made me angry, but there was nothing I could do about it, so I simply stopped crying. In the days that followed, it was just me and Mohammed. ... During all that time Mohammed constantly came into the room - I was his, he could do whatever he wishes. He would get into the room, and look at ... I was all covered in scars - on my back, my stomach from when they had dragged me. Real wounds. So he would come once in a while, whenever he wanted, and lift up my shirt, and ask to look, and stroke me, getting close to me, and lie on the bed in front of me wearing only his underwear."⁴⁵⁰

179. She continued: "He kept asking me if I wanted a massage. He asked whether I had a boyfriend or a husband, and whether I had sex with him or not. Conversations like that... And all the time I tried to show him that we were friends. And 'thank you for'..., like for every moment that he did not rape me. Like, I wanted to thank him for not beating me, and of course I never said that directly. ... All the time there were negotiations that revolved around the lock. If I wanted to go to the bathroom, I had to ask him. ... So every time I had to go to the toilets, he

449 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

450 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

needs to open the lock. And then when I go, I'm not allowed to close the door of the toilet, it is half open. ... He would say, 'You close the lock [for her chains] yourself afterward.' Then I had to decide how tightly to close it. I would lock it, and later he would come check whether I had locked it properly. It became a kind of a game. At first I would lock it very tightly, because after he checked it I wanted to please him so that he wouldn't get angry. Later I would have to ask him to loosen it a little. It was like these constant control games. One day he decided that he wanted to call me 'Samira.' I told him, 'No, no! My name is Amit. I am Amit.' It felt like he was trying to take away my identity, the only thing I still had left, and I refused to let him."⁴⁵¹

180. The former hostage then described the days preceding a severe sexual assault, including the captor's preparations, his control over her bodily functions and movements, and the assault itself: "On the day we moved down into the house, they came and placed sanitary pads, pads next to the bed, on a small bedside table. He pointed to them and said, 'Blood, blood.' ... I was still wearing dirty clothes. And then every day he would tell me, 'After you get your period, you take a shower and wash your clothes.' ... Meanwhile I smelled terrible. And every day he would ask [me if my period had started]. And then I got my period. ... But in my mind I already knew what he was planning, so I tried to delay it. I would go to the bathroom and pretend that the pads were running out. So I would just change them ... fold them, and throw them in the trash, pressing them down so that it would look real. I was afraid he might check. And every day he asked, 'Is it finished?' And every day I told him, 'Not yet, not yet, not yet.' Until five or six days passed and I couldn't keep lying anymore. There was something else he would do. Sometimes he would unlock me and tell me to come sit with him in the television room, but he wouldn't allow me to put on my T-shirt. Like, I had to remain in just my thin top. And I would sit there telling him, 'I'm cold,' asking for a blanket, but he refused. He would just sit next to me. And then, I think, after about five or six days I told him my period had ended. It was already evening. The next morning, very early, he came and told me to take a shower. And I didn't want to. I said I didn't want to because the water was too cold. [He told me] No, No, Don't worry. Then he unlocked the chain, took me to the kitchen, and showed me a pot on the stove so that he would heat water. And, that's it. Nothing you can do now. I tried to argue with him. He took me back to the bed, tied me again until the water was warm, and then told me to go into the bathroom. There was a bathtub there. And he placed the pot of hot water on the right edge of the tub; the toilet was on the left side. So he gave me a small towel to use. And then I placed my clothes on the toilet and went into the shower. Of course, the door had to remain half open, I wasn't allowed to close it. I am so crouched at the far end of the bathtub, still trying to cover myself. I started pouring the warm water over myself. And as much as I had been afraid of this moment the whole time, I knew what was about to happen, but for a brief second the warm water felt almost comforting. I put soap on my body. I hadn't even had a chance to use shampoo when I heard him say in English, 'Quick, Amit, quick, quick.' And I was used to hearing him say 'quick.' I thought: *Already? I just started showering.* Then I heard it again: 'Quick.' And I'm with the warm water and I said, 'Okay, okay.' And I looked up and saw him standing there. I don't remember if he was dressed or not. I don't remember, But I remember his face. ... Until then I had seen him as frightening, he was a terrorist, but I had tried to treat him like a kind of, like a friend. ... But at that moment he wanted me to be afraid. His whole posture was tense, and scary, and he was breathing heavily. He was holding a gun. He is standing and it took me a few

451 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

seconds to understand what was happening. I stood up, I grabbed the small towel, and covered myself. And I am standing in the bathtub, and I'm not... Like, despite the fact that I knew, it still surprised me. ... And he came, he tried to force me to drop the towel, he punched me, and the gun was pressed to my head the entire time. And I refused to give up, and I don't let go of the towel, not letting go of the towel. ... Eventually I dropped it. And he touched my all body and sat me down on the edge of the bathtub. He tried to do all kinds of things, but I fought him. I kept my legs tightly closed, like I fought as much as I could. And he became furious and began punching on my shoulders repeatedly. Then he dragged me into the bedroom. He dragged me into the bedroom and I was terrified of what would happen next. And I remember that we were standing between the bed and the door, and I just sat down on the floor at the edge of the bed, just sitting and locking myself in place so that he could not move me. And he continued, hitting me and put the ... and shouting. It continued for a few minutes. After a few minutes he pointed to the bed and told me to stop resisting. ... And he then just forced me to perform a sexual act on him. A severe sexual act. Afterward he went back to the bathroom. I sat on the bed. I think I was still undressed, I'm not sure. I don't remember. I just remember sitting there crying, trying to process what had happened in the bathroom. Like, when it happened, I remember standing, and my thoughts were not really about what was happening in that moment. I was thinking: *This is it. This is what you were afraid of. It's happening.*⁴⁵²

181. She further described the treatment she endured after the assault: “I remember sitting on the bed and being unable to look at him, because in my mind he had broken the agreement between us. I had done everything I could to prevent this. Whenever he spoke about sexual things, I would tell him, ‘Stop, Mohammed.’ Everything had to be very delicate. You have to stay on guard all the time, paying attention to every word. Everything has to be very precise so you don't anger him, while still trying somehow to make him feel some pity for you, to see something human in you so that he won't hurt you. But unfortunately that wasn't enough. After that he became less kind. There was almost no food. He and his friends would laugh at me. I kept asking for tea, especially when I heard them preparing it, but he refused. At one point he told me not to ask for anything in front of his friends. When they did bring something, I would say ‘shukran’ [thank them in Arabic]. In that situation you become ... extremely accommodating. Every small movement of your body becomes something meant to please them. Even my voice ...I started speaking like a child. After I was released, it was very difficult for me to hear myself. ... And then he decided that I would stay in complete darkness all the time. ... That drove

“In a ‘normal case’ after a sexual assault, you go home. You shower. You cry. But there—you have to... you're still there. You can't shower. You can't cry. Crying is forbidden. And, there is no one to comfort you. You have to face it all alone. And not only that—you also have to be nice to him.”

Amit Soussana, Former Hostage

452 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

me almost insane. One day I collapsed on the floor while still chained and begged him: ‘Please, Mohammed... please, please, please. No food, no tea, no coffee, just a little light, light please.’ Now, it was difficult for me, because I still had some sense of pride and dignity, but for that I didn’t care from anything. He stood in front of me with the gun pressed to my head, telling me to be quiet. I kept shouting, I didn’t care. Then he told me that if you didn’t shut up, then I would do this again and touched himself. And the moment he said it, I just shrunk, I felt sick with disgust, and I told myself: ‘Okay, Amit, this is something else you will have to endure, darkness.’⁴⁵³

182. She continued: “... Every day that passed, I felt that it could happen again, because his behavior never really stopped. ... They constantly frightened you, telling you that if the people in Gaza saw you, they would lynch you. You were meant to be even more afraid of them. They said they were protecting you - from Israel, which they said wanted to kill you, and from the people in Gaza. They presented themselves as your saviors, and he seemed to enjoy that role. *In a “normal case” after a sexual assault, you go home. You shower. You cry. But there, you have to... you’re still there. You can’t shower. You can’t cry. Crying is forbidden. And, there’s no one to comfort you. You have to face it all alone. And not only that, you also have to be nice to him.*”⁴⁵⁴

183. She continued: “He is the one who brings you food, and he is the one who claims to protect you from the bombings. Then there was the night of the ground operation. I didn’t know at the time that it was a ground operation, but it was completely insane. I remember sitting there tied up, wearing a dress. He had made me wear a dress because he said we might have to leave the house. Even after everything that had happened with him, I was still afraid of the next house, of what we might encounter there. At least I already know this house. I already know this devil.”⁴⁵⁵

184. The hostage described the torture she experienced after being transferred to another location: “On the first day there everything seemed relatively calm. We even played cards for a while. But on the second day, Monday morning, everything suddenly changed. They called me out to the living room. One of the militants was holding the clothes I had been wearing, which had apparently been washed. ... Suddenly he pulled the shirt away and threw it over my head like a sack. They forced me to sit on the floor and began beating me with a gun. And I didn’t understand why. He handcuffed my hands behind my back and kept me on the floor while they sat in the living room beating me. And I heard one of them say something like, ‘That’s it, I’m tired of her. I’m going to throw her away. I’m going to kill her.’ I didn’t understand why. And I was shaking, and I deliberately exaggerated the shaking, so that they might feel pity. And then he lifted the shirt from my face, mimics me, and looked at me with disgust ... like told me to stop and calm down. And then he covered me with the shirt again. And then they took two armchairs that were in the room, moved them apart, brought two wooden poles and just suspended me upside down between them, like a spit for roasting. My face was toward the wall and my legs outward, and I was hanging horizontally, with my hands. My hands were bound with metal handcuffs placed high on my wrists, which made the pain even worse. They also placed strong tape across my face, and I found myself hung upside down.”

453 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

454 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

455 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.



Photo by Ziv Koren | Tel Aviv, March 14, 2024

“I was really frightened. I was scared the whole time. . . your body’s just open to everyone. There’s nowhere to run, and even if they rape me or something, I’m still here. The ease in which they do it, pointing a gun at your head, and they can just do whatever they want, that can happen at any moment. They can wake you up in the middle of the night and do it in front of the other hostages. They can take you to another room, they can suddenly come in when you’re in the shower, when you’re on the toilet, because who’s going to know? Who’s going to know?”

Agam Goldstein-Almog (17), Former Hostage

185. She continued: “Three militants stood over me. One held a gun and another with a large wooden stick. And they beat me repeatedly, mainly on the soles of my feet. One of them struck me, while they shouted in English that they had seen me on Israeli television and that I was an Israeli soldier. They kept insisting I was in the army and that I was lying. I kept repeating, ‘Not army, not army, not army.’ I don’t know for how long. All this time, the handcuffs were really pressing because my entire body weight ... And I tried to lift my body slightly to relieve the pressure from my hands. Luckily the tape over my mouth began to slip because of sweat, so I could breathe. At some point they brought [another hostage] into the room. They brought him. ... Seeing him made everything even harder. I was not crying, I just kept repeating, ‘Not army, not army.’ [The other hostage] looked completely shocked. I barely knew him, we had met only about a day and a half earlier. So there was even more shame, and more guilt, because he had to witness what was happening because of me. Before I came, they didn’t need to experience something like that. ... And he spoke to me [the hostage] gently and asked whether I was truly an officer. Now, apparently they had told the others that a forty-year-old female officer would be arriving, so they believed that ... I might be that person. ... I told him again that I was not. He was terrified. He was so helpless. They then took him back to the room and brought the others in, also to pressure me to ‘tell the truth.’ Also even for the young women, girls of nineteen, I felt enormous shame that they had to see me like that. ... The beating continued while they stood above me, and laughed. One of them brought a metal spike and held it near my eye as if he were going to gouge it out. And I, ... In those moments I tried to tell myself that at least they were hitting my legs and not my face. I kept telling myself to keep breathing and that it would eventually end. I don’t know how long this continued. But when they finally opened the handcuffs, the pain was unbearable. I think if they had kept me hanging longer, my arms might have been torn from their sockets. Those were the only times I screamed because it was so painful. ... For a long time afterward, my hands remained numb, they were entirely paralyzed. ... And then he took me back to the room. [The other hostages] were told not to look at me. ...”⁴⁵⁶

186. Describing how the incident unfolded, she stated: “One of the militants came again with a gun pressed to my face and told me ‘you have forty minutes to tell the truth, [if you] don’t tell the truth we will kill you. Then, [one of the female hostages] told me quietly that she did not think they would actually kill me, but asked whether there was anything I wanted her to tell my family if something happened. I kept saying, ‘I don’t want to die.’ And I was crying but at the same time it did not feel like I’m going to die. And I wondered whether this is what it feels like when you are about to die. And I told her to tell my family that I loved them. I begged her to do something, ... to speak to them and convince them that I was not in the army. ... And she went to speak to them, even though she had only known me for a day and a half. ... She just went there. She went for a long time that felt like an eternity before she returned. Eventually they called me back into the living room, placed me on a chair and questioned me again, until they were convinced. ... At one point another militant suddenly placed a filthy sack over my head. Just like this. The humiliation was greater, especially because [the other female hostage] was there watching. I remember her look when it happened. We were both shocked, because the interrogation was already over, so why again? It was so humiliating and degrading, it was like that for another hour. ... After that, in that house, the humiliation continued.”⁴⁵⁷ She then

456 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

457 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with

described being forced to carry out demeaning domestic tasks, which served to reinforce her humiliation and place her in an inferior position vis-à-vis the other hostages.⁴⁵⁸

187. A returning male hostage, who was taken hostage with his wife, provided a testimony to the Civil Commission and described being forced to witness the torture of this female hostage while in captivity. He explained that one of his captors “came to tell me that I, that I should convince [the female hostage] to admit that she was an IDF officer. And I knew from her that she was not an IDF officer. . . . So he came, they put me into a room; I enter the room, and I saw [her] lying on the floor, on her back, hands and feet tied. Her mouth was sealed. I don’t remember if it was cloth or tape, but I see three terrorists inside the room. [Two of them] were taking turns, were beating her with a stick. A kind of hazy memory that she was lying on her back and there was a rod supporting—like under her knees here, with her legs in the air.” He stated that two of the captors “struck her on the soles of her feet with the rod” while the third captor “came and stood behind her, holding a rod. He placed the rod on [her] forehead, from above, stood over her—and pressed down with the rod.”⁴⁵⁹ In his testimony to the Civil Commission, he further stated: “I always thought that she was the victim. But after I was released and I started telling this story again and again and again, and essentially reliving that situation, I began to understand—my feeling—that they also tortured me in some way, even if not physically. Not physically, but psychologically, mentally. And like all the feelings of guilt, that I didn’t do anything to help [her], and that I actually told her to confess, when I knew there was nothing at all for her to confess to—like, in retrospect I understand that they simply, like, they controlled me.”⁴⁶⁰

188. The same male hostage also described to the Civil Commission repeated incidents in which he was being subjected to sexual violence, forced nudity and sexual humiliation. He recounted being forced to go to the shower and told to shave his whole body, including his intimate areas: “one of them shaved me—he told me before he started that I should undress. So I took off my pants and shirt and sat there in my underwear. Then he told me to take off my underwear. I told him I didn’t want to take off my underwear, or “why?” or something like that. . . . So he got angry, called me an idiot, and shaved me.”⁴⁶¹ One of his captors told him “that I have

the Civil Commission.

458 Testimony of Amit Soussana (Feb. 3, 2026), provided with the Civil Commission; video and transcript archived with the Civil Commission.

459 Testimony of Keith Siegel (Dec. 22, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission. See also Testimony of Keith Siegel in UN Committee Against Torture, 2209th Meeting, 83rd session (Nov. 11, 2025), <https://webtv.un.org/en/asset/k1x/k1xtfg3ku4> (starting at min. 02:28:30) (“Aterrorist came to me and said that I must convince this woman hostage to confess that she is an officer. They brought me into a room. I saw this woman lying on her back on the floor with her hands and legs tied together, her mouth covered with tape. Two terrorists were beating her with a rod. As I was telling her to [confess], knowing that she had nothing to confess to, a third terrorist stood by her head, holding a sharp rod and pushed the sharp rod to her forehead, applying pressure. One of the terrorists held a pistol to her head and told her that if she does not confess, he will kill her.”); Interview with Keith Siegel in *Extended interview: Former Hamas hostage Keith Siegel*, CBS News (Sept. 30, 2025) <https://www.cbsnews.com/minnesota/video/former-hamas-hostage-visits-minnesota-to-raise-awareness-of-captives-still-in-gaza> (starting at min. 4:59).

460 Testimony of Keith Siegel (Dec. 22, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission.

461 *Id.*; See also Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission (“I will never forget that the terrorist took Keith to the shower and shaved his entire body. And when Keith came out of there . . . he wanted to cry, he simply told me that he had never felt so humiliated in his life. And he told me that the man shaved him all over his body and that he told him he needed to shave the intimate areas, and Keith said he was not willing. But for me—for me—to see Keith humiliated like that

a large penis and that the other hostage has a small penis, and he talked about it all the time, like . . . it wasn't a one-or two-time incident; it happened many times, and it amused him a lot. And in addition to that, he said that my wife likes a large penis. He also told me that he wants to marry my daughter, and asked whether I would give him permission to marry my daughter.⁴⁶² In a public testimony to the UN Committee Against Torture, he also described that his captors threatened them “with knives, leaving us to beg to go to the bathroom. We would wait until we were absolutely about to explode so that we wouldn't anger the terrorists. I was denied the most basic of human rights. I was starved and denied water. More than once, young terrorists forced me to strip in front of them and shave my body.”⁴⁶³ The hostage further testified that he had been subjected to degrading sexual remarks and physical violence, as well as separation from his wife, who was also held hostage. He further stated publicly: “We experienced sexual and verbal abuse. . . . It's very difficult for me to talk about it.”⁴⁶⁴

189. The hostage described other incidents to the Civil Commission. He stated that one of his captors: “once, twice, maybe three times, maybe more . . . would come up behind me and hug me or put a hand on my shoulder, which is something I don't think anyone else did to me there; like, it wasn't something that was done. It felt strange to me, unusual. I wondered like . . . and what else?”⁴⁶⁵ He also stated that one of the female hostages told him that her captor had “pressed himself against her with that area of his body.”⁴⁶⁶

190. In a parallel account, his wife, who was held in captivity with him until they were separated upon her release, also provided testimony to the Civil Commission describing her own captivity and the sexual violence and humiliation inflicted on her and on hostages held alongside her.⁴⁶⁷ She recounted that young women in captivity with her were subjected to sexual assaults.⁴⁶⁸ In her testimony to the Civil Commission, she said: “I will never forget one of the girls coming back after [being sexually assaulted] . . . I remember, we were all sitting there in the room and I said, ‘Where is she? It's taking a bit too long—she still hasn't come back.’ Then she comes in, pale and shaking, and I go over to her and hug her, and we all know that something happened. You could see it on her face, she was very frightened, very, very frightened. And we really didn't know, we didn't know what had happened, but we knew something had happened. And we didn't have the courage to ask what had happened, because we didn't want to make things even harder. But I got up and hugged her, and it almost cost me my life. The terrorist almost

and sitting in the shower, and essentially a terrorist in his early twenties doing whatever he wanted with Keith's body. . . . Keith was in shock, and the terrorists simply stood in front of him and started laughing at how he looked. I, I, I—really wanted to cry.”)

462 Testimony of Keith Siegel (Dec. 22, 2025), provided to the Civil Commission, video and transcript archived with the Civil Commission.

463 Testimony of Keith Siegel in UN Committee Against Torture, 2209th Meeting, 83rd session (Nov. 11, 2025), <https://webtv.un.org/en/asset/k1x/k1xtfg3ku4> (starting at min. 02:28:30).

464 Interview with Keith Siegel in Lee Naim, “*I lay on the floor with my legs folded, and the terrorist spat on me and kicked me.*” (May 15, 2025) Keshet Channel 12, https://www.mako.co.il/news-n12_magazine/6a6d777d11485910/Article-71797c5b1b3d691027.htm, starting from min 3:46 (in Hebrew).

465 Testimony of Keith Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

466 *Id.*; video and transcript archived with the Civil Commission.

467 Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

468 *Id.*; video and transcript archived with the Civil Commission; See also Testimony of Aviva Siegel in United Nations Committee Against Torture, 2209th Meeting, 83rd session (Nov. 11, 2025) <https://webtv.un.org/en/asset/k1x/k1xtfg3ku4>.

killed us over that—over that hug—and only afterward did I understand why. Then she told us that he touched her, and she told us exactly how he touched her and what he did. And also, it was a day when all of us just sank into depression; we only wanted to cry. That feeling of what else they will do to us, and what they will do to the girls, and what else all of us will have to go through together. It was simply horrifying. And she told us that he said that if she told anyone, he would kill her. Then I understood why he behaved that way.”⁴⁶⁹ She added: “And I also won’t forget the first times he came into the room and all of us had to pretend, as if we didn’t know anything, and say that everything was fine and smile—and she smiles and says that everything is fine. We had to make a ‘tamam’ gesture with our finger, that everything is okay, and she does that ‘tamam’ and smiles. It was a surreal situation for me as a human being to see and hear her dealing with this. And all of us are somehow coping, because we have no choice. We simply have no choice. We cannot allow ourselves for him to know that we know—we all know. And it’s a nightmare of what else could happen.”⁴⁷⁰

191. The same female hostage described to the Civil Commission that she also experienced sexual violence by her captor: “Then he tells us that he is doing surprise inspections on all of us, over our entire bodies. And we stand there, and he tells us—he tells me—to spread my legs and spread my arms. He pats down my whole body; he gets to the pockets, which are very close to the intimate area, and gropes there to see if there is anything in the pockets ... He did it to all of us, touched us without thinking twice.”⁴⁷¹

192. She further described one incident in which her captors put revealing clothing on them. She stated that one day, her captors brought her and other female hostages new clothes to wear: “I refused to wear the clothes because they were very, very small, tight, and revealing. I am an older woman—the shirt came up to here on me and was low here with a neckline. One of the girls also came out wearing something with a neckline and so tight she couldn’t breathe, and the pants showed her entire stomach. She tried to tell him that she couldn’t even bend her legs because it was so tight on her. He brought her children’s clothes. And the four of them sat on the mattress while we were on our mattresses, leaning against the wall, staring at us and looking at us. Sitting there and looking at us, with this half-smile, just looking—undressing her with their eyes. And another one of the girls was also given some kind of shirt. Simply horrifying, simply horrifying—I have no words.”⁴⁷²

193. She further recounted an incident in which one of the girls held with her was taken away by the captors and later returned. She stated that the captor told the girl to go outside, then: “brought her back in with a gun drawn and told her to get dressed. While she was lifting her

469 *Id.*; video and transcript archived with the Civil Commission (referring to the case of Amit Soussana).

470 *Id.*; video and transcript archived with the Civil Commission; See also Testimony of Aviva Siegel in United Nations Committee Against Torture, 2209th Meeting, 83rd session (Nov. 11, 2025), <https://webtv.un.org/en/asset/k1x/k1xtfg3ku4>, starting at min. 02:40:28 (“One of the days, one of the girls went to the bathroom, and when she came back, she was shaking. I knew I wasn’t allowed to hug her because you weren’t allowed to, but I got up and I gave her a hug. I felt I have to. She’s young, and then after a while, she told us that the Hamas terrorist touched her whole body and did whatever he wanted...”)

471 Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

472 Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission. See also Interview with Aviva Siegel in Yael Odem, “They dressed her up like a doll, she begged, and the terrorist beat her in front of me”: Aviva Siegel, the hostage who saw it all, speaks for the first time, Channel N12 (Feb. 16, 2024), https://www.mako.co.il/news-israel/2024_q1/Article-896913d4472bd81027.htm, starting at min 7:46 (in Hebrew).

hijab to get dressed, she turned to us and said that she was afraid. She was afraid they would take her and she would be alone, because she also knew what could happen to her. And when she turned around, he grabbed her by the hair and slammed her to the floor, put the gun in front of her eyes, and said to her, ‘One more word and I’ll kill you. You’re lying.’ They took a blanket, covered her with a blanket, put handcuffs on her hands and feet, laid her down, covered her, and beat her. And while they were beating her, I had my fingers in my ears, and I could hear them hitting her. Then one of the terrorists came in with a whip—like a horse whip—and started lashing the door, the closet, the bed that was there, with a very angry expression . . . And when she came back, she really sat down on the floor in front of us, and I wanted to get up and hug her—but I couldn’t hug her anymore because I knew I wasn’t allowed to. Red, all her hair standing on end, swollen all over, she had completely changed color.”⁴⁷³

194. She recalled that the shower was used as a site where female hostages were exposed to sexual violence and humiliation. She described incidents where “the terrorists said that anyone who wanted to shower could, but the girls didn’t actually know—that they were going to shower and that the door had to stay open, and that the door would remain open while they were showering. I remember that the girls tried somehow to protect themselves so they wouldn’t be seen, but the terrorists looked at them, and for me it was a blow, just a blow. Because I saw them come back, simply shaking and pale, and they truly didn’t know what to do with themselves, really.”⁴⁷⁴ In her testimony to the UN Committee Against Torture, she stated: “I’m a witness of one of the girls that was with us that the Hamas terrorist took her into the bathroom, told her to get undressed, came into the shower with her and forced her to do oral sex on him, and she had to smile after that happened too. I’m a witness of one of the girls that was forced to take a shower. She’s 16 years old. She’s never, ever showed anybody her body. The Hamas terrorist just stood there and stared at her and smiled. I remember looking at her while she came out of there. She was shocked.”⁴⁷⁵

195. Describing the incident in which her husband was humiliated, she stated: “I will never forget that the terrorist took [him] to the shower and shaved his entire body. And when [he] came out of there . . . he wanted to cry, he simply told me that he had never felt so humiliated in his life. And he told me that the man shaved him all over his body and that he told him he needed to shave the intimate areas, and [my husband] said he was not willing. But for me—for me—to see him humiliated like that and sitting in the shower, and essentially a terrorist in his early twenties doing whatever he wanted with [his] body. . . he was in shock, and the terrorists simply stood in front of him and started laughing at how he looked. I . . . I . . . I really wanted to cry.”⁴⁷⁶

196. In another case, a male hostage similarly recounted that his captors “demand[ed] that we shave our entire body. Not just the hair on our heads and beards, but also our pubic hair. Outside, the sounds of a city, cars driving by, noise, distant bombs, and I’m naked in front of six eyes. My hand is shaking with the razor, I’m . . . emptying myself in front of them, humiliated in

473 Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

474 *Id.*; video and transcript archived with the Civil Commission.

475 Testimony of Aviva Siegel in United Nations Committee Against Torture, *2209th Meeting, 83rd session* (Nov. 11, 2025), <https://webtv.un.org/en/asset/k1x/k1xtfg3ku4>, starting at min. 02:40:28.

476 Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

front of them.”⁴⁷⁷

197. Another male hostage recounted incidents of sexual violence and mentioned that they were forced to strip regularly. He stated that his captors “would come into our room once or twice a week, and say, ‘Come on, everyone, take off your clothes and underwear.’ . . . It was very humiliating—very humiliating.”⁴⁷⁸

198. In another case, a returning hostage reported that her captors stripped her of her clothing and deprived her of her identity. She stated, *inter alia*: “They took me with the clothes I wore to the party, and the first day, they ripped it off of me. They literally ripped my clothes off me. I had nothing. They took my clothes, they took my earrings. . . They took my name. . . my freedom.”⁴⁷⁹ She also reported being tortured in captivity, stating that her captor would take “chlorine, alcohol, and sometimes also apple cider vinegar and pour it inside [her wounds] and press and twist” and that one time, he “took a small knife and started to. . . cut around it, and I’m begging him to stop cause I’m in pain, and I’m not allowed to scream. . . he didn’t stop.”⁴⁸⁰ In a public session of the Knesset Committee for the Advancement of the Status of Women and Gender Equality, convened as an emergency discussion, she stated: “Every girl there [in captivity] goes through sexual abuse of one kind or another. No matter how you try to embellish it or change it.”⁴⁸¹

199. In another case, a female hostage shared that her captors “demanded that she undress, subjected her to physical violence, and conducted invasive body inspections” under the pretense of searching for IDF radio chips.⁴⁸² She further publicly shared that what haunts her most “are the firsthand accounts of rape from other female hostages, whispered to her in captivity. She holds their secrets, not divulging names to protect their privacy, and to not further endanger their lives.”⁴⁸³ Another female hostage recalled similar intrusive inspections: “I asked to take a shower, and he eventually agreed. He explained to me that he would take all of my old clothes, and that he needed to check my entire body, to see that I didn’t have a chip in my body. I try to

477 Interview with Eli Sharabi, *Eli Sharabi and memories from captivity*, Friday Studio (Ulpan Shishi) Keshet Channel 12 (Jun. 6, 2025), <https://www.mako.co.il/mako-vod-channel2-news/ulpan-shishi-2025/shorts/Video-648992c54e64791026.htm>, starting from min 6:54 (in Hebrew).

478 Interview with Eliya Cohen in “*They stripped us, there’s nothing more Nazi than that*”: *The torture, starvation, and abuse in the Hamas tunnels* | Eliya Cohen in a first interview (Channel N12, <https://www.mako.co.il/news-military/f239747af17c5910/Article-c6eeaa1f732f591027.htm> (Apr. 1, 2025, last updated Apr. 2, 2025) starting at min. 21:13 (in Hebrew).

479 Testimony of Maya Regev to a UN delegation, in Itamar Eichner, “*Hamas Terrorists Ripped Off My Clothes, Took Away My Identity*,” Ynet (Jan. 31, 2024), <https://www.ynetnews.com/article/b1lw8muct>.

480 Interview with Maya Regev in “*Maya Regev reveals what she went through in Hamas captivity: ‘They deliberately caused me pain*,” Channel N12 (Jul. 30, 2024), https://www.mako.co.il/news-military/2024_q3/Article-2f97d01b676f091027.htm (in Hebrew).

481 Testimony of Maya Regev, given to the Committee for the Advancement of the Status of Women and Gender Equality Emergency discussion, Knesset Channel (Apr. 2, 2024) <https://www.knesset.tv/committees/committee-on-the-status-of-women-and-gender-equality/video/65513/?fromDate=02/04/2024&toDate=02/04/2024> (in Hebrew).

482 Interview with Moran Stella Yanai in Shira Rubin, *A Former Israeli Hostage Recalls the Brutality of Hamas Captivity*, Washington Post (June 1, 2024), <https://www.washingtonpost.com/world/2024/06/01/israel-hostage-hamas-gaza/> (“The new guards would perform what they called ‘checks,’ she said, inspecting the hostages’ bodies for ‘IDF radio chips.’ When they ordered her to take off her pants, Moran refused. ‘I told them, you know this is forbidden in Islam. They would say ‘No, this is necessary.’ . . . In the first house she was kept in, a Hamas interrogator, flanked by other men, demanded to know where Moran served. At first, she was confused. Then he grabbed her pants, and she realized she was wearing what looked like olive green fatigues and army boots. She remembers trying to explain that she was an artist, that she had been taken from a music festival where she was trying to sell her jewelry, that she didn’t want a war. The men laughed, she said.”).

483 Interview with Moran Stella Yanai in Shira Rubin, *Israeli hostage recalls the brutality of Hamas captivity*, The Washington Post, (Jun. 1, 2024), <https://www.washingtonpost.com/world/2024/06/01/israel-hostage-hamas-gaza/>.

call Ada, to call the ‘singer’ [one of the other captors]. I know that only he can save me now.”⁴⁸⁴ She finally asked for a woman to perform the checks instead: “So they brought a woman who checked us in the shower. I’m a redhead, and every little freckle I have, or some little pimple, she asks ‘What is this?’ to me. My body is shaking because my life depends on it. If she sees something, and think it’s a chip and they’ll cut my body open to take it out. I tried to explain that there’s no such thing, but they’re sure the IDF is putting things in our bodies. Maybe if we were soldiers... but for two elderly women?”⁴⁸⁵

200. A young female returning hostage also described experiencing sexual assaults by her captor: “He would look at me not in a way that a normal person would look, and I sit on the mattress next to him and it feels really uncomfortable. I think I should tell him that I have a boyfriend, and that maybe that will keep him away. . . . but it has the opposite effect, it gives him legitimacy to ask questions. . . . sexual questions. He starts getting closer and touching me when I don’t want it, and I tell him, ‘I don’t want it’, like, ‘stay away from me.’ It’s not like touching under my clothes but . . . like I would sit on the couch and he would pass by me and pat my behind, or touch me in places where he shouldn’t be touching . . .” She further added: “And I was also injured in my chest. So he would ask like ‘what about your injury?’ and tries . . . like to take advantage of the injury to . . . and to look at it and observe. And I don’t know. I’m with him and he is the one guarding me in this place. . . . and I cannot disobey him.”⁴⁸⁶

201. A 17-year-old returning hostage, who was abducted from her home together with her mother and siblings and held in captivity after witnessing the murder of her father and after the shooting of her sister in the face (as described in detail in the preceding sections),⁴⁸⁷ provided testimony to the Civil Commission describing incidents of sexual violence in captivity. She described being compelled to partially undress while her captor watched: “He would bring me a hairbrush and tell me, ‘Pull up your hair, it looks good on you.’ I would do my hair in front of the mirror. I was still without a bra because when they took us, I was in short pajamas. I felt him looking at me, he kept winking at me. I took the sweatshirt and put it on. Then he said, ‘What are you wearing? It’s hot . . .’ Then there was a power outage. . . . and he and I were left in the dark room. I immediately came to leave the room, and then he put his hand on me. He touches me and then told me, ‘Okay, go back to the room.’”⁴⁸⁸ She added: “I was really frightened. I was scared the whole time. . . . your body’s just open to everyone. There’s nowhere to run, and even if they rape me or something, I’m still here. The ease in which they do it, pointing a gun at your head and they can just do whatever they want, that can happen at any moment. They can wake you up in the middle of the night and do it in front of the other hostages. They can take you to another room, they can suddenly come in when you’re in the shower, when you’re on the toilet, because who’s going to know? Who’s going to know?”⁴⁸⁹ She further publicly stated that she

484 Interview with Merav Tal in Lee Naim, *In Captivity: A Conversation with Merav Tal*, Ehad Be-Yom (Aug. 20, 2024) https://www.mako.co.il/news-podcast_n12/one_a_day/Article-1ada07d69eb6191027.htm (in Hebrew).

485 *Id.*

486 Interview with Ori Megidish in ‘Now It’s Allowed to Speak — Ori Megidish Speaks, Uvda, Channel 12 (May 28, 2025), <https://www.mako.co.il/mako-vod-keshet/uvda-2024/VOD-65bb8938c611791027.htm> (in Hebrew), starting at min. 25:56.

487 Testimony of Agam Goldstein-Almog (Sept. 16, 2025). Filmed testimony and transcript archived with the Civil Commission. See Section I.B (*Kibbutzim*), paras. 68-73.

488 Testimony of Agam Goldstein-Almog in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), <https://www.screamsbeforesilence.com>, starting at min. 41:59.

489 Testimony of Agam Goldstein-Almog in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024),

was often kept in dark, tiny spaces and was always being stared at, day after day. Her captors repeatedly threatened that she would remain in Gaza and would be married off to a local man.⁴⁹⁰ She further stated that other girls she encountered in captivity were “sexually and physically abused.”⁴⁹¹

202. The same hostage testified to the Civil Commission to the conditions of captivity, including strict control over bathroom use and personal hygiene. She stated: “these were the things that broke me: the lack of privacy, the silence, and them being with us in the room all the time; even when we went to the bathroom I had to ask permission, and if it took me too long they knocked on the door. . . And even just going to the bathroom, you can’t flush because there’s no water. So our waste is on top of theirs, and the smell in the bathroom. . . it’s horrible. It’s horrible. You can’t. . . After we came back, they found bacteria in me and my mother, hospital-level, highly infectious bacteria. Hygiene was very hard.”⁴⁹² She reported that during her captivity, her captors procured a bra for her, asked about her bra size, and disputed her responses. She described this incident as emblematic of the broader pattern of control and humiliation imposed during her detention, explaining that such interactions underscored her complete lack of autonomy over her body and her ability to attend to basic personal needs. As she stated: “It’s these little things that break you. When you have no control over your body and no control over how to take care of your body.”⁴⁹³ She also stated that she did not get her period at all during her time in captivity: “I was lucky, my body just stopped. I didn’t get my period at all; it just shut down from the fear. . .”⁴⁹⁴

203. She was held together with her mother and her siblings for over fifty days in captivity. In testimony provided to the Civil Commission, her mother stated that she was aware of at least three other female hostages who suffered “brutal sexual assaults” while in captivity.⁴⁹⁵ These incidents involved sexual assaults of female hostages while recovering from their injuries in Gaza’s hospitals.⁴⁹⁶ She stated that some of the girls were “forced to do things to the terrorists,

<https://www.screamsbeforesilence.com>, starting at min. 41:59.

490 Interview with Agam Goldstein-Almog in Shira Rubin, *A former Israeli hostage fears for the women she left behind in Gaza*, The Washington Post, (Jan. 15, 2024), <https://www.washingtonpost.com/world/2024/01/15/israel-hostages-hamas-gaza-children>.

491 Testimony of Agam Goldstein-Almog (Sept. 16, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Agam Goldstein-Almog in *Screams Before Silence* (Anat Stalinsky dir., Kastina Commc’ns 2024), <https://www.screamsbeforesilence.com>, min. 48:02.

492 Testimony of Agam Goldstein-Almog (Sept. 16, 2025); filmed testimony and transcript archived with the Civil Commission.

493 *Id.*; filmed testimony and transcript archived with the Civil Commission.

494 *Id.*; filmed testimony and transcript archived with the Civil Commission.

495 Testimony of Chen Almog-Goldstein (Dec. 12, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission (“Then we hear that there are girls who were alone for 51 days, who were injured and alone. And some of them also shared with us really brutal sexual assaults.”); See also, Interview with Chen Goldstein Almog in ‘*Chen Goldstein Almog that was released from captivity: three female hostages told us they were sexually assaulted*’ (Apr. 24, 2024), Kan, <https://www.kan.org.il/content/kan-news/defense/650523/>, starting at min. 11:24 (in Hebrew) (To the question whether other women hostages were sexually attacked in captivity Goldstein-Almog replies “yes. [I heard a] direct testimony as well as women who were with other women that experienced it. . . They were physically injured. . . but said that they will be able to deal with the physical injury, but with the way that they were sexually assaulted and their bodies were defiled, with that they don’t know how they will deal. . . We heard three stories firsthand, and another one that we were told”).

496 Testimony of Chen Almog-Goldstein (Dec. 12, 2024), provided to the Civil Commission; video and transcript archived with the Civil Commission.

and the terrorists did things to them . . . ”⁴⁹⁷

204. Another teenage hostage, who was fifteen years old when she was abducted together with her younger sister (8), after their father and his spouse were murdered, reported repeated sexual assaults in captivity. She stated: “The hardest thing was when one of the terrorists started touching me and I couldn’t say no to him.”⁴⁹⁸ She recounted: “. . . one of the terrorists was constantly touching me, or telling me that I would stay there. That they would return [my little sister] and everyone else, and that only I would stay with him. And that we were going to have children together and a home. . . . He was coming with me to shower and would force me, things like that. He didn’t actually go in with me, but he would force me . . . Those were the things that were hard there, with him, when he was touching me.”⁴⁹⁹ One of her captors spoke Hebrew. When she told him she wanted to return to Israel, he asked her, “Why? Stay with me, we’ll have children and I’ll get you a big house.” She further reported that her captor stroked her face when she cried, and put his hand inside her shirt from the neck, touched her, and tried to lift her shirt.⁵⁰⁰ She stated: “We were alone in the living room and then he just started touching me and that’s it. I couldn’t tell him I didn’t want to because he could have killed me. I just came back [to her little sister] normal as if I was supposedly happy because I was told I had to be happy with her and show her that everything was good.”⁵⁰¹

205. Another released hostage, who was sexually assaulted during her abduction (elaborated on in the preceding sections)⁵⁰² described the sexual violence she also experienced in captivity: “I became a captive who could be touched, left in my underwear and bra whenever they wanted, I became property.”⁵⁰³ In her testimony to the Civil Commission, she stated: “They [the captors] woke us up and told us that I was going out first with him and with one of the terrorists who was guarding me. That I should give him my hand, that I should hold his hand. . . the hand of my guard, that I was his wife, that I should look at the floor and not talk to anyone, not look right or left. ‘You’re going out as my wife.’”⁵⁰⁴ She said that every time she passed a building, “the neighbors

497 *Id.*

498 Interview with Dafna Elyakim in “B’Chetsi HaYom (Midday with Liat Regev),” Kan Bet (Aug. 22, 2025), https://www.kan.org.il/content/kan/kan-b/p-10027/1204_938_20250822/, starting at min. 34:40 (in Hebrew).

499 Interview with Dafna Elyakim in The Closing Conference of the Teen Spirit program on behalf of the Civil Advocacy Center, *Dafna Elkayam: “one of the terrorists touched me all the time, wanted us to get married*, i24 News (May 6, 2025) <https://www.i24news.tv/he/news/israel-at-war/artc-04333ba7> (in Hebrew).

500 Interview with Dafna Elyakim in *The children of captivity speak*, Keshet Channel 12, (Aug. 2, 2025) https://www.mako.co.il/mako-vod-keshet/children_of_captivity starting at min. 18:30 (in Hebrew).

501 Interview with of Dafna Elyakim in “B’Chetsi HaYom (Midday with Liat Regev),” Kan Bet (Aug. 22, 2025), https://www.kan.org.il/content/kan/kan-b/p-10027/1204_938_20250822/, starting at min. 34:40 (in Hebrew). See also Testimony of Maayan Zin (Dec. 19, 2024), provided to the Civil Commission, video and transcript archived with the Civil Commission (“And they told Dafna that they would marry her off to one of the captors there and that they would name the children — I don’t remember the names. And that she is beautiful. And . . . and there was . . . there was one there who was constantly looking at her and really, really liked her.”)

502 See *infra* Section I.F (SGBV Against Hostages in Captivity).

503 Testimony of Ilana Gritzewsky provided to Foreign Affairs and Security Committee (Jul. 14, 2025); video archived with the Civil Commission. See reporting on this story: Noa Shpiegel: *Ilana Gritzewsky: I Became Property in Gaza, Dirtied Hands Stole from Me Everything That I Was* (July 14, 2025), Haaretz, <https://www.haaretz.co.il/news/politics/2025-07-14/ty-article/00000198-07f1-d274-a39b-f7f96f690000> (in Hebrew); Testimony of Ilana Gritzewsky in Ido Solomon, ‘The Terrorists Asked Me to Turn on the Camera; I Thought They Were Killing Me Live’, N12 (Aug. 9, 2024) https://www.mako.co.il/news-n12_magazine/2024_q3/Article-4eb34daef3c2191026.htm (in Hebrew).

504 Testimony of Ilana Gritzewsky (Sept. 3, 2025); filmed testimony and transcript archived with the Civil Commission.

would come out to see the ‘prize.’”⁵⁰⁵ She stated that: “At times, I felt that I wanted to be alone. I locked myself in the bathroom. I had an argument with Hamas members who threatened to force their way in and beat me if I did not come out, because I could no longer endure being watched 24/7 and I wanted privacy, and to cry without being told to stop or being reprimanded. I therefore locked myself in the bathroom until they told [another hostage] that either she would convince me to come out, or it would not end well.”⁵⁰⁶ She also shared publicly that her captor told her “‘you’re not leaving here anymore, you’re my wife, we’re going to have children, we’re here, this is your new family.’... It was like he kept saying all the time, ‘you’ll stay another year, you’ll stay two years. Maybe we’ll even build a house for you above us here, make a big family.’ I felt like dying. I felt like killing myself before I give them a child.”⁵⁰⁷

206. In another incident, she described how her captors manipulated her with the false promise of release, touching her body before transferring her to a tunnel: “They told us we were being released. They left us in our underwear and bras and searched us to make sure we had nothing to pass on to Israel, that we had not written anything on ourselves—I don’t know, I don’t know. They said they did not want us to take anything out... They told us that a vehicle would be waiting for us. . . and then the Hamas operative turned around, smiled, and said to us: ‘You are not being released. You are coming with me to a tunnel. . .’ Then they covered our eyes with cloth soaked in fuel, so that our eyes would burn and we wouldn’t be able to open them or see the way. I don’t know. My eyes were burning. . . Hamas members grabbed me on one side and another Hamas member on the other side and lifted me, because of my pelvis injury—it was very difficult for me. They lifted me and we went down.”⁵⁰⁸ During her time in captivity, she had repeatedly asked her captors about her partner, who she last saw on October 7th. On that day, they told her that he was in the tunnel as well, but they would not let her see him: “They told me that later they would let me see him, and I thought, okay, they can tell me he’s here and later let me see him. But it could also be psychological, part of the psychological terror they’ve been using the whole time I’ve been here. . . I begged them, I cleaned the kitchen, I organized the area. They told me, ‘later we’ll let you.’ Later, later—that later never came.”⁵⁰⁹ She was released a few days later, after 55 days in captivity, without having seen her partner. Her partner was released after spending more than two years in Hamas captivity.

207. In another case, a released hostage described the constant threat of sexual violence: “there’s a terrorist looking at you 24/7, watching, raping you with his eyes. . . An evil look, one that you constantly fear getting raped. That was my biggest fear there.”⁵¹⁰ She further reported the severe deprivation and psychological torment she endured, stating: “I didn’t sleep all 54

505 *Id.*; filmed testimony and transcript archived with the Civil Commission.

506 *Id.*; filmed testimony and transcript archived with the Civil Commission.

507 Interview with Ilana Gritzewsky in Ido Solomon, ‘The Terrorists Asked Me to Turn on the Camera; I Thought They Were Killing Me Live’, N12 (Aug. 9, 2024), https://www.mako.co.il/news-n12_magazine/2024_q3/Article-4eb34daef3c2191026.htm (in Hebrew).

508 Testimony of Ilana Gritzewsky (Sept. 3, 2025). Filmed testimony and transcript archived with the Civil Commission. See also Testimony of Shany Goren (August 20, 2025). Filmed testimony and transcript archived with the Civil Commission. (“They took us into a room. Inside the room they made us stand there. Two of them, Mahmoud and Khalil, the terrorists guarding us. From the look on their faces we understood that something was wrong. They ordered us to undress to show that we were not carrying anything with us, that we were not taking anything with us. We were left in our underwear and bras, and we had to remove to prove that we had not taken any note with us.”)

509 Testimony of Ilana Gritzewsky (Sept. 3, 2025). Filmed testimony and transcript archived with the Civil Commission.

510 Interview with Mia Schem in *Mia Schem reveals everything about captivity* Reshet 13 (Dec. 29, 2023), <https://13tv.co.il/item/news/domestic/internal/v1ooh-903868795/> (in Hebrew).

days, maybe an hour a night. How can I sleep when he's looking at me? The terrorist stares at you. . . I didn't shower the whole time, I didn't shower 55 days." In another account, she described the broader conditions of captivity and the confinement of her and other hostages underground: "I met hostages in my last 5 days there, in the tunnels, 6–7 people in a 2.5 meter by 2.5 meter room, in a cage, getting one pita a day with no air."⁵¹¹

208. An eighteen-year-old returning female hostage, who was held together with her mother in captivity, recounted that one of her captors had brought her mother to her in order to get her "approval" for her daughter's marriage to him. She stated: "He said he wanted us to be united so that she would give him the approval. He actually brought a ring, and told me, 'Everyone will be released and you will stay in Gaza, you will marry me and have children for me.' He asked my mother if she approved. . . So we tried to fake laugh so they wouldn't shoot us in the head." Her captor remained with her for more than a month after that, continuously repeating that she would stay in Gaza after all other hostages were released, to marry him.⁵¹² Other hostages reported similar threats and captors' assertions of entitlement.⁵¹³ One hostage mentioned that while being transferred between detention locations, one of her captors repeatedly framed their relationship as a marital bond. While holding her hand, he told her that they were "now like husband and wife." The captor further commented on her physical appearance and asked that, upon her return to Israel, she convert to Islam.⁵¹⁴

209. Another returning female hostage similarly described in a public interview the constant fear of being raped: "I couldn't fall asleep in captivity. We didn't sleep nights out of fear that they would rape us. Two of the terrorists were young and made obscene gestures at [a fellow hostage] and me. Sometimes they deliberately rested their heads on our mattresses."⁵¹⁵

210. The mother of another returning female hostage provided testimony to the Civil Commission describing that her daughter was subjected to forced nudity, verbal and physical sexual violence, and that she was constantly at fear of being raped or having already been

511 *Id.*; Interview with Mia Schem, *Mia Schem a survivor of captivity: 'I was in a cage with five young women; they are still there, abused and exploited'*, YNET (Oct. 29, 2024), <https://www.ynet.co.il/news/article/skrjfk0xkg> (in Hebrew), starting at min. 5:04 ("A car with seven Hamas monsters violently kidnaps me. I am injured and in shock. They pull me by the hair and in cries of joy lead me into Gaza") starting at min. 6:23 ("60 meters underground I am placed in a cage. There is no air and no light. . . I meet five other young women. Each one with her cruel abduction story. For five days we are kept in the dark cage with two armed guards that change shifts every 12 hours"); See also UN Women for all women, Instagram (Oct. 20, 2024), <https://did.li/kwux5> (in Hebrew); video archived with the Civil Commission ("I passed out. No underwear, no pants, and I woke up in bed. He (the terrorist) kept reminding me that he saw me without underwear").

512 Interview with Noga Weiss, in Michal Peylan, *The chilling testimony of Noga, who was returned from Hamas captivity: "The terrorist brought me a ring, told me I would marry him in Gaza and bear his children"* Keshet Channel 12 (Apr. 25, 2024), https://www.mako.co.il/news-israel/2024_q1/Article-f59a77794161f81026.htm, starting at min. 8:29 (in Hebrew).

513 See e.g. Interview with Luis Har in Alexandra Lukash, *I would never have believed Israel would abandon its own, rescued hostage says*, Ynet (12 April 2024), <https://www.ynetnews.com/article/s1xqvotmje> (reporting that "Har noted that one of the terrorists showed interest in Mia [Leimberg, a female hostage], joking that he was "single and wanted to marry her." When Har told him to stop, the terrorist mocked him, saying, "Wow, there's a wolf here." Later, the terrorist returned with a large knife, playing with it to "frighten us.""). See also *infra*, Section III (*Thematic Analysis: Identified Patterns*).

514 Testimony of Agam Goldstein-Almog (Sept. 16, 2025). Filmed testimony and transcript archived with the Civil Commission.

515 Interview with Sapir Cohen in Tal Ariel Yakir, "Only when I returned to Israel did I realize — the man who spoke to me in the tunnel was Sinwar," Israel Hayom (Jul. 11, 2024), <https://www.israelhayom.co.il/magazine/shishabat/article/16062118> (in Hebrew).

raped while she was unconscious.⁵¹⁶ She stated: “She fainted there many times. There’s this story where the captor kept telling her, ‘I saw you without underwear,’ . . . once she tried to go to pee and she fainted, and suddenly she found herself with clothes on, as if she had been dressed. She went through a Holocaust, she went through a Holocaust. . . . The first thing she said to me when I hugged her, the famous hug, was, ‘Mom, I have to take a pregnancy test. I have to check that they didn’t do something to me.’ . . . This terrorist kept doing things to her, making a baby gesture at her [indicating pregnancy] and saying, ‘I saw you without underwear.’ And she survived. She lived there in constant fear of being raped. She was alone in a room with a terrorist with a rifle, and the only thing that helped was that his wife was on the other side of the door. . . I can tell you that one time, when there were bombings, they hid her in an ambulance. For eight hours she sat with a terrorist inside the ambulance, inside a UN hospital, because they weren’t bombing there. And he kept moving closer to her and she would move away. She constantly tells me, ‘it was sheer terror. I’m wearing a hijab, I can’t breathe’, and he keeps pressing himself against her. The terrorist fell in love with her. She was with him in a room, and at some point, he suddenly started telling her about his wife, that things weren’t good with her.”⁵¹⁷

211. The father of another released female hostage stated that his daughter had been “abused, starved, intimidated, threatened by armed men, and forced to cook and clean for her captors.”⁵¹⁸ He said that sometimes they “tortured other female hostages in front of her eyes.”⁵¹⁹ Describing a similar case, a released hostage recounted to the Civil Commission: “There was one incident where they asked the girls to make pasta, and while they were making pasta a terrorist came and poured out the water and poured it onto her hand, causing a burn, and he did it on purpose, really.”⁵²⁰ In another case, in a public session of the Knesset Committee for the Advancement of the Status of Women and Gender Equality, convened as an emergency discussion, the mother of a released female hostage stated: “My daughter was . . . a slave in the homes of Gazans. She had to clean the house there, she had to cook for the family . . . She had to play with the children of the house, she had to clean the toilets . . . [and] they humiliated her for doing these things.”⁵²¹ Reports and information gathered by the Commission from medical professionals and medical teams treating returned hostages clearly indicate that hostages were subjected to sustained abuse, including sexual abuse and other forms of gender-based violence.⁵²² Senior psychiatric

516 Testimony of K. (Aug. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

517 Testimony of K. (Aug. 10, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

518 Interview with Shlomi Berger in Alice Cuddy, *Starved, threatened and abused: Parents of freed Hamas hostages give details of ordeal*, BBC (Feb. 13, 2025) <https://www.bbc.com/news/articles/cdxnwnz1ldko> (“Mr. Berger says his daughter told him how they were constantly watched over by armed men. . . . He says the male captors treated the women with ‘big disrespect’, including forcing them to clean and prepare food”).

519 *Id.*, (“Mr. Berger says his daughter, Agam, was threatened by her captors and witnessed physical abuse while in captivity. ‘Sometimes they tortured other female hostages in front of her eyes’, he says, referring specifically to an assault on Amit Soussana, a former hostage who was released in November 2023.”).

520 Testimony of Aviva Siegel (Dec. 22, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission.

521 Testimony of Shira Elbag, provided to the Committee for the Advancement of the Status of Women and Gender Equality Emergency discussion Apr. 2, 2024, Knesset Channel 99, <https://www.knesset.tv/committees/committee-on-the-status-of-women-and-gender-equality/video/65513/?fromDate=02/04/2024&toDate=02/04/2024>, starting at min. 10:44 (in Hebrew).

522 Materials archived with the Civil Commission. The Commission carried out interviews and took part in meetings with senior medical staff from leading hospitals and treatment centers in Israel, in the period Apr. 2024-Dec. 2025. Minutes of meetings and interview summaries are archived with the Civil Commission. See also *supra* notes 61-63.

experts treating released hostages shared with the Civil Commission that hostages were subjected to sexual violence in captivity, including sexual torture, by the men guarding them, and that colleagues across different hospitals treating returning hostages reported similar reports of sexual abuse.⁵²³ A forensic physician that the Commission spoke with, who worked as part of a multidisciplinary hospital team treating returning hostages, shared with the Civil Commission that his team repeatedly received reports of sexual violence committed against hostages in captivity. In some cases, hostages were forced to watch sexual acts committed on other hostages; in others, sexual violence and sexual humiliation were inflicted on members of their own families who were also held in captivity. In additional cases, hostages were forced to remove their clothes so their captors could watch or film them, including when the hostages were taking showers.⁵²⁴

212. The testimonies examined by the Commission demonstrate that sexual violence against hostages in captivity was neither isolated nor incidental, but deeply embedded in the acts carried out by Hamas and its collaborators. Acts of sexual torture, humiliation, and coercion were used to dominate, punish, and dehumanize the hostages, often in the presence of others, amplifying their suffering and fear. The Commission recognizes that additional information and testimonies will continue to emerge in the months and years ahead, as returned hostages process their trauma and as some hostages were only recently released.

“[We saw] a woman with a broken pelvis, with the pelvic bones shattered, as if an enormous amount of force had been used there”

Dr. Naama Samet Rubinstein, Shura Morgue

523 Meeting with senior medical expert from leading hospital (Sep. 2, 2025). Meeting minutes archived with the Civil Commission. See also Amnesty International, *Amnesty International’s Research Into Hamas-Led Attacks of 7 October 2023 and Treatment of Hostages*, Index No. MDE/8803/2024 (Dec. 2, 2024), <https://www.amnesty.org/en/wp-content/uploads/2024/12/MDE1588032024ENGLISH.pdf>, p. 5 (“a psychiatrist who said that some returned hostages reported being subjected to sexual violence by men guarding them”).

524 Meetings with forensic physicians (April 9, 2024, May 21, 2024, September 14, 2024). Minutes of the meetings archived with the Civil Commission; Additionally, a public report published by Israel’s Ministry of Health in August 2025, notes that the abuse faced by hostages throughout captivity included ongoing sexual violence. The report concludes that both men and women were subjected to degrading treatment, sexual assaults and humiliation, and threats that their families had forgotten them. Additionally, it notes that privacy was “stripped away” from them. Clothing changes were also rare, “with underwear replaced only once every six months, ignoring women’s needs.” Medical professionals mentioned in the report raised “major concern[s]” about the long-term damage that the conditions of captivity inflicted on the endocrine system of returning female hostages. Women reported changes in menstruation and hormonal functions, remaining even after their release, and physicians treating them have expressed a “well-founded concern about potential future fertility impairment.” State of Israel Ministry of Health, *The Impact of Captivity on the Physical and Mental Health of Hostages Who Returned from Gaza During January-February 2025* (Aug. 12, 2025), https://www.gov.il/BlobFolder/news/delegation-of-mothers-of-hostages-meets-with-the-president-of-the-red-cross-in-geneva-12-aug-2025/en/English_Swords_of_Iron_DOCUMENTS_Impact_of_Captivity_Report_FULL_250812_105125.pdf, p. 6.

III. THEMATIC ANALYSIS: IDENTIFIED PATTERNS

The evidence reviewed by the Civil Commission demonstrates that SGBV during the October 7th attacks and in captivity was not incidental but constituted a systematic and inherent component of the attacks. Across the Nova music festival and surrounding roads, affected communities (kibbutzim and others), military bases, and other attack sites, women, men, and children were subjected to SGBV—often in strikingly similar ways—including to acts of rape, gang rape, sexual torture, mutilation, desecration of bodies, forced nudity, binding and restraint, genital mutilation, the burning of bodies (including burning concentrated in the genital and groin areas), and gunshot wounds and mutilation directed at women’s faces and genital regions. In multiple documented instances, violations were accompanied by the public display and parading of victims, and the recording and dissemination of images and videos by perpetrators on digital platforms. Women, and their bodies, were treated by the perpetrators as trophies and presented as symbols of domination and victory. The perpetrators sought to assert terror through spectacle. These crimes were committed in ways that intensified the suffering inflicted on families and communities, with the harm continuing against hostages in captivity and further amplified globally through the perpetrators’ deliberate filming of the attacks.

This section synthesizes and draws together the core patterns that have emerged from the Civil Commission’s comprehensive collection process, review and analysis of witness and survivor testimonies, visual materials, open-source information, and other relevant documents, as presented in the preceding section. Accordingly, the analysis moves beyond incident-by-incident descriptions to shed light on the structured and organized nature of the crimes committed. Above all, the patterns and themes identified by the Commission demonstrate that SGBV constituted a central and inherent component of the attacks. The thematic analysis further enabled us to include references to a few testimonies or cases which substantiate the broader circumstances and patterns of conduct of the attacks.

“We all saw the horrifying video: you can see a white pickup truck, with about four armed Hamas militants in the back with weapons, and she is lying upside down on the back of the truck, half undressed, twisted, with her head hanging down, and they are pushing her down..”

Ricarda Louk, Mother of Shani Louk, who was murdered and taken hostage into Gaza

A. PATTERNS OF OPERATION

Following two years of sustained investigation conducted by the Civil Commission, our evidentiary review enabled us to identify thirteen patterns of operation that appear to intentionally exploit the distinct harm of SGBV in armed conflict. Each of these patterns was documented in multiple communities and across several geographical locations, as specified below.⁵²⁵ While the list presented is comprehensive, it should be noted that it is not meant to be exhaustive. Additionally, many of the cases detailed in the geographic section above, and referenced again in this section, cut across themes, with more than one theme emerging from the same factual circumstances. **The identified patterns all point to the fact that the SGBV was widespread and systematic, and inflicted with particular cruelty to maximize pain, humiliation, and suffering of the victims:**

1. Rape, gang rape and other forms of sexual assault
2. Sexual torture, including intentional burning and mutilation
3. Deliberate shooting to the head, face, and genital area
4. Killing and execution following or in conjunction with SGBV
5. Postmortem sexual abuse, humiliation, and desecration of bodies
6. Forced nudity and exposure
7. Handcuffing, binding, and restraint
8. Public display and parading of women and children
9. The abduction of mothers and children
10. SGBV inflicted in the presence or near vicinity of family members
11. Filming and digital dissemination of SGBV, including use of social media to document, glorify, and amplify the atrocities
12. Threats of forced marriage
13. Rape and other forms of sexual violence against boys and men.

⁵²⁵ Moreover, similar patterns were also observed in other parts of the world, and were recognized by tribunals in international case law, as further discussed in Part II (Legal Analysis).



Photo by Ziv Koren | Be'eri, October 11, 2023

1. RAPE, GANG RAPE, AND OTHER FORMS OF SEXUAL ASSAULT

The Civil Commission has identified repeating cases of rape, gang rape, and other forms of sexual assault committed by Hamas and its collaborators against women, girls, and men. These acts occurred across multiple attack locations, including the Nova Festival Site and its surrounding areas, kibbutzim, military bases, against hostages in captivity and in relation to bodies recovered in conditions indicating sexual abuse.⁵²⁶

⁵²⁶ Materials and testimonies referenced herein are archived with the Civil Commission. Detailed factual findings supporting these conclusions are set out in the geographic factual section of this report. See, *inter alia*, survivor testimonies collected by the Commission, including Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138; Testimony of D., *supra* note 127, and text accompanying notes 127-132; Testimony of “Sapir,” *supra* note 133, and text accompanying notes 133-134; Interview with Tali Biner, *supra* note 123, and text accompanying notes 123-126; Testimony of Ron Freger, *supra* note 142 and accompanying text; Interview with Yovel Sharvit-Trabelsi, *supra* note 259, and text accompanying notes 259-260; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143-144; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140; Interviews with Gad and Dan Liebersohn, *supra* note 141, and accompanying text; Interview with Yura Karol, *supra* note 135 and accompanying text; Testimony of anonymous female officer in Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 10, and text accompanying notes 275-276; Testimony of K., *supra* note 144, and accompanying text; Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Eden Wessely, *supra* note 151, and text accompanying notes 151-153; Testimony of Lt. T.B.S., *supra* note 305, and accompanying text. Additional testimonies of first responders and returned hostages are detailed above in Section I (*Geographic Findings: Attacked Sites and Communities*). Detailed testimonies appear in Sections I.E-F (*SGBV Against Hostages During Abduction; SGBV Against Hostages in Captivity*): See e.g., Testimony of Amit Soussana, *supra* note 436-

Eyewitnesses and earwitnesses who survived the attacks by hiding in different locations reported hearing or seeing the rape or gang rape of women under conditions of extreme violence, coercion and torture, often accompanied by other forms of physical assault, mutilation, burning, stabbing, humiliation, or degradation, and in some cases have witnessed the bodies upon rescue. Accounts include witnesses who heard or saw women being raped, after which the victims were stabbed repeatedly, shot in the head, or otherwise brutally murdered.⁵²⁷

Several witnesses described hearing multiple rapes occurring simultaneously, including a witness who heard at least three rapes taking place, with attackers laughing, joking, and passing the women along.⁵²⁸ One witness observed a woman being sexually assaulted and then beheaded.⁵²⁹ Another witness saw a woman being pulled from a car, pinned against a wall, raped repeatedly, and then stabbed to death, with attackers continuing to rape her after her death.⁵³⁰ Additional testimony describes hearing the cries of women being raped before being taken hostage herself.⁵³¹ A survivor from the Nova Festival has publicly stated and provided

458; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Interview with Romi Gonen, *supra* note 413, and text accompanying notes 413-421; Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431-432; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Interview with Dafna Elyakim, *supra* note 498, and text accompanying notes 498-501; Interview with Eliya Cohen, *supra* note 478, and accompanying text; Testimony of Keith Siegel, *supra* note 459, and text accompanying notes 459-466; Testimony of Aviva Siegel, *supra* note 467, and text accompanying notes 467-476; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143-144; Interview with Ori Megidish, *supra* note 486, and accompanying text; Testimony of Maya Regev, *supra* note 479, and text accompanying notes 479-481; Testimony of Agam Goldstein-Almog, *supra* note 487, and text accompanying notes 487-494; Testimony of Chen Goldstein-Almog, *supra* note 495, and text accompanying notes 495-497; Interview with Sasha Troufanov, *supra* note 433, and accompanying text; Interview with Eli Sharabi, *supra* note 477, and accompanying text. See also Meeting with Senior Medical Expert, *supra* notes 435 and 523, and accompanying text. Interview with Arbel Yehud, My Body Collapsed, I Didn't Want to Accept What Arbel Went Through", *Ulpan Shishi*, Keshet Channel 12 (Feb. 13, 2026) https://www.mako.co.il/news-n12_magazine/2026_q1/Article-5fdea30a8fc4c91026.htm (in Heb.); Meetings with and testimonies of family members, medical personnel and senior hospital officials who treated hostages upon their return further support these findings. See also Section II.A.2 below (*Sexual Torture, including Intentional Burning and Mutilation*). Testimonies relating specifically to sexual torture are analyzed below, in Section II.A.2 (*Sexual Torture, Including Intentional Burning and Mutilation*). This pattern is further corroborated by testimonies and interviews conducted by the Civil Commission with morgue staff, senior medical personnel, and forensic experts during the period April 2024–December 2025. Minutes of meetings and interviews are archived with the Civil Commission.

527 See e.g., Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138; Testimony of D., *supra* note 127, and text accompanying notes 127-132; Testimony of "Sapir," *supra* note 133, and text accompanying notes 133-134; Interview with Tali Biner, *supra* note 123, and text accompanying notes 123-126; Testimony of Ron Freger, *supra* note 142 and accompanying text; Interview with Yovel Sharvit-Trabelsi, *supra* note 259, and text accompanying notes 259-260; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143-144; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140; Interviews with Gad and Dan Liebersohn, *supra* note 141, and accompanying text; Testimony of K., *supra* note 144, and accompanying text; Interview with Yura Karol, *supra* note 135 and accompanying text; Testimony of anonymous female officer in Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 11, and text accompanying notes 275-276. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 13: ("At the Nova music festival and its surroundings, there are reasonable grounds to believe that multiple incidents of sexual violence took place with victims being subjected to rape and/or gang rape and then killed or killed while being raped").

528 See, e.g., Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of D., *supra* note 127, and text accompanying notes 127-132; Testimony of "Sapir," *supra* note 133, and text accompanying notes 133-134; Interview with Tali Biner, *supra* note 123, and text accompanying notes 123-126; Testimony of Mia Schem, *supra* note 144; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140.

529 Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140.

530 Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138.

531 See, e.g., Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143-144; Testimony of K., *supra* note 144, and accompanying text.

testimony that he was gang raped on October 7th,⁵³² while other survivors have shared their experiences of sexual violence with trauma specialists and emergency responders, under strict confidentiality in medical or therapeutic settings.⁵³³ At military bases, witnesses and morgue staff reported cases of rape and sexual assaults, and the Civil Commission has archived visual materials indicating sexual abuse.⁵³⁴ This includes testimony from a witness who heard a rape being committed outside her hiding place and later observed the naked body of a female soldier.⁵³⁵ Another officer stated that armed men surrounded her and commanded that she remove her clothes, before a loud noise startled them and caused them to leave her.⁵³⁶

Additionally, multiple accounts from first responders describe female bodies with signs of sexual abuse.⁵³⁷ Female bodies were found naked or partially naked, in some cases with aluminum cans, grenades, nails, blunt objects, rods, household tools and spike-like instruments, inserted into genitals and other parts of the body, as well as with multiple gunshot wounds, cutting injuries and targeted burning in genitalia and breasts, or the face.⁵³⁸ Across the attack locations, survivors and first responders further described naked or partially naked bodies of women with their hands or feet tied, and/or with their legs spread and vaginas exposed.⁵³⁹

532 See Testimony of D., *supra* note 127, and text accompanying notes 127-132. See also Amnesty International, “*Targeting Civilians: Murder, hostage-taking and other violations by Palestinian armed groups in Israel and Gaza*” (2025), *supra* note 127, p. 126.

533 See *supra*, note 202.

534 See, generally, Section I.C (*Military Bases*).

535 Testimony of anonymous female officer in Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 275.

536 Testimony of Lt. T.B.S., *supra* note 305, and accompanying text.

537 Detailed testimonies and description of visuals obtained by the Commission from first responders appear in Section I (*Geographic Findings: Attacked Sites and Communities*) and in the following paragraphs.

538 Images and videos archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Chaim Otmazgin, *supra* notes 177-178 and 210-216, and accompanying text; Testimony of Simcha Greinman, *supra* notes 210-216 and 220, and accompanying text; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Meeting with Dr. Ricardo Nachman, *supra* note 319, and text accompanying notes 327 – 328; Testimony of Rami Davidian, *supra* note 145, and text accompanying notes 145-150; Testimony of Eden Wessely, *supra* note 151, and text accompanying notes 151-153; Testimony of Nachman Shai Revivo, *supra* note 174, and text accompanying notes 174-176; Testimony of Samuel Barzilai, *supra* note 185, and text accompanying notes 185-187; Testimony of Itzik Itach, *supra* note 182, and text accompanying notes 182-184; See also Meetings with ZAKA teams, *supra* note 180, and text accompanying notes 180-181. Bodies examined in morgue sites showed similar indications: See, e.g., Testimony of Sharon Laufer, *supra* note 298, and text accompanying notes 298-301; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text. Meetings conducted by the Commission with medical and forensic experts and hospitals’ senior staff, support this pattern.

539 Materials are archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Eden Wessely, *supra* note 151, and text accompanying notes 151-153; Testimony of Nachman Shai Revivo, *supra* notes 174-176 and 221, and accompanying text; Testimony of Chaim Otmazgin, *supra* notes 177-178 and 210-216, and accompanying text; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Simcha Greinman, *supra* notes 210-216 and 220, and accompanying text; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Meeting with Dr. Ricardo Nachman, *supra* note 319, and text accompanying notes 327 – 328; Testimony of Samuel Barzilai, *supra* notes 185-187 and 245, and accompanying text; Testimony of Sabine Taasa, *supra* note 250, and accompanying text; See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶12 (“[T]here are reasonable grounds to believe that conflict-related sexual violence occurred during the 7 October attacks in multiple locations across Gaza periphery, including rape and gang rape, in at least three locations. Across the various locations of the 7 October attacks, the mission team found that several fully naked or partially naked bodies from the waist down were recovered – mostly women – with hands tied and shot multiple times, often in the head. Although circumstantial, such a pattern of undressing and restraining of victims may be indicative of some forms of sexual violence.”).

Some of these bodies displayed visible signs of torture, including burning, mutilated genitals, breasts and faces.⁵⁴⁰ Some of the female bodies that arrived at morgues had broken pelvises and/or legs, bloodied underwear, gunshot wounds to the genitalia and other intimate areas, and other signs of violence to their stomachs or groins.⁵⁴¹ Archived videos and photos taken by first responders corroborate these accounts.⁵⁴²

Returning female and male hostages have also testified to experiencing rape, sexual torture and other forms sexual abuse during their abductions and/or in captivity, as well as to witnessing sexual acts inflicted upon other hostages, including family members.⁵⁴³ Testimonies consistently describe sexual assaults committed at gunpoint or under other forms of threat, sexual assaults of extended duration, and prolonged sexual abuse over periods of days, weeks, months, and in one documented case nearly a year and a half.⁵⁴⁴ Hostages reported being forced to engage in sexual acts, including a returning female hostage who testified that she was sexually assaulted and forced to commit a sexual act on one of her captors in captivity

540 Videos and images from across the attack locations are archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Rami Davidian, *supra* note 145, and text accompanying notes 145-150; Testimony of Simcha Greinman, *supra* notes 171 and 210-216, and accompanying text; Testimony of Chaim Otmazgin, *supra* notes 177-178 and 210-216, and accompanying text; Testimony of Itzik Itach, *supra* note 182, and text accompanying notes 182-184; Testimony of Samuel Barzilai, *supra* note 185, and text accompanying notes 185-187; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Simcha Greinman, *supra* notes 210-216 and 220, and accompanying text; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Interview with Rami Shmuel, *supra* note 158; Testimony of Elad Avraham, *supra* note 158; Interview with Yinon Rivlin, *supra* note 158.

541 Detailed factual findings appear in Section I.D (*Post-Attack Body Identification Sites*): See e.g., Testimony of Dr. Naama Samet Rubinstein, *supra* note 329, and text accompanying notes 329-330; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Testimony Sharon Laufer, *supra* note 298, and text accompanying notes 298-301; Testimony of ND, *supra* note 181 and 320, and accompanying text; Interview with Captain Maayan, *supra* note 296. Meetings conducted by the Commission with medical and forensic experts, first responders, Shura Morgue identification staff, hospitals' senior staff, and first responders involved in the recovery and identification of bodies support these findings. See e.g., Testimonies of Avner Cohen, Shlomit Landes and others, *supra* note 316, and text accompanying notes 316-317. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 136 ("Further corroborating its findings, the COI also received reports that many bodies taken to the Shura camp showed signs indicative of sexual violence. Some bodies were completely or partially undressed with signs of considerable violence and struggle.").

542 Images and videos archived with the Civil Commission.

543 Detailed testimonies appear in Sections I.E-F (*SGBV Against Hostages During Abduction; SGBV Against Hostages in Captivity*): See e.g., Testimony of Amit Soussana, *supra* note 436–458, and accompanying text; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Interview with Romi Gonen, *supra* note 413, and text accompanying notes 413-421; Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431-432; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Interview with Dafna Elyakim, *supra* note 498, and text accompanying notes 498-501; Interview with Eliya Cohen, *supra* note 478, and accompanying text; Testimony of Keith Siegel, *supra* note 459, and text accompanying notes 459-466; Testimony of Aviva Siegel, *supra* note 467, and text accompanying notes 467-476; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143-144; Interview with Ori Megidish, *supra* note 486, and accompanying text; Testimony of Maya Regev, *supra* note 479, and text accompanying notes 479-481; Testimony of Agam Goldstein-Almog, *supra* note 487, and text accompanying notes 487-494; Testimony of Chen Goldstein-Almog, *supra* note 495, and text accompanying notes 495-497; Interview with Sasha Troufanov, *supra* note 433, and accompanying text; Interview with Eli Sharabi, *supra* note 477, and accompanying text. See also Meeting with Senior Medical Expert, *supra* notes 435 and 523, and accompanying text. Interview with Arbel Yehud, My Body Collapsed, I Didn't Want to Accept What Arbel Went Through", *Ulpan Shishi*, Keshet Channel 12 (Feb. 13, 2026) https://www.mako.co.il/news-n12_magazine/2026_q1/Article-5fdea30a8fc4c91026.htm (in Heb.). Meetings with and testimonies of family members, medical personnel and senior hospital officials who treated hostages upon their return further support these findings. See also Section II.A.2 below (*Sexual Torture, including Intentional Burning and Mutilation*).

544 *Id.*

and female hostages assaulted several times from their early days in captivity.⁵⁴⁵ In one of these instances, two hostages, family members, reported that they were forced to perform sexual acts on one another in captivity, and were also sexually abused by their captors.⁵⁴⁶ Some female hostages experienced sexual assaults while in hospitals in Gaza recovering from injuries sustained during the attacks.⁵⁴⁷ Multiple accounts describe captors entering bathing or showering spaces and restrooms, with hostages reporting that their captors touched them, touched intimate parts, filmed them, pulled their clothing, or otherwise sexually assaulted them.⁵⁴⁸ Some hostages reported that they fainted or were drugged or sedated and later woke up without their clothes.⁵⁴⁹ Hostages further described repeated sexual touching involving minors held in captivity together with siblings, including a sixteen-year-old hostage, who was held in captivity together with her younger sister, and who reported being subjected to repeated sexual touching by one of her captors, including attempts to join her while she was showering.⁵⁵⁰

Male hostages have also described being sexually abused in captivity, including in the shower, forcibly under threats and while naked at gunpoint.⁵⁵¹ One hostage described being sexually assaulted when a captor forcibly rubbed his genitals against the victim's anus.⁵⁵² One former hostage described being repeatedly subjected to forced nudity and sexual humiliation while held in captivity together with other male hostages.⁵⁵³ Another returning hostage described an incident in captivity in which a captor entered the shower with him, insisted on washing his body, and touched him while he was bathing.⁵⁵⁴ Other men also reported being subjected to repeated sexual humiliation and forced nudity.⁵⁵⁵

545 Detailed testimonies appear in Sections I.E-F (*SGBV Against Hostages During Abduction*; *SGBV Against Hostages in Captivity*): See e.g., Testimony of Amit Soussana, *supra* note 436–458, and accompanying text; See also Interview with Romi Gonen, *supra* note 413, and text accompanying notes 413–421; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425–427. Detailed testimonies appear above in Section I.F (*SGBV Against Hostages in Captivity*). Interview with Arbel Yehud, My Body Collapsed, I Didn't Want to Accept What Arbel Went Through", *Ulpan Shishi*, Keshet Channel 12 (Feb. 13, 2026) https://www.mako.co.il/news-n12_magazine/2026_q1/Article-5fdea30a8fc4c91026.htm (in Heb.).

546 Confidential information archived with the Civil Commission. Case anonymized due to the victims' age and privacy concerns. Meeting with Senior Medical Expert, *supra* notes 435 and 523, and accompanying text.

547 See Testimony of Chen Almog-Goldstein, *supra* note 496, and accompanying text.

548 Detailed testimonies appear in Section I.F (*SGBV Against Hostages in Captivity*): See e.g., Interview with Romi Gonen, *supra* note 413, and text accompanying notes 413–421; Testimony of Ilana Gritzewsky, *supra* notes 349 and 503, and text accompanying notes 349–354 and 503–506; Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431–432; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425–427; Interview with Sasha Troufanov, *supra* note 433, and accompanying text; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143–144; Testimony of K., *supra* note 144, and accompanying text; Interview with Dafna Elyakim, *supra* note 498, and text accompanying notes 498–501; Interview with Ori Megidish, *supra* note 486, and accompanying text.

549 See e.g., Testimony of Ilana Gritzewsky, *supra* notes 349, and text accompanying notes 349–354; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143–144; Interview with Romi Gonen, *supra* note 413, and text accompanying notes 413–421.

550 See e.g., Interview with Dafna Elyakim, *supra* note 498, and text accompanying notes 498–501.

551 Detailed accounts concerning male hostages appear in Section I.F (*SGBV Against Hostages in Captivity*) and in Section II.A. 12 below (*Rape and Other Forms of Sexual Violence Against Boys and Men*). See also e.g., Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428–430; Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431–432; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425–427.

552 Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425–427.

553 Interview with Eliya Cohen, *supra* note 478, and accompanying text.

554 Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431–432.

555 See e.g., Testimony of Keith Siegel; *supra* note 461, and text accompanying notes 461–466; Interview with Eli Sharabi, *supra* note 477, and accompanying text.

The testimonies and interviews archived with the Civil Commission of family members and medical professionals, including psychiatrists, caring for released hostages support these accounts.

2. SEXUAL TORTURE, INCLUDING INTENTIONAL BURNING AND MUTILATION

The attacks on October 7th demonstrated a pervasive pattern of sexualized torture, affecting women, girls, and men across the attack locations and in captivity. While all forms of sexual violence may constitute sexual torture, this section emphasizes that the sexual violence committed on October 7th and its aftermath was often accompanied by severe and extreme forms of physical and mental pain, including mutilation and amputation of body parts, burning, the embedding of objects into women’s genitalia, and repeatedly stabbing and shooting women, intentionally carried out to inflict maximum pain and suffering on victims. Based on its findings, the Commission determined that this pattern warrants separate consideration.

Eyewitnesses consistently describe that they saw women being stabbed or shot repeatedly, beheaded, or otherwise mutilated, often while begging for their lives, during and immediately after being raped.⁵⁵⁶ Earwitnesses repeatedly mentioned hearing women screaming while raped or sexually tortured, characterizing the sounds they heard as indicating violence of a distinct intensity and cruelty, and as profoundly traumatizing. Some also repeatedly reported perpetrators laughing as the women screamed.⁵⁵⁷ Some victims were subjected to targeted burning and injuries to the genital area or face, and others were burned alive at very high temperatures, often using accelerants.⁵⁵⁸ Testimony from first responders further documents the recovery of female victims whose bodies bore signs of sexual torture. Female bodies were found naked or partially unclothed, with objects, including improvised sharp items, nails and household tools, in their genitalia and other parts of their bodies.⁵⁵⁹ Other first responders and survivors found bodies of women severed in half or otherwise mutilated.⁵⁶⁰ Images and videos captured in the aftermath of the attacks and archived with the Civil Commission corroborate

556 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of “Sapir,” *supra* note 133, and text accompanying notes 133-134; Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138; Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Interview with Tali Biner, *supra* note 123, and text accompanying notes 123-126; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140.

557 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138; Testimony of D., *supra* note 127, and text accompanying notes 127-132; Testimony of “Sapir,” *supra* note 133, and text accompanying notes 133-134; Interview with Tali Biner, *supra* note 123, and text accompanying notes 123-126; Testimony of Ron Freger, *supra* note 142 and accompanying text; Interview with Yovel Sharvit-Trabelsi, *supra* note 259, and text accompanying notes 259-260; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143-144; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140; Interviews with Gad and Dan Liebersohn, *supra* note 141, and accompanying text.

558 Images and videos archived with the Civil Commission. See also descriptions of images and videos provided throughout Section I (*Geographic Findings: Attacked Sites and Communities*). Detailed supporting testimonies include, *inter alia*: Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Testimony of Itzik Itach, *supra* note 182, and text accompanying notes 182-184; Testimony of Simcha Greinman, *supra* note 171, and accompanying text; Testimony of Avichai Amosi, *supra* note 172, and text accompanying notes 172-173. Meetings with and testimonies of morgue staff and medical personnel further support these findings.

559 Images and videos archived with the Civil Commission. Detailed testimonies and descriptions of visuals appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See also *supra*, note 538.

560 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See, e.g., Testimony of Amit Ezra, *supra* note 154, and text accompanying notes 154-157; Interview with Rami Shmuel, *supra* note 158; Testimony of Elad Avraham, *supra* note 158; Interview with Yinon Rivlin, *supra* note 158.

these accounts, including images of a naked female body with nails in her lower abdomen and what appears as a sharp object inserted into the groin area.⁵⁶¹

Recurrent accounts describe bodies of women arriving at post-attack identification sites displaying signs of sexual torture, including bodies with precise burnings or deliberate shootings to the genital area or breasts, bodies with cuts in their genital area, bodies with mutilated genitals, mutilated faces and broken bones, bodies with signs of violence to the stomach area and broken legs, and bodies with broken pelvises.⁵⁶² Male victims also displayed signs of sexual torture, including genital mutilation and targeted burning to genital areas.⁵⁶³

Returning hostages shared testimonies revealing a sustained course of sexualized, physical, and psychological torture in captivity, in which sexual violence was repeatedly combined with prolonged abuse, humiliation, and coercive practices. Hostages who returned from captivity reported being sexually abused by their captors over extended periods, including being forcibly stripped naked, forced to commit sexual acts on their captors, sexually assaulted at gunpoint, sexually humiliated, tied or hung upside down naked and beaten.⁵⁶⁴ Hostages also reported that throughout their captivity, they and other captives were forbidden from crying or making sounds, and in some cases were instructed to smile and appear happy, even in the immediate aftermath of sexual abuse.⁵⁶⁵ In one of these instances, a hostage had to smile after being coerced into performing a sexual act on her captor.⁵⁶⁶ In at least one case, family members were forced to commit sexual acts on each other and reportedly had their genitalia whipped by their captors.⁵⁶⁷ In another case, a male hostage was held down at gunpoint with

561 Images and videos archived with the Civil Commission. See also, UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶76 (The report likewise found that the photos and videos “revealed widespread mutilation of bodies, involving both attempted and actual decapitation, numerous gunshot wounds, and various other forms of extensive violence. The medicolegal assessment of available photos and videos revealed multiple corpses with injuries, predominantly gunshot wounds, including to intimate body parts such as breasts and genitalia.”).

562 Detailed findings appear in Section I.D (*Post-Attack Body Identification Sites*), and generally throughout Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Dr. Naama Samet Rubinstein, *supra* note 329, and text accompanying notes 329-330; Testimony Sharon Laufer, *supra* note 298, and text accompanying notes 298-301; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text. Meetings with and testimonies of forensic teams and medical personnel further support these findings.

563 Images and videos archived with the Civil Commission. Detailed factual findings and descriptions of these materials are set out in Section I (*Geographic Findings: Attacked Sites and Communities*), including, in particular, Section I.A (*Nova Music Festival, Route 232, and Surrounding Fields and Areas*), Section I.C (*Military Bases*), and Section I.D (*Post-Attack Body Identification Sites*).

564 Detailed testimonies appear in Section I.F (*SGBV Against Hostages in Captivity*). See e.g., Testimony of Amit Soussana, *supra* note 436–458, and accompanying text; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Interview with Romi Gonen, *supra* note 413, and text accompanying notes 413-421; Testimony of Keith Siegel, *supra* note 459, and text accompanying notes 459-464; Testimony of Aviva Siegel, *supra* note 467, and text accompanying notes 467-476; Interview with Eliya Cohen, *supra* note 478, and accompanying text; Interview with Eli Sharabi, *supra* note 477, and accompanying text.

565 Detailed testimonies appear in Section I.F (*SGBV Against Hostages in Captivity*). See e.g., Testimony of Amit Soussana, *supra* note 436–458, and accompanying text. Testimony of Aviva Siegal, *supra* note 411, and accompanying text. Interview with Dafna Elyakim, *supra* note 500-501, and accompanying text.

566 Testimony of Amit Soussana, *supra* note 436–458, and accompanying text; See also Testimony of Aviva Siegel, *supra* note 411 and 467, and text accompanying notes 467-476.

567 Confidential information archived with the Civil Commission. Case anonymized due to the victims’ age and privacy concerns. See Meeting with Senior Medical Expert, *supra* notes 435 and 523, and accompanying text. See also Michael Bachner & Diana Bletter, *Teens forced to perform sexual acts on each other: Report to UN details Hamas torture*, Times of Israel (Dec. 29, 2024), <https://www.timesofisrael.com/teens-forced-to-perform-sexual-acts-on-each-other-report-to-un-details-hamas-torture/>.

a knife against his throat, while his captor rubbed his genitals against his anus.⁵⁶⁸

3. DELIBERATE SHOOTING TO THE HEAD, FACE, AND GENITAL AREA

During the October 7th attacks, the Commission’s findings indicate that perpetrators consistently targeted women’s heads, faces and genital areas.⁵⁶⁹ The recurrence of these injuries across multiple attack locations, suggests a deliberate pattern of abuse. The concentration of harm on these areas further appears to reflect an effort to erase women’s personhood. A witness involved in identifying female bodies stated in this regard that it “seemed as if mutilation of . . . women’s faces was an objective in their murders.”⁵⁷⁰

Eyewitness testimonies described seeing women being shot several times in the head by their attackers or seeing bodies displaying multiple gunshot wounds to the head, with several witnesses seeing more than one victim murdered in this manner.⁵⁷¹ In one of these cases, a first responder saw the bodies of three women shot in the groin, and two additional women with gunshot wounds to the groin and with their clothing torn.⁵⁷² Another testimony described a female body, naked and severed, with gunshot wounds to the head.⁵⁷³ Other witnesses described seeing bodies with injuries to the groin area.⁵⁷⁴ Another witness saw the naked body of a woman with gunshot wounds to the “intimate area.”⁵⁷⁵ Archived visuals and materials support these accounts, including a video depicting the lifeless, bloodied, body of a woman in her home, with a perpetrator stomping on her head.⁵⁷⁶ Additionally, footage captured on CCTV

568 Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427.

569 Images and videos archived with the Civil Commission. Detailed factual findings and testimonies appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Section I.A (*Nova Music Festival, Route 232, and Surrounding Fields and Areas*) and Section I.D (*Post-Attack Body Identification Sites*). See also e.g., Testimony of Chen Almog-Goldstein, *supra* note 235, and text accompanying notes 235-239; Testimony of Agam Goldstein-Almog, *supra* note 240, and text accompanying notes 240-242; Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Amit Ezra, *supra* note 154, and text accompanying notes 154-157; Testimony of Jamal Waraki, *supra* 233, and text accompanying notes 233-234; Testimony of Ricarda Louk, *supra* note 402, and text accompanying notes 402-403; Testimony of Sonia Bohl (Oct. 16, 2025), provided to the Civil Commission; video and transcript archived with the Civil Commission; Testimony of Mazal Tazazo, *supra* note 162; Testimony of Chaim Otmazgin, *supra* note 178, and text accompanying notes 177-178; Meeting with Dr. Ricardo Nachman, *supra* note 319, and text accompanying notes 327-328; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Testimony Sharon Laufer, *supra* note 298, and text accompanying notes 298-301; Testimony of Noa Lewis, *supra* note 294-295, and accompanying text; Interview with Chen Zander, *supra* note 169 and 189, and accompanying text; Anonymous testimony of a professional working at a post-attack body identification site, *supra* note 302; Testimony of “Sapir,” *supra* note 133, and text accompanying notes 133-134; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140; This pattern is further corroborated by testimonies, meetings and interviews conducted by the Civil Commission with morgue staff, senior medical personnel, and forensic experts.

570 Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text.

571 Detailed factual findings appear throughout Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Testimony Sharon Laufer, *supra* note 298, and text accompanying notes 298-301; Meeting with Dr. Ricardo Nachman, *supra* note 319, and text accompanying notes 327-328; Testimony of “Sapir,” *supra* note 133, and text accompanying notes 133-134; Testimony of Amit Ezra, *supra* note 154, and text accompanying notes 154-157; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140. Materials archived with the Civil Commission support these testimonies.

572 Testimony of Chaim Otmazgin, *supra* note 178, and text accompanying notes 177-178.

573 Testimony of Amit Ezra, *supra* note 154, and text accompanying notes 154-157.

574 Detailed testimonies and descriptions of visuals appear in Section I (*Geographic Findings: Attacked Sites and Communities*).

575 Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170.

576 Video archived with the Civil Commission.

during the attacks show a woman being shot in the head at close range while kneeling.⁵⁷⁷

The bodies of several women, including female soldiers, recovered by first responders and later examined by morgue personnel were found with gunshot wounds to the face, head, eyes, and genital area.⁵⁷⁸ Male victims were also found with gunshot wounds to the genital area or groin.⁵⁷⁹ According to forensic experts who have reviewed materials together with the Civil Commission, the nature, focus and localization of these wounds to the face, lower abdomen, and groin areas were indicative of close-range shootings that were intentional rather than incidental.⁵⁸⁰

In one of the most difficult cases documented by the Commission, a mother, who was taken captive together with her children recounted how, during the abduction from their home, the attackers murdered her husband and, shortly thereafter, shot her eldest daughter in the face after she had fainted.⁵⁸¹ The family subsequently learned that the attackers had filmed and photographed the body of the eldest daughter after murdering her, using the phone of her younger brother.⁵⁸² The surviving younger sister of the victim described her sister's murder and the subsequent filming of her body, in her testimony to the Civil Commission: "Physically, she was right at the door to be taken with us, and she fainted, and she didn't resist, and she didn't get in their way, and they still chose to kill her, to murder her. And not just murder—they shot her in the face. There's something about being shot in the face that doesn't leave me, and also . . . a woman. She was beautiful—my sister was so beautiful—and in the face. It's something that's very hard. And they knew why they were doing it; they did it deliberately . . . So there's this evil of the staging—like 'Look, we shot her in the face, we disfigured her, a beautiful woman.' It's not just shooting—it's to deform."⁵⁸³

Images and photos archived and reviewed by the Civil Commission confirm this pattern, showing the bodies of women with gunshot wounds to the head and/or genital area.⁵⁸⁴

4. KILLING AND EXECUTION FOLLOWING OR IN CONJUNCTION WITH SGBV

During its investigation, the Commission found that the attacks on October 7th reveal a recurring pattern of executions committed following, or during, acts of rape and other forms of SGBV. The executions were frequently carried out at close range, and frequently accompanied by abuse, mutilation or burning. Survivors' accounts from different attack locations describe women who were stabbed and raped until death, or shot in the head during or after rape, or otherwise killed immediately after the acts.⁵⁸⁵ These accounts consistently indicate that killings were carried out

577 Video archived with the Civil Commission.

578 Images and videos archived with the Civil Commission. Detailed factual findings appear in Section I.D (*Post-Attack Body Identification Sites*).

579 See e.g. Testimony of Eran Masas, *supra* note 170, and accompanying text; Testimony of Samuel Barzilai, *supra* note 187, and accompanying text; Testimony of Nachman Shai Revivo, *supra* note 174, and text accompanying notes 174-176; Interview with Tali Biner, *supra* note 126, and accompanying text. See also, e.g., Anonymous witness testimony given during a meeting of the Knesset Committee for the Advancement of the Status of Women, *supra* note 159, and accompanying text.

580 Meeting conducted with medical forensic experts (Sep. 2025).

581 Testimony of Chen Almog-Goldstein, *supra* note 235, and text accompanying notes 235-239.

582 Testimony of Agam Goldstein-Almog, *supra* note 240, and text accompanying notes 240-242; Interview with Chen Zander, *supra* note 189, and accompanying text.

583 *Id.*

584 Images and videos archived with the Civil Commission.

585 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g.,

in close temporal proximity to sexual assault and, in some instances, involved extreme violence, including beheading.⁵⁸⁶ The accounts of survivors further describe naked, female bodies, bound, and executed in this manner.⁵⁸⁷ First responders across different locations similarly reported seeing naked female bodies, some burned, and/or bearing marks of binding on both hands.⁵⁸⁸ Images and videos archived with the Civil Commission corroborate these accounts, depicting bodies that were found severely burned or with multiple gunshot wounds or other fatal injuries, including bodies with their hands and/or feet tied, bearing indications of SGBV.⁵⁸⁹

5. POSTMORTEM SEXUAL ABUSE, HUMILIATION, AND DESECRATION OF BODIES

Across attack locations, the Commission found a discernible pattern of sexual violence inflicted upon victims *after their death*. The available documentation indicates that these acts, including leaving murdered victims with their genitals and other intimate areas exposed, mutilating and burning intimate body parts post-mortem, undressing and abusing bodies, and other forms of desecration, were carried out consistently across different locations. This pattern suggests that postmortem sexual abuse was inflicted intentionally to sexually humiliate, dehumanize, and violate the dignity of the victims after death.

Eyewitness and first-responder accounts corroborate this pattern, describing instances in which sexual violence continued after victims had been killed.⁵⁹⁰ In one of these cases, an eyewitness described seeing perpetrators rape and murder a woman and then continue to rape her after her

Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138; Testimony of “Sapir,” *supra* note 133, and text accompanying notes 133-134; Interview with Tali Biner, *supra* note 123, and text accompanying notes 123-126; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140; Interviews with Gad and Dan Liebersohn, *supra* note 141, and accompanying text; Testimony of Ron Freger, *supra* note 142 and accompanying text; Interview with Yovel Sharvit-Trabelsi, *supra* note 259, and text accompanying notes 259-260; Testimony of anonymous female officer in Liza Rozkovsky: Haaretz Investigation of SGBV on Oct 7th (2024), *supra* note 275, and text accompanying notes 275-276; Videos and images archived with the Civil Commission support this pattern, showing female bodies, including bodies that are burning or burned or bodies bearing wounds assessed as consistent with close-range shooting, with indications of SGBV. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶13, 68 (¶ 13: “At the Nova music festival and its surroundings, there are reasonable grounds to believe that multiple incidents of sexual violence took place with victims being subjected to rape and/or gang rape and then killed or killed while being raped.” ¶ 68: “The mission team collected information from first responders who reported discovering bodies of women naked with their hands tied behind their backs and gunshot wounds to the head. While verification of sexual violence against these victims was not possible at this point, available circumstantial information – notably the recurring pattern of female victims found undressed, bound, and shot – indicates that sexual violence, including potential sexualized torture, or cruel, inhuman and degrading treatment, may have occurred.”).

586 Materials archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*).

587 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See also *supra* notes 537-540, 573-575, and *infra*, note 624. Meetings conducted by the Commission with medical staff, forensic experts, and first responders support these findings.

588 *Id.* See e.g., Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Itzik Itach, *supra* note 182, and text accompanying notes 182-184; Testimony of Nachman Shai Revivo, *supra* notes 174-176 and 221, and accompanying text.

589 Images and videos archived with the Civil Commission. Detailed factual findings appear in Section I.A (*Nova Music Festival, Route 232, and Surrounding Fields and Areas*), Section I.B (*Kibbutzim*) and Section I.D (*Post-Attack Body Identification Sites*).

590 Detailed factual findings demonstrate the recurrence of this pattern across all documented attack sites and are set out throughout Section I (*Geographic Findings: Attacked Sites and Communities*). Meetings conducted by the Commission with medical teams, forensic experts, first responders, morgue identification staff further support this pattern.

death.⁵⁹¹ Another witness described seeing an armed attacker raping, mutilating, and shooting a woman “while [he was] still inside her.”⁵⁹² In other cases, first responders reported seeing bodies of women that had been mutilated, dismembered, or displayed in sexually humiliating ways, including left in public with their vaginas or breasts exposed.⁵⁹³ There were also reports of male bodies being found with their genitalia mutilated or with other indications of SGBV.⁵⁹⁴

Witnesses reported seeing perpetrators beheading women or seeing bodies that were missing heads,⁵⁹⁵ perpetrators carrying the severed heads of women and playing with a severed breast,⁵⁹⁶ bodies cut in half or dismembered, and bodies found with sexual organs cut off or objects inserted in their genital area.⁵⁹⁷ In one case, a witness described finding the body of a man with his genitals cut off, and next to him, the body of a woman, holding his cut-off genitals, in what appeared to be a staged display to humiliate the victims.⁵⁹⁸ At one post-attack identification site, a witness described receiving remaining heads of women without their bodies, one of them with

591 Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138.

592 Testimony of “Sapir,” *supra* note 133, and text accompanying notes 133-134.

593 Images and videos archived with the Civil Commission support these testimonies. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Eden Wessely, *supra* note 151, and text accompanying notes 151-153; Testimony of Simcha Greinman, *supra* notes 210-216 and 220, and accompanying text; Testimony of Amit Ezra, *supra* note 154, and text accompanying notes 154-157; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Chaim Otmazgin, *supra* notes 177-178 and 210-216, and accompanying text; Testimony of Rami Davidian, *supra* note 145, and text accompanying notes 145-150; Testimony of Samuel Barzilai, *supra* note 185, and text accompanying notes 185-187; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Testimony of Nachman Shai Revivo, *supra* note 174, and text accompanying notes 174-176.

594 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Eran Masas, *supra* note 170, and accompanying text; Testimony of Samuel Barzilai, *supra* note 187, and accompanying text; Testimony of Nachman Shai Revivo, *supra* note 174, and text accompanying notes 174-176; Interview with Tali Biner, *supra* note 126, and accompanying text.

595 Visuals supporting these testimonies are archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Samuel Barzilai, *supra* note 185, and text accompanying notes 185-187; Testimony of Rami Davidian, *supra* note 145, and text accompanying notes 145-150; Testimony of Raz Cohen, *supra* note 136, and text accompanying notes 136-138; Testimony of Chaim Otmazgin, *supra* note 210, and text accompanying notes 210-216; Testimony of Simcha Greinman, *supra* note 210, and text accompanying notes 210-216; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Meeting with Dr. Ricardo Nachman, *supra* note 328, and accompanying text. Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Interview with Yoni Saadon, *supra* note 139, and text accompanying notes 139-140.

596 Testimony of “Sapir,” *supra* note 138133, and text accompanying notes 133-134.

597 Videos and images archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See, e.g., Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Simcha Greinman, *supra* note 210, and text accompanying notes 210-216; Testimony of Chaim Otmazgin, *supra* note 210, and text accompanying notes 210-216; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Rami Davidian, *supra* note 145, and text accompanying notes 145-150; Testimony of Samuel Barzilai, *supra* note 185, and text accompanying notes 185-187; Testimony of Dr. Ricardo Nachman, *supra* note 327, and text accompanying notes 327-328; Testimony of Amit Ezra, *supra* note 154, and text accompanying notes 154-157; Testimony of Mia Schem, *supra* note 143, and text accompanying notes 143-144; Meetings with ZAKA teams, *supra* note 180, and text accompanying notes 180-181; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Interview with Captain Maayan, *supra* note 296; Anonymous witness testimony given during a meeting of the Knesset Committee for the Advancement of the Status of Women, *supra* note 159, and accompanying text.

598 Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170.

a kitchen knife still embedded in it.⁵⁹⁹ Other cases indicate bodies found with precise burnings to their genital areas, often using accelerants.⁶⁰⁰ One first responder said about cases in which bodies appeared to have been burned after death: “To this day, I still don’t understand why burn them—but it really supports the idea that they came to torture, to humiliate.”⁶⁰¹ Another first responder, who was involved in identifying female bodies arriving at Shura morgue stated: “[M]any times these beautiful young women were shot in the eye, disfiguring their faces. . . . And, you know, they didn’t die from that because they were killed with a bullet to the heart. There were some situations where it was felt that they were just... brutalized afterwards.”⁶⁰²

Militants also filmed their abuse of bodies during the attacks. In one of the videos that was widely circulated a partially undressed female body is seen in the back of a pick-up truck, with Hamas militants sitting over her, parading her through the streets of Gaza. The video shows bystanders lifting her lifeless body by the hair, spitting on her, and beating her.⁶⁰³ Another video shows the lifeless, bloodied, body of a woman in a home, with a perpetrator stomping on her head.⁶⁰⁴ Yet another video shows the lifeless body of a man, stabbed, shot, dragged and beaten. In a later video, the victim is now in his underwear, having been partially undressed by the perpetrators. His legs appear to have been broken. The body of the victim is seen in the back of a truck, with the perpetrators screaming “Here’s the Jew.”⁶⁰⁵ A video of another partially undressed male hostage, shows his body being dragged on the back of a motorcycle, with crowds cheering.⁶⁰⁶

6. FORCED NUDITY AND EXPOSURE

The Commission identified an additional recurring pattern during the attacks themselves, in which numerous victims were found partially or fully naked as part of the attack, indicative of a clear pattern of forced nudity, often carried out in ways designed to humiliate and terrorize the victims.⁶⁰⁷

Survivors and first responders’ testimonies consistently described cases of female bodies discovered naked or partially undressed, with legs spread, underwear missing, or clothes torn, across all sites of the attacks.⁶⁰⁸ Images, videos and accounts from eyewitnesses confirm that

599 Deposition document of Shari Mendes, *supra* note 293, and accompanying text.

600 Materials archived with the Civil Commission. Detailed factual findings and testimonies appear in Section I (Geographic Findings: Attacked Sites and Communities). See also *supra* notes 191, 318 and 558, and accompanying text.

601 Testimony of Avichai Amosi, *supra* note 172, and text accompanying notes 172-173.

602 Testimony of Sharon Laufer, *supra* note 298, and text accompanying notes 298-301.

603 Video archived with the Civil Commission. See also *supra* notes 19, 343 and 398-403 (describing the case); Testimony of Ricarda Louk, *supra* note 400, and text accompanying notes 400-403.

604 Video archived with the Civil Commission. See also, *supra* note 576.

605 Videos archived with the Civil Commission. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 151 (describing the case).

606 Video archived with the Civil Commission.

607 Images and videos archived with the Civil Commission. Detailed factual findings, testimonies and description of images appear in Section I (Geographic Findings: Attacked Sites and Communities).

608 Detailed testimonies appear in Section I (Geographic Findings: Attacked Sites and Communities): See e.g., Testimony of Eran Masas, *supra* note 164, and text accompanying notes 164-170; Testimony of Simcha Greinman, *supra* notes 210-216 and 220, and accompanying text; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Chaim Otmazgin, *supra* notes 177-178 and 210-216, and accompanying text; Testimony of Sharon Laufer, *supra* note 298, and text accompanying notes 298-301; Testimony of Itzik Itach, *supra* note 182, and text accompanying notes 182-184; Testimony of Samuel Barzilai, *supra* note 185, and text accompanying notes 185-187; Testimony of Nachman

several victims were found entirely or partially naked, while others were found stripped from the waist down, with clothes torn or missing some of their clothes.⁶⁰⁹ One of these images archived with the Civil Commission depicts three partially naked male bodies, lying next to a fence, who appear to have been stripped and executed.⁶¹⁰ Other images show the naked and abused bodies of female victims.⁶¹¹ A video archived with the Civil Commission shows the burnt body of a woman, without underwear, with her dress torn, her legs spread and her vagina exposed.⁶¹² Other images show the bodies of women with torn clothing, some partially burned, some with their breasts exposed, and with gunshot wounds to the groin area.⁶¹³

In footage captured by the perpetrators, they can be seen standing over female bodies, one whose lower body appears to be undressed, and the other whose lower body is burning.⁶¹⁴

Shai Revivo, *supra* notes 174-176 and 221, and accompanying text; Testimony of Avichai Amosi, *supra* note 172, and text accompanying notes 172-173; Testimony of Rami Davidian, *supra* note 145, and text accompanying notes 145-150; Testimony of Salem Al-Ziyadne (Oct. 27, 2025), provided to the Civil Commission; summary of testimony archived with the Civil Commission; Deposition document of Shari Mendes, *supra* notes 284-293 and 321-322, and accompanying text; Interview with Rami Shmuel, *supra* note 158; Testimony of Elad Avraham, *supra* note 158; Interview with Yinon Rivlin, *supra* note 158; Meetings with ZAKA teams, *supra* note 180, and text accompanying notes 180-181. Materials archived with the Civil Commission support these testimonies. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 13, 58, 60, 68: (¶ 13: “... The mission team also found a pattern of bound naked or partially naked bodies from the waist down, in some cases tied to structures including trees and poles, along Road 232.” ¶ 58: “Other credible sources at the Nova music festival site described seeing multiple murdered individuals, mostly women, whose bodies were found naked from the waist down, some totally naked, with some gunshots in the head and/or tied including with their hands bound behind their backs and tied to structures such as trees or poles.” ¶ 60: “The mission team was also able to ascertain that multiple bodies of women and a few men were found totally or partially naked or with their clothes torn, including some bound and/or attached to structures, which — though circumstantial — may be indicative of some forms of sexual violence.” ¶ 68: “The mission team collected information from first responders who reported discovering bodies of women naked with their hands tied behind their backs and gunshot wounds to the head.”); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 135, 152 (¶ 135: “Reliable witness accounts obtained by the Commission describe bodies that had been undressed, in some incidents with exposed genitals, as well as other indications of abuse, such as their hands and/or feet being tied, indicating they had been detained before their deaths, the position of the body, for example with legs spread or bent over, and signs of struggle or violence on the body, such as stab wounds, burns, lacerations and abrasions. The patterns in these witness accounts are consistent with digital footage collected and preserved by the Commission, including four victims found undressed from the waist down, as well as four cases where the bodies of victims were displayed partially undressed while being mistreated.” ¶ 152: documenting cases from the Nova festival where bodies of victims “showed signs of some form of sexual violence [and] had been partially undressed.”).

609 Id. Meetings conducted by the Commission with medical teams, forensic experts and first responders support this pattern. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 66 (“The mission team received credible information about bodies found naked and/or tied, and in one case gagged, in some of the kibbutz’ destroyed houses and their surroundings. While verification of sexual violence against these victims was not possible, circumstantial evidence — notably the pattern of female victims found undressed and bound — may be indicative of some forms of sexual violence.”).

610 Images archived with the Civil Commission.

611 Images archived with the Civil Commission.

612 Video archived with the Civil Commission. See also Testimony of Eden Wessely, *supra* note 151, and text accompanying notes 151-153; UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 75 (“In the medicolegal assessment undertaken by the mission team of available photos and videos of crime scenes, a few corpses with conspicuously spread legs were observed. These postures could not be adequately explained by, for instance, “postmortem pugilistic posturing” due to burn damage.”).

613 Materials archived with the Civil Commission. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 75 (“The reviewed photos and videos further revealed a minimum of twenty corpses with partially or fully exposed intimate body parts such as breasts and genitalia, resulting from the absence, displacement, or tearing of clothing.”).

614 Videos archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See *supra* notes 277-279, and accompanying text. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 166 (describing the case: “The scene shows six militants with blurred faces standing beside the same wall where a large group of women was seen hiding in another video

Another video captured by the perpetrators shows the lifeless body of a man, with his jeans pulled down and underwear torn, while the perpetrators abuse his body.⁶¹⁵ In yet another video captured by the perpetrators, the lifeless partially-naked body of a female is seen in the back of a pick-up truck, her captors sitting over her.⁶¹⁶

The pattern persisted during abductions and throughout captivity.⁶¹⁷ Bodies were abducted fully or partially naked, and victims, both living and dead, were taken while wearing sleepwear or underwear.⁶¹⁸ Some hostages were forcibly undressed immediately upon entering Gaza.⁶¹⁹ In captivity, male and female hostages were routinely forced to fully undress, sexually assaulted and humiliated or kept in minimal clothing or made to undress or shower while their captors watched, filmed or sexually assaulted them, including young female hostages.⁶²⁰ Others reported invasive body inspections and constant fear of being raped.⁶²¹ Male hostages repeatedly described sexual humiliation through forced nudity. Their testimonies indicate that men were forced to strip and remain naked, compelled to shave their bodies in front of their captors, and subjected to degrading treatment in which their genitalia were compared.⁶²²

viewed by the Commission. Four bodies are shown lying on the floor of the shelter. One female body is partially blurred and appears to have been covered with a piece of white sheet. Despite the blurring, the lower part of the body appears to be undressed, but the Commission could not conclude whether the underwear was removed or not. In another video, the militants can be seen screaming “God is great” while standing over the same woman.”)

615 Videos archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., *supra* notes 395-396.

616 Videos archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., *supra* notes 19, 343 and 398-403.

617 See detailed factual findings in Sections I.E-F (*SGBV Against Hostages During Abduction; SGBV Against Hostages in Captivity*).

618 Materials archived with the Civil Commission. Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Agam Goldstein-Almog, *supra* notes 381 and 383, and accompanying text; Testimony of Tagit Zin, *supra* note 381; Testimony of Maayan Zin, *supra* note 381, and text accompanying notes 381-382; Interview with Danielle Aloni, *supra* note 384, and text accompanying notes 384-385. See also *supra* note 389, and accompanying text.

619 See e.g., Interview with Romi Gonen, *supra* note 386, and accompanying text; Testimony of Ophelia Roitman, *supra* note 387, and accompanying text.

620 See detailed factual findings in Section I.F (*SGBV Against Hostages in Captivity*). See e.g., Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Interview with Romi Gonen, *supra* note 413, and text accompanying notes 413-421; Interview with Eliya Cohen, *supra* note 478, and accompanying text; Interview with Sasha Troufanov, *supra* note 433, and accompanying text; Testimony of Aviva Siegel, *supra* note 467, and text accompanying notes 467-476; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431-432; Testimony of Amit Soussana, *supra* note 436-458, and accompanying text; Interview with Ori Megidish, *supra* note 486, and accompanying text; Interview with Eli Sharabi, *supra* note 477, and accompanying text; Testimony of Keith Siegel, *supra* note 461, and text accompanying notes 461-466; Interview with Dafna Elyakim, *supra* note 498, and text accompanying notes 498-501; Interview with Moran Stella Yanay, *supra* note 482, and text accompanying notes 482-483; Testimony of K., *supra* note 516, and text accompanying notes 516-517.

621 See e.g. Testimony of Ilana Gritzewsky, *supra* note 507, and text accompanying notes 507-509; Testimony of Shany Goren, *supra* note, 508 (August 20, 2025). Filmed testimony and transcript archived with the Civil Commission. Interview with Moran Stella Yanay, *supra* note 482, and text accompanying notes 482-483; Testimony of K., *supra* note 516, and text accompanying notes 516-517; Interview with Mia Schem, *supra* note 510, and text accompanying notes 510-511; Interview with Merav Tal, *supra* note 484, and text accompanying notes 484-485; Interview with Sapir Cohen, *supra* note 515, and accompanying text.

622 Detailed factual findings appear in Section I.F (*SGBV Against Hostages in Captivity*). See also Section II.A. 12 (*Rape and Other Forms of Sexual Violence Against Boys and Men*). See e.g., Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431-432; Interview with Eli Sharabi, *supra* note 477, and accompanying text; Testimony of Keith Siegel, *supra* note 461, and text accompanying notes 461-466; Interview with Eliya Cohen, *supra* note 478, and accompanying text; Interview with Sasha Troufanov, *supra* note 433, and accompanying text.

7. HANDCUFFING, BINDING, AND RESTRAINT

The Commission identified a clear pattern of handcuffing, binding and restraint of women and children, often combined with acts of SGBV. During the attacks on October 7th, victims were physically restrained through handcuffs, shackles, zip ties, rope, fabric or other material, while being executed, tortured, sexually abused, or taken hostage into Gaza. Victims were frequently bound with their hands tied behind their backs, their feet restrained, or their bodies otherwise immobilized.⁶²³ The use of restraints continued during captivity, where hostages repeatedly reported being bound or otherwise physically immobilized.

The pattern of restraining female victims was observed across multiple sites, including in the kibbutzim, the Nova festival site and surrounding areas, roads and fields, military bases, during abductions and in captivity. Female bodies, some of them naked, were found tied to objects, or with marks of binding or cuffing on their wrists, with their hands zip-tied behind their backs, with ropes, fabric or wires tied around their wrists or legs, or gagged.⁶²⁴

During their abductions, hostages were also bound or otherwise physically restrained.⁶²⁵ Women and children were taken hostage handcuffed or had their hands zip-tied, wrapped in sheets, or had their faces and heads covered in plastic or cloth.⁶²⁶ In one of these cases, a woman who had been injured provided testimony that while pretending to be dead, one of the attackers began tying her with a heavy rope around her legs.⁶²⁷ Videos and images released by the perpetrators themselves demonstrate this pattern, showing, for instance, female victims injured, with their hands tied behind their backs, pressed against walls, and violently taken hostage by armed men.⁶²⁸ Items recovered from the bodies of captured or killed attackers also included

623 Images and videos supporting this pattern are archived with the Civil Commission. Detailed factual findings and testimonies appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Itzik Itach, *supra* note 182, and text accompanying notes 182-184; Testimony of Nachman Shai Revivo, *supra* note 221, and accompanying text; Testimony of Simcha Greinman, *supra* note 210, and text accompanying notes 210-216; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Chaim Otmazgin, *supra* note 210, and text accompanying notes 210-216; Testimony of Mazal Tazazo, *supra* note 162; Testimony of Dr. Ricardo Nachman, *supra* note 319, and accompanying text. The Commission's meetings with medical teams, forensic experts, morgue staff and first responders support this pattern. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 13, 75 (¶ 13: "... The mission team also found a pattern of bound naked or partially naked bodies from the waist down, in some cases tied to structures including trees and poles, along Road 232." ¶ 75: "at least ten distinct corpses displayed indications of bound wrists and/or tied legs.").

624 Images and videos archived with the Civil Commission. Detailed factual findings appear Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Darin Komarov, *supra* note 119, and text accompanying notes 119-122; Testimony of Itzik Itach, *supra* note 182, and text accompanying notes 182-184; Testimony of Nachman Shai Revivo, *supra* note 221, and accompanying text; Testimony of Chaim Otmazgin, *supra* note 210, and text accompanying notes 210-216; Testimony of Simcha Greinman, *supra* note 210, and text accompanying notes 210-216; Testimonies of Valerie Dickstein, *supra* note 210, and text accompanying notes 210-216; Testimony of Nachman Dickstein, *supra* note 210, and text accompanying notes 210-216.

625 Detailed factual findings appear in Section I.E (*SGBV Against Hostages During Abduction*).

626 Images and videos archived with the Civil Commission. Detailed factual findings appear in Section I.E (*SGBV Against Hostages During Abduction*). See also e.g., Testimony of Ilana Gritzewsky, *supra* note 349, and text accompanying notes 349-351; Interview with Moran Stella Yanay, *supra* note 377, and text accompanying notes 377-378. See also, *supra*, notes 375-377; UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 42 ("Information reviewed by the team show that armed elements came equipped with ... restraints including zip ties."); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 145 (describing digital evidence that showed "hands and sometimes feet of women [that] were bound, often behind the victims' backs" and "the use of rope and electric cables").

627 Testimony of Mazal Tazazo, *supra* note 162.

628 Materials archived with the Civil Commission. For public sources, see *supra*, note 20.



Photo by Ziv Koren | Nir Oz, October 28, 2023

“kidnapping kits” containing zip-ties and other restraining devices, demonstrating that restraint was a systematic and coordinated feature.⁶²⁹

Testimonies from released hostages similarly describe repeated experiences of being physically restrained while beaten and abused or sexually assaulted, with some hostages reporting witnessing similar treatment of fellow hostages.⁶³⁰ Both female and male hostages reported being handcuffed, chained, and forced into positions of extreme vulnerability: tied up or tied down, beaten, and sexually abused, including instances where they were threatened with guns or knives and coerced into sexual acts.⁶³¹ They further reported being held or moved around different locations with cloth, tape or fabric covering their heads and faces, and being held while bound in cages, confined spaces, dark rooms, tunnels, and other holding sites across Gaza.⁶³²

8-9. PUBLIC DISPLAY AND PARADING OF WOMEN AND CHILDREN AND THE ABDUCTION OF MOTHERS AND CHILDREN

These two patterns were identified by the Commission across multiple sites of the attack and are intrinsically interconnected. Women and children were violently taken hostage and publicly displayed during their abduction. Mothers were abducted together with their children, filmed and paraded upon entry into the Gaza Strip, where they were presented as trophies by captors.⁶³³ The Commission finds that these acts constitute SGBV, as well as inhumane and degrading treatment. Women and children were deliberately objectified, stripped of their dignity, and reduced to instruments of humiliation and display. The Commission further finds that these acts exploit socially constructed roles of motherhood and femininity to amplify the harm inflicted on victims, and communicate power and victory through the public humiliation of women.

Women and children were violently taken hostage from multiple locations during the attack.⁶³⁴ At least forty-one mothers were abducted, of these nineteen mothers were taken hostage alive

629 Original items referenced have been reviewed by representatives of the Civil Commission during the Civil Commission's visit to 'Return to October' exhibition at the Israel Heritage & Commemoration Center (IICC) (Sept. 15, 2025).

630 See e.g., Testimony of Amit Soussana, *supra* note 436–458, and accompanying text; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Testimony of Keith Siegel, *supra* note 459, and text accompanying notes 459-464.

631 Detailed factual findings appear in Section I.F (*SGBV Against Hostages in Captivity*); Testimony of Amit Soussana, *supra* note 436–458, and accompanying text; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Testimony of Keith Siegel, *supra* note 459, and text accompanying notes 459-466; Testimony of Aviva Siegel, *supra* note 467, and text accompanying notes 467-476.

632 See e.g., Testimony of Amit Soussana, *supra* note 436–458, and accompanying text; Interview with Merav Tal, *supra* note 484, and text accompanying notes 484-485; Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430; Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427; Testimony of Keith Siegel, *supra* note 459, and text accompanying notes 459-464; Testimony of Aviva Siegel, *supra* note 411 (“[W]hen we were there in the tunnel, they put a plastic zip tie on a man from Kfar Aza, and he had the zip tie on for several hours. Then the terrorist came with a box cutter and went to remove the plastic zip tie, and when he removed it he also cut his hand, and the man shouted, “Ow!” And I will never forget the smile of the terrorist when he did that. And I remember myself sitting there and shaking my head like this (turning my head from side to side) and saying to myself, “I can’t believe it – why did he have to cut his hand?” And he did it on purpose – both by his reaction and by his smile”).

633 Footage archived with the Civil Commission.

634 See Section I.E (*SGBV Against Hostages During Abduction*).

together with their children,⁶³⁵ four mothers were taken hostage after they were murdered,⁶³⁶ and eighteen mothers were taken hostage alive without their children.⁶³⁷ In numerous cases, mothers were killed in the presence of their families, and children were killed in the presence of their parents.⁶³⁸ In addition, two infant boys were taken hostage together with their mother (four-year-old Ariel and nine-month-old Kfir) and were later murdered together.⁶³⁹ According to the Civil Commission's findings, of 251 individuals who were taken hostage, there were 37 families,⁶⁴⁰ and 41 children, ranging in age from four-and-a-half months to 17 years, who were violently abducted from their homes.⁶⁴¹ Thirty-six of these children were taken into Gaza and held hostage there (the remaining five escaped or were abandoned before crossing the border).⁶⁴² Twenty-one girls and thirteen boys were subsequently released (while two infants were murdered in captivity with their mother).⁶⁴³ The perpetrators killed the parents of many of these children before their eyes, moments before their abduction.⁶⁴⁴ As noted in the previous

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- 635 Including Sharon Avigdor, Adi Shoham, Chen Goldstein-Almog, Yehudit Raanan, Danielle Aloni, Karina Engel-Bert, Shiri Bibas, Doron Katz-Asher, Sharon Aloni-Kunio, Keren Munder, Gabriela Leimberg, Raya Rotem, Hagar Brodutch, Shiri Weiss, Shoshan Haran and Ruti Munder, as well as Irina Tati, Yelena Trupanov, and Hanna Perry. See Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.
- 636 Including Yehudit Weiss, Mia Goren, Judy Weinstein, and Ofra Keidar. See Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.
- 637 Including mothers to children who were already adults (over 18): Yarden Roman-Gat, Liat Atzili, Neta Wari Molkan, Raz Ben-Ami, as well as Aviva Siegel, Ada Shagi, Yaffa Adar, Alma Abraham, Nurit Cooper, Ditza Heiman, Hanna Katzir, Yocheved Lifshitz, Tamar Metzger, Adina Moshe, Margalit Moses, Ophelia Roitman, Clara Marman, and Merav Tal. See Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9.
- 638 See, generally, Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6.
- 639 See Harpaz et al., Oct 7 Death Locations Database https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9. For victims aged 18, 18 individuals (7 men and 11 women) were killed, while 6 were taken hostage and later released (3 men and 3 women).
- 640 While children are particularly vulnerable to extreme situation of abduction and captivity, and their cases symbolically mark and illustrate the deliberate attack on family, it is imperative to note to hostage-taking in any form is unequivocally condoned. During the October 7th attack elderly grandparents, mothers, fathers and children were abducted and taken hostage. Many were separated from their families, who experienced severe anguish and anxiety, not knowing their fate or when/if they will be returned. For further discussion on this, see, Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6.
- 641 The vast majority of children were abducted from within their home, its immediate vicinity, or the homes of their neighbors to which they have escaped. In one known case, a family, including a child, were abducted from the vicinity of their workplace (Holit).
- 642 Based on the Commission's database and public records. Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6; See e.g., *Rescued from Gaza*, Ynet, <https://p.ynet.co.il/absent?externalurl=true>; Israeli National Council for Children, Children in the "Iron Swords" War, <https://www.children.org.il/wp-content/uploads/2024/03/%D7%A4%D7%A8%D7%A7-%D7%9E%D7%AA%D7%95%D7%9A-%D7%99%D7%9C%D7%93%D7%99%D7%9D-%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C-2023.pdf>. Note that the commonly published number is 42, which differs from our count, includes individuals over age 18, but does not include children who were abducted but for various reasons did not reach Gaza.
- 643 The abduction of children under age 18 took place in six different communities: Nir Oz, Nahal Oz, Be'eri, Kfar Aza, Holit, Nir Yitzhak (based on the Commission's database).
- 644 See, generally, Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6. Testimonies of families were collected and filmed by the Civil Commission. [including for example testimony of Goldstein Family, Ofri Bibas, Rotem Matias, parents of Adi Caploun, **]. For examples of these cases in public sources see, e.g., the Goldstein-Almog family: *Screams Before Silence* <https://www.youtube.com/watch?v=zAr9oGSXgak> (accessed Sept. 14, 2024); Ben Shemen and Gilit Kutzba, "We Are Their Parents Until the End, We Will Bring Them into the Fold": *Abigail's New Life*, Uvda, Mako News (Feb. 22, 2024), https://www.mako.co.il/news-israel/2024_q1/Article-e282f491092dd81027.htm (in Heb.); Tarbut Holit, "Channel 13 Report About the Kaploun Family" (Oct. 29, 2023), <https://www.youtube.com/watch?v=AEUvYtfGP9g> (in Heb.); Kibbutz Nahal Oz, The Sisters Dafna and Ella Elyakim, Who Were Taken Hostage from Nahal Oz on Black Sabbath

report of the Commission, “the abduction of children is a particularly symbolic and significant act of aggression due to the presumed innocence of children, their inherent vulnerability, their dependence on adult caregivers for their most basic needs, and the incomparable emotional attachment to their parents and vice versa.”⁶⁴⁵ Notably, two pregnant women were among the first victims of the attack.⁶⁴⁶

Accounts of returning women and child hostages repeatedly describe the violence, trauma, and suffering that they endured during their abduction and in captivity, including public display before cheering crowds, during which they were beaten and humiliated by a mob. In one such case, a mother who was abducted with her daughter described how they were beaten by crowds on the way to Gaza, and how their captors lifted her ten-year-old daughter to display her to the many who were yelling in celebration.⁶⁴⁷ In another case, a woman was taken into Gaza and surrounded by a large crowd of people, who participated in beating and abusing her.⁶⁴⁸ Additional filmed abductions similarly depict women and child hostages, some visibly injured, terrified, forcibly covered, or bleeding, being taken into Gaza, surrounded by hostile crowds.⁶⁴⁹ In several cases, women as old as 85 were displayed and filmed taken hostage, injured, into Gaza.⁶⁵⁰

The footage of mothers abducted with their children was widely circulated and live streamed on

and Were Released from Captivity after 51 Days—in an interview on Channel 12 (Jan. 30, 2024), <https://www.youtube.com/watch?v=put-JtCqNIs> (in Heb.).

645 Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, pp 17-18. The Civil Commission has joined families to court cases as an expert witness. In several such proceedings, the Kinocide Report has been submitted to the courts by Israel’s Ministry of Justice, Legal Aid Department. In these cases, the Commission underscores the need to expand legal recognition beyond victims of direct physical violence to include those who were intentionally targeted through social media and other digital means as part of the attack itself. Additionally, Dr. Cochav Elkayam Levy, Chair of the Commission, together with Professor Yuval Shany, former head of the UN Human Right Committee, have joined proceedings brought by hostage families as expert witnesses and jointly submitted legal opinions urging Israeli courts to interpret applicable legal frameworks in light of Israel’s obligations under international law, in ways that recognize the distinct suffering inflicted on hostages’ families and affirm their eligibility for compensation as victims of terror in their own right. See also Chen Arzi Srur, *The Attack on the Family on October 7: Deliberate Violence Against the Family Unit Was a Recurring Pattern on the “Black Sabbath”* (Dec. 20, 2024), Ynet, <https://www.ynet.co.il/yedioth/article/yokra14192730> (in Hebrew).

646 See ‘Introduction’ *supra*, notes 13-14, and accompanying text. This includes one pregnant woman who was murdered, and one woman who was shot in her stomach while in labor on her way to the hospital. While the mother survived, the baby lived only 14 hours before dying from her injuries.

647 Interview with Hagar Brodutch, *supra* note 355, and text accompanying notes 355-357.

648 Interview with Moran Stella Yanay, *supra* note 377, and text accompanying notes 377-378. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 146 (describing the case).

649 Videos archived with the Civil Commission. Detailed factual findings appear in Section I.F (*SGBV Against Hostages in Captivity*). See also, *supra* note 20.

650 Videos archived with the Civil Commission. 17 women (including bodies of women) over the age of 65 were abducted on October 7th: Shoshan Haran (67), Ada Sagi (75), Yaffa Adar (85), Elma Avraham (84), Nurit Cooper (79), Ditzza Heiman (84), Hanna Katzir (77), Yocheved Lifshitz (83), Tamar Metzger (78), Adina Moshe (72), Margalit Moses (78), Ruti Munder (78), Ophelia Roitman (Adir) (77), Irena Tati (73), Judy Weinstein Haggai (70), Hanna Peri (79), Ofra Keidar (70). See Harpaz et al., *Oct 7 Death Locations Database* https://yuval-harpaz.github.io/alarms/oct_7_9.html, *supra* note 9. See also, e.g., Testimony of Aviva Siegel, *supra* note 411 (“I see an elderly woman. . . [the] entire part of her leg is colored purple, red, and blue. . . you can see that she has blue and red marks on her back, as if someone had beaten her on the back. . . She was 84 when she was kidnapped.”). See also, The World Bank, *Violence Against Women and Girls: Brief on Violence Against Older Women* (May 2016), <https://documents1.worldbank.org/curated/en/995591611122468396/pdf/Violence-Against-Women-and-Girls-Resource-Guide-Brief-on-Violence-Against-Older-Women.pdf> (describing the particular vulnerability experienced by elderly women subjected to sexual and gender-based violence).

social media by the perpetrators, including on the private accounts of victims themselves.⁶⁵¹ The globally known abduction of Shiri Bibas, filmed together with her two infant children, illustrates the vulnerability and terror experienced by mothers that were taken into captivity with their children in full public view.⁶⁵² In the footage of Shiri Bibas's abduction, she is seen clutching her two young children tightly, wrapped in a blanket, all seen visibly terrified as they are taken into Gaza.⁶⁵³ Shiri Bibas and her young children were ultimately murdered in captivity. In another case, the perpetrators filmed themselves seemingly feeding and playing with four-month-old Negev Kaploun and his four-year-old brother Eshel, immediately after killing their mother in front of them. The footage was used for propaganda.⁶⁵⁴ The perpetrators then kidnapped the children and moved toward Gaza.⁶⁵⁵

In several cases Hamas commandeered victims' own phones and social media accounts to post, share, or live stream the brutalities as they unfolded.⁶⁵⁶ In one such case, images taken by the perpetrators using an elderly woman's phone showed her being abducted alongside her son. The images were then sent by the perpetrators to the woman's daughter.⁶⁵⁷ In another case, the perpetrators posted footage of the body of a murdered elderly grandmother in Nir Oz on her Facebook account.⁶⁵⁸ Her grandchildren described the extreme anguish their family experienced upon viewing the footage and discovering the news of their grandmother's death on social media.⁶⁵⁹ Although targeting the entire family, the perpetrators live streamed

651 See e.g., *supra*, note 20. See also Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6 (documenting and describing these cases).

652 See *supra*, note 20. See also Testimony of Ofri Bibas, *supra* note 361, and text accompanying notes 361-371.

653 *Id.* Videos and images archived with the Civil Commission. See *supra*, note 20.

654 Footage archived with the Civil Commission. See also "The children whom the terrorists cruelly filmed moments after murdering their mother — fulfilling a dream," Reshet Channel 13 (Oct. 29, 2023), <https://www.youtube.com/watch?v=l-9gVx783bE> (in Hebrew).

655 For reasons unknown, the children were left behind by the perpetrators before crossing into Gaza and were able to reach help with the assistance of their neighbor, who had also been taken captive with them. Footage archived with the Civil Commission. See also "The children whom the terrorists cruelly filmed moments after murdering their mother — fulfilling a dream," Reshet Channel 13 (Oct. 29, 2023), <https://www.youtube.com/watch?v=l-9gVx783bE> (in Hebrew).

656 See e.g., Testimony of Agam Goldstein-Almog, *supra* note 240, and text accompanying notes 240-242. See also Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th* (referring to the Arava family of Nahal Oz, the Idan family of Nahal Oz, Bracha Levinson of Nir Oz, and the Angel family of Nir Oz); Interview with Mor Bayder in Hila Korach, "There was an alarm and when we left the police station, my aunt called and asked us to open Facebook," Reshet Channel 13 (Oct. 9, 2023), <https://13tv.co.il/item/news/domestic/internal/epbmn-903740978/> (in Hebrew) (reporting that "Mor Bayder learned about her grandmother's murder by terrorists on social media after they filmed a video of her after the act."); Sheera Frenkel & Talya Minsberg, *Hamas Hijacked Victims' Social Media Accounts to Spread Terror*, N.Y. Times (Oct. 17, 2023), <https://www.nytimes.com/2023/10/17/technology/hamas-hostages-social-media.html>; Anna Schechter, *Why Can't Facebook Stop Hamas from Posting Grisly Videos of the Killing of Israeli Civilians?*, NBC News (Nov. 1, 2023), <https://www.nbcnews.com/news/investigations/cant-facebook-stop-hamas-posting-grisly-videos-killing-israeli-civilian-rcna122966>.

657 Ayelet Svatitzky was sent a photo on WhatsApp of her elderly mother (Channah Peri) and brother (Nadav Popplewell) with an armed perpetrator, at the time of their abduction, bearing the caption "Hamas.. See Interview with Ayelet Svatitzky in Lucy Manning, *Hamas hostages: Families 'worried sick' for relatives held in Gaza*, BBC (Oct. 23, 2023), <https://www.bbc.com/news/uk-67188324> (reporting that "On the day of the attack, Ms. Svatitzky said she received two pictures, sent by the attackers from her mother's phone, showing the pair sitting in her mother's living room. Underneath was written "Hamas" in English. Hours later, a third picture was posted on her mother's Facebook showing them with an armed Hamas gunman in the corner. "That was the last I heard of them," Ms. Svatitzky said.").

658 See Interview with Yoav Shimoni in Katherine Carroll et al., *Grandson Recounts Seeing Graphic Video of Beloved Grandmother Killed by Hamas Terrorists*, ABC News (Oct. 13, 2023), <https://abcnews.go.com/International/grandson-recounts-graphic-video-beloved-grandmother-killed-hamas/story?id=103954038>.

659 Footage archived with the Civil Commission. See also Interview with Yoav Shimoni in Katherine Carroll et al., *Grandson Recounts Seeing Graphic Video of Beloved Grandmother Killed by Hamas Terrorists*, ABC News (Oct. 13,

their invasion of the home of the Elyakim-Arava⁶⁶⁰ and the Idan⁶⁶¹ families of Nahal Oz on the mothers' social media accounts.⁶⁶² Their family members and loved ones described their shock and helplessness as they watched the agony, fear, and suffering experienced by the family.⁶⁶³ Hamas-captured footage from the attacks also show the perpetrators standing over or on top of female bodies, screaming, or stomping on the bodies or otherwise abusing them.⁶⁶⁴ Other videos show the capture of female soldiers, abused, and taken through Gaza surrounded by multiple attackers.⁶⁶⁵ These videos were deliberately disseminated on social media, in real-time or immediately after, to widen the audience.⁶⁶⁶ Likewise, female bodies that had been murdered, mutilated, or otherwise subjected to sexual violence or tortured, were left in public, lying on the ground or on roads, and tied up or tied to structures, which contributed to the objectification of their bodies and the spreading of terror.⁶⁶⁷

In yet another case, the lifeless, partially naked body of a young woman, lying in the back of a pick-up truck, was paraded in the Gaza Strip, with bystanders beating or spitting on the body.⁶⁶⁸

In addition, as detailed in the subsequent section on the filming and digital dissemination of SGBV, Hamas and affiliated groups repeatedly released images and videos from captivity for months following the attacks, including visual materials depicting female bodies, children, and abused hostages. These materials were deliberately staged and disseminated to publicly display victims and to extend psychological harm and intimidation.⁶⁶⁹ Hamas also broadcasted the release ceremonies of female captives, in which they were similarly paraded through thick crowds, surrounded by armed men, looking visibly distraught.⁶⁷⁰ Following the execution of six

2023), <https://abcnews.go.com/International/grandson-recounts-graphic-video-beloved-grandmother-killed-hamas/story?id=103954038>; Interview with Mor Bayder in Hila Korach, "There was an alarm and when we left the police station, my aunt called and asked us to open Facebook," Reshet Channel 13 (Oct. 9, 2023), <https://13tv.co.il/item/news/domestic/internal/epbmn-903740978/> (in Hebrew).

660 Footage archived with the Civil Commission. See also *The Horrific Video Taken by Hamas Terrorists of a Family – Moments Before Being Murdered*, Kan News (Oct. 21, 2023) <https://www.youtube.com/watch?v=8dyVUwDu52k> (in Hebrew).

661 Footage archived with the Civil Commission. See also Interview with Gali Idan in Yigal Mosko, "Tzach's Photos Pop Up on a Daily Basis": *The Daughter Murdered and The Father Kidnapped – The Tragedy of the Idan Family*, N12 News (Oct. 25, 2023), https://www.mako.co.il/news-israel/2023_q4/Article-c492f8253436b81027.htm; Wolf Blitzer, *Hostage Family Member Tells Wolf She Can't Grieve Her Daughter's Death While She Fights to Bring Her Husband Home*, CNN (Aug. 16, 2024), <https://www.cnn.com/tv/video/sitroom-gali-idan-part-two-8-16-24>.

662 Footage archived with the Civil Commission. See also *The Horrific Video Taken by Hamas Terrorists of a Family*, *supra* note 660.

663 Footage archived with the Civil Commission. See also *The Horrific Video Taken by Hamas Terrorists of a Family*, *supra* note 660; Frankie McCamley et al., *Family Tell of Heartbreak after Israel Kidnap Live-stream*, BBC (Oct. 17, 2023), <https://www.bbc.com/news/world-middle-east-67124745>.

664 Videos archived with the Civil Commission. See *supra*, notes 19-20 (describing these videos).

665 Videos archived with the Civil Commission. See *supra*, note 20 (describing these videos).

666 Footage archived with the Civil Commission. See *supra* note 19-21, and accompanying text. See also Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th* (referring to the Arava family of Nahal Oz, the Idan family of Nahal Oz, Bracha Levinson of Nir Oz, and the Angel family of Nir Oz); Sheera Frenkel & Talya Minsberg, *supra* note 656; Anna Schecter, *supra* note 656.

667 Images and videos archived with the Civil Commission. See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 4, ¶ 75 ("The reviewed photos and videos further revealed a minimum of twenty corpses with partially or fully exposed intimate body parts such as breasts and genitalia, resulting from the absence, displacement, or tearing of clothing").

668 Video archived with the Civil Commission. See also *supra* note 19.

669 Materials archived with the Civil Commission. See also Section II.A. 10 (*Filming and Digital Dissemination of SGBV, Including the Use of Social Media to Document, Glorify, and Amplify the Atrocities*).

670 Videos archived with the Civil Commission. See also e.g., Testimony of Keith Siegel, *supra* note 459 ("We saw Hamas

hostages in September 2024,⁶⁷¹ the perpetrators published a series of edited video segments of the executed hostages, after their death, with last messages directed to their families.⁶⁷² Videos taken of hostages while they were in captivity continue to surface and haunt families and survivors, even today.⁶⁷³

“One of the terrorists was constantly touching me, or telling me that I would stay there...and that we were going to have children together and a home...”

Agam Goldstein-Almog (17), Former Hostage

escorting her to the Red Cross vehicle, and the fear on her face, because there was really a close-up; the video was very close to Aviva’s face. I saw the fear in her eyes, I saw the whole crowd around, all that violent gathering. They were banging on the vehicle. . .”); *Chaotic scenes as Israeli hostage Arbel Yehud handed to Red Cross in Khan Younis*, NBC News (Jan. 30, 2025), <https://www.nbcnews.com/video/israeli-hostage-arbel-yehoud-handed-to-red-cross-in-khan-younis-230661701525>; *Drone footage shows moment female hostages released in Gaza City – video*, The Guardian (Jan. 20, 2025), <https://www.theguardian.com/world/video/2025/jan/20/drone-footage-female-hostages-released-gaza-city-video>.

671 See e.g., Kevin Shalvey & David Brennan, *Who Were the 6 Hostages Killed in Gaza?*, ABC News (Sept. 2, 2024), <https://abcnews.go.com/International/who-were-6-hostages-killed-gaza-funerals-israel-hersh-goldberg-polin/story?id=113322975> (reporting on the execution of hostages Carmel Gat, Eden Yerusalmi, Hersh Goldberg-Polin, Alexander Lobanov, Almog Sarusi, and Ori Danino in captivity.)

672 See e.g., Ephrat Livni, *Hamas Releases Hostage Video of Two Slain Israeli Captives*, N.Y. Times (Sep. 4, 2024), <https://www.nytimes.com/2024/09/04/world/middleeast/hamas-hostage-videos.html>; Olivia Land, *Hamas Cruelly Taunts Slain Hostages’ Kin with Haunting New Video of Captives Before Death, Promises “Last Messages,”* N.Y. Post (Sep. 2, 2024), <https://nypost.com/2024/09/02/world-news/hamas-taunts-dead-hostages-families-with-videos-of-last-messages/>; *Hostage Video Released by Hamas*, Sky News (Sep. 3, 2024), <https://www.youtube.com/watch?v=AhkSzxX11A>; Andrea Vacchiano, *Hamas Terrorists Release Footage of Six Slain Hostages, Promise to Share “Last Messages,”* Fox News (Sep. 2, 2024), <https://www.foxnews.com/world/hamas-terrorists-release-footage-six-slain-hostages-promise-share-last-messages>.

673 See e.g., Dana Karni, Tal Shalev, Oren Liebermann, *Videos show 6 Israeli hostages celebrating Hanukkah in Gaza tunnel months before they were killed* (Dec. 12, 2025), CNN, <https://www.cnn.com/2025/12/11/middleeast/hanukkah-israeli-hostages-gaza-tunnel-latam-intl>.

10. SGBV INFLICTED IN THE PRESENCE OR NEAR VICINITY OF FAMILY MEMBERS

A notable and distinct pattern identified by the Commission, emerging from both the attacks and from hostages returning from captivity, is SGBV that occurred in the presence of family members, or in their near vicinity.⁶⁷⁴

Footage obtained from one of the kibbutzim documents the recovery of the bodies of a man and a woman found together, with one bearing injuries consistent with sexual violence.⁶⁷⁵ The positioning of the bodies and the nature of the injuries suggest that sexual violence, including torture, was inflicted prior to, or in conjunction with, their killing.⁶⁷⁶ In another case, a woman's body that was found along one of the escape routes from the Nova Festival showed significant burns to the upper part of her torso and face, and was found partially undressed, without underwear and with her genitals exposed.⁶⁷⁷ The body of her husband was discovered nearby. Before he himself was murdered, he managed to contact family members to inform them, while in shock, that his wife had been murdered.⁶⁷⁸ In other cases, witnesses shared hearing partners of victims begging perpetrators to stop abusing their loved ones.⁶⁷⁹ Another witness from the Bedouin community described a family caught by the perpetrators whose condition was indicative of sexual violence.⁶⁸⁰

Perpetrators also shared images and videos showing SGBV perpetrated against victims on social media and digital platforms, exposing family members to the abuse and suffering of their loved ones.⁶⁸¹ As previously noted, family members saw the videos of their loved ones being tortured, abused, murdered or taken hostage.⁶⁸² In one such case, a mother described to the Civil Commission the profound pain and enduring psychological trauma caused by seeing the video of her daughter's half-naked body being taken and abused by a crowd of men, a video that was publicly and globally circulated by the perpetrators.⁶⁸³ Similarly, the families of the abducted female soldiers witnessed the videos disseminated by Hamas showing their daughters being beaten, injured, and violently dragged into Gaza, with visible signs of bleeding on their

674 For further information about the targeting of families on October 7th, see, generally: Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6.

675 Videos and images archived with the Civil Commission.

676 Materials were evaluated and reviewed by forensic experts together with the team of the Civil Commission.

677 Videos and images archived with the Civil Commission. See also Testimony of Eden Wessely, *supra* note 151, and text accompanying notes 151-153.

678 *Id.*

679 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Interview with Tali Biner, *supra* note 123, and text accompanying notes 123-126; Interview with Yovel Sharvit-Trabelsi, *supra* note 259, and text accompanying notes 259-260.

680 Testimony of Salem Al-Ziyadne, *supra* note 608.

681 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See generally, *supra* note 19-20, and accompanying text. See also e.g., Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 1, p. 186 ("Human Rights Watch research yielded evidence that members of Palestinian armed groups committed acts of sexual and gender-based violence during the attacks, including acts of forced nudity, and posting of sexualized images without consent on social media."); UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 155-156 ("In several cases of abduction at Nova, the women, or their dead bodies, were used as victory trophies by male perpetrators. The abduction, violence and humiliation of the women were put on public display, either on the streets of Gaza and/or by recording them and publishing the videos online.").

682 See e.g., Testimony of Ofri Bibas, *supra* note 361, and text accompanying notes 361-371; Testimony of Ricarda Louk, *supra* note 400, and text accompanying notes 400-403. See also, *supra* note 19-20, and accompanying text.

683 Testimony of Ricarda Louk, *supra* note 400, and text accompanying notes 400-403.

bodies.⁶⁸⁴ In another case, an eighteen-year-old woman was shot in the face in the presence of her mother, the family later learned that the perpetrators had filmed a video of the victim using the phone of her younger brother (who was also taken captive).⁶⁸⁵ In another video released by Hamas, nineteen-year-old Noa Marciano is shown in Hamas captivity in Gaza, begging for her life.⁶⁸⁶ The video in which Marciano identifies herself, concludes with still images depicting her dead body, showing a head injury, and the apparent amputation of one of her feet. The video was sent to her family, who continue to suffer profound trauma as a result.⁶⁸⁷ These videos, together with other footage live streamed via the social media accounts of victims or directly sent to family members by the perpetrators during the attack or from captivity, gravely intensified the suffering and trauma of victims, their families, and society as a whole.⁶⁸⁸

During abduction and in captivity, hostages who were abducted together with their family members consistently reported experiencing sexual abuse, sexual threats, and sexual humiliation in the presence, or near vicinity of, their family members. In one such case, a mother taken hostage with her daughter and nephew reported that she was groped during her abduction.⁶⁸⁹ In another case, a male hostage was forced to undress and shave his entire body, including his intimate areas, under threat of violence, while his wife, who was also a hostage, was held nearby.⁶⁹⁰ In her testimony, his wife stated that one of the hardest parts about captivity for her was witnessing the incident.⁶⁹¹ In addition to being forced to witness SGBV inflicted on family members held alongside them, in at least one case, family members were forced to commit sexual acts on each other.⁶⁹²

Women abducted alongside their children further described being beaten and attacked, while simultaneously trying to protect their children.⁶⁹³ Young female hostages were also repeatedly told they would be “married” to their captors, or were accompanied by their captors to the shower.⁶⁹⁴ In one such case, a captor asked a mother to approve her daughter’s marriage to him.⁶⁹⁵

684 Videos archived with the Civil Commission. See also, *supra* notes 19-20.

685 Testimony of Agam Goldstein-Almog, *supra* note 240, and text accompanying notes 240-242.

686 Video archived with the Civil Commission.

687 Interview with Avi Marciano, *supra* note 272, and text accompanying notes 272-274.

688 For an extensive analysis of the use of social media to maximize the suffering of victims and their families, see Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, pp 19-20, 26, 28, 59; Elkayam-Levy, Cotler & Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War*, <https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/>, *supra* note 6.

689 Interview with Danielle Aloni, *supra* note 384, and text accompanying notes 384-385.

690 See e.g., Testimony of Keith Siegel; *supra* note 461, and text accompanying notes 461-466; Testimony of Aviva Siegel, *supra* note 467, and text accompanying notes 467-476.

691 Testimony of Aviva Siegel, *supra* note 476, and accompanying text.

692 Confidential information archived with the Civil Commission. Case anonymized due to the victims’ age and privacy concerns. See Meeting with Senior Medical Expert, *supra* notes 435 and 523, and accompanying text. See also Michael Bachner & Diana Bletter, *Teens forced to perform sexual acts on each other: Report to UN details Hamas torture*, *Times of Israel* (Dec. 29, 2024) <https://www.timesofisrael.com/teens-forced-to-perform-sexual-acts-on-each-other-report-to-un-details-hamas-torture/>.

693 See e.g., Interview with Hagar Brodutch, *supra* note 355, and text accompanying notes 355-357.

694 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Interview with Dafna Elyakim, *supra* note 498, and text accompanying notes 498-501; Testimony of Aviva Siegel, *supra* note 474, and text accompanying notes 474-475. Interview with Noga Weiss, *supra* note 512, and accompanying text.

695 Interview with Noga Weiss, *supra* note 512, and accompanying text. Other instances are described in Section II.A.11 (*Threats of Forced Marriage*).

The Civil Commission defines the SGBV in the presence of family members described herein as kinocidal sexual acts, crimes deliberately aimed at torturing and destroying the family as a cohesive social and emotional unit. These acts weaponize the deepest human bonds to maximize pain and psychological devastation. They exacerbate emotional distress and trauma beyond the initial acts and often create multigenerational trauma.⁶⁹⁶

11. FILMING AND DIGITAL DISSEMINATION OF SGBV, INCLUDING USE OF SOCIAL MEDIA TO DOCUMENT, GLORIFY, AND AMPLIFY THE ATROCITIES

A highly disturbing and recurrent pattern documented by the Commission is the extensive use of digital technology and social media, particularly perpetrator-generated images and videos, to document, glorify, and amplify acts of SGBV.⁶⁹⁷ Perpetrators documented themselves during the attacks, including while assaulting, humiliating, abducting, and killing women and desecrating their bodies.

Footage circulated by Hamas and its collaborators depicts women and girls being violently dragged, humiliated, and abducted; female corpses being abused, mocked, or burned; and female hostages being tormented, abused, taunted, or humiliated on camera.⁶⁹⁸ Other videos of female hostages show their faces covered in plastic or cloth, preventing them from seeing or breathing properly.⁶⁹⁹ In many archived cases, footage shows militants and Gazan civilians celebrating over abused female bodies.⁷⁰⁰ Such recordings were not incidental, but formed an integral component of the violence itself, magnifying the harm inflicted on victims and weaponizing their suffering for propaganda and terror.

Hamas further made strategic use of digital and social media to exert and intensify harm. The perpetrators used social media, including victims' own accounts, to broadcast and share their acts with the closest circle of family and friends, as well as to the general public.⁷⁰¹ Videos depicting abused, partially naked bodies, the abduction of a young woman lying lifeless on the back of a pickup truck, or of a mother clutching her two infant children in distress while being

696 See generally, Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6 (describing the gendered dimensions of the torture of families, including sexual violence committed in the presence of family members. The authors define kinocide as “the systematic killing, abuse, and destruction of families, whereby violence against one family member is intended to destroy the psychological, emotional, and physical integrity of the family as a whole.”); Elkayam-Levy, Cotler & Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War*, <https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/>, *supra* note 6.

697 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., *supra* notes 19-20. Videos and images archived with the Civil Commission. See also UN COI Oct. 7th Findings (2024), UN Doc. A/HRC/56/CRP.3, *supra* note 18, ¶ 155-156 (“In several cases of abduction at Nova, the women, or their dead bodies, were used as victory trophies by male perpetrators. The abduction, violence and humiliation of the women were put on public display, either on the streets of Gaza and/or by recording them and publishing the videos online.”); Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 1, p. 186 (“Human Rights Watch research yielded evidence that members of Palestinian armed groups committed acts of sexual and gender-based violence during the attacks, including acts of forced nudity, and posting of sexualized images without consent on social media.”).

698 Videos archived with the Civil Commission. See also, *supra* notes 19-20.

699 Videos archived with the Civil Commission. See also, Testimony of Ilana Gritzewsky, *supra* note 351, and accompanying text.

700 Videos archived with the Civil Commission. See also, *supra* notes 19-20, 343-344, 398-401, 576.

701 Videos archived with the Civil Commission. See also, *supra* notes 19-20. Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 6, pp 19-20, 26, 28, 59; Elkayam-Levy, Cotler & Wiseman, ‘Kinocide as a Strategy of Terrorism’, *Articles of War*, <https://lieber.westpoint.edu/kinocide-strategy-terrorism-legal-frameworks-case-law-analysis/>, *supra* note 6.

captured from her home, were widely circulated worldwide.⁷⁰² Footage of surveillance soldiers filmed during their abductions likewise reached the general public in Israel and globally.⁷⁰³ Some of the videos documented by the Commission are unknown to the general public and were only sent to family members of the victims that day or later from captivity, while others were made public, shared and re-shared, commented on, and presented as a digital spectacle.⁷⁰⁴

The families of some hostages described how they would receive phone calls from persons in Gaza, threatening to harm their captured relative. For instance, the sister of one female hostage described being subjected to “psychological games,” whereby her family would receive text messages and phone calls from Gaza, with descriptions about what they were going to do to her sister.⁷⁰⁵

Documents and materials recovered from the bodies of militants included explicit instructions and operational directives on how to film the attacks and upload them to social media platforms.⁷⁰⁶ The repeated and widespread nature of the digital dissemination demonstrate that the documentation and amplification of the violence, including SGBV, were inherent elements of the operation rather than spontaneous acts by individual perpetrators.

The digital abuse of hostages did not end with their abduction. It continued for many months after October 7th. Hamas systematically staged, produced, and disseminated videos of hostages during captivity. Hamas released multiple videos of female hostages, some of them minors, in a visibly deteriorated physical condition begging for their lives.⁷⁰⁷ In one such case, the visual sequence of a young hostage concludes with footage of her lifeless body.⁷⁰⁸ Other videos filmed by perpetrators show female captives while ill or injured, with some forced to recite statements or plead for their lives.⁷⁰⁹ These recordings of the suffering of the hostages

702 Videos archived with the Civil Commission. See also *supra* notes 19-20.

703 Detailed factual findings appear in Section I.E (*SGBV Against Hostages During Abduction*). See also, *supra* note 20. Videos archived with the Civil Commission.

704 Videos archived with the Civil Commission. See e.g., Testimony of K., *supra* note 23; Testimony of Ofri Bibas, *supra* note 361, and text accompanying notes 361-371; Interview with Avi Marciano, *supra* note 272, and text accompanying notes 272-274. See also e.g., Natalie Lisbona, *Israeli family forced to relive Hamas trauma as photo of murdered daughter wins award* (Apr. 6, 2024), *The Telegraph*, <https://www.telegraph.co.uk/world-news/2024/04/06/israeli-family-forced-to-relive-hamas-trauma-award/>.

705 Testimony of Lea Yanay in “Liel Eli — The Podcast | Episode 53: Liel Eli hosts Moran Stella Yanai and Leah Yana.” (Oct. 7, 2024), <https://www.youtube.com/watch?v=IddSpD0gl9k> (in Hebrew). See also Sheera Frenkel, *Hamas Posts Hostage Video of Woman Abducted from Israeli Music Festival*, *The New York Times* (Oct. 16, 2023), <https://www.nytimes.com/2023/10/16/world/middleeast/hamas-hostage-video-israel.html> (reporting that “[Mia Schem’s mother] said she joined two WhatsApp groups of families and friends with missing loved ones from the music festival — only to see messages from people claiming to be affiliated with Hamas, threatening to harm her daughter.”).

706 Original items referenced have been reviewed by representatives of the Civil Commission during the Civil Commission’s visit to ‘Return to October’ exhibition at the Israel Heritage & Commemoration Center (IHCC) (Sept. 15, 2025).

707 Hamas and affiliated groups repeatedly filmed and disseminated images and videos of female hostages in captivity, including staged “proof of life” recordings and abduction footage. Documented cases include videos of Mia Schem, Noa Marciano, Daniel Aloni, Yelena Trupnov, Rimon Kirsht, Noa Argamani, Dafna and Ella Elyakim, Eden Yerushalmi, Doron Katz-Asher, Kineret Gat, Liri Albag, Daniella Gilboa, Doron Stienbacher, and Karina Ariyev, among others. Videos archived with the Civil Commission.

708 Video archived with the Civil Commission. See also *supra* notes 271-274, and accompanying text.

709 Videos archived with the Civil Commission. See, e.g., Testimony of K., *supra* note 23. See also Kim Willsher, *Mother of French-Israeli hostage begs for her return as Hamas releases video*, *The Guardian* (Oct. 17, 2023), <https://www.theguardian.com/world/2023/oct/17/hamas-releases-video-of-french-israeli-woman-held-hostage> (reporting that “Hamas had released a video of Schem, who was taken hostage during the devastating attack on Israel. In the footage, Schem, whose injured arm is shown being treated by an unidentified medical worker, asks to be returned

were highly scripted, and functioned as tools of psychological warfare and terror.⁷¹⁰

12. THREATS OF FORCED MARRIAGE

Another recurring pattern identified by the Civil Commission is that captors repeatedly threatened female hostages with forced marriage or made repeated assertions of sexual ownership, entitlement, and control over hostages' bodies and futures. In some cases, this included threats that the hostages would bear their captors' children.⁷¹¹

In one such case, the captors repeatedly threatened a hostage that she would be married off to other men in the Gaza Strip, and would remain there for years.⁷¹² In another case, where a female hostage was held captive together with her mother, she described how her captor brought her a ring and demanded her mother's approval for the marriage.⁷¹³ As the hostage recounted: "He brought a ring and told me, 'Everyone else will be released, and you will stay in Gaza. You will marry me and bear my children.' He asked my mother if she approved . . . so we tried to laugh a fake laugh so they wouldn't shoot us in the head . . ."⁷¹⁴ The hostage further reported that although the ring was presented to her on the fourteenth day of captivity, the captor remained with them until the 50th day, repeatedly asserting that she would remain in Gaza after others were released and would raise his children.⁷¹⁵ In another case, a female hostage's captors told her they were planning to marry her, and one of them repeatedly made gestures at her indicating that she had become pregnant and told her he had seen her without underwear.⁷¹⁶ In yet another case, a female hostage reported that her captor repeatedly sexually intimidated and forced himself on her. When she attempted to deter him by telling him that she had a boyfriend, he treated this as a challenge, and his assaults only intensified, reinforcing his assertions of control and entitlement.⁷¹⁷

to her family as quickly as possible.”).

710 *Id.* Some released female hostages were later subjected to repeated abuse and humiliation online, with sexualized representations and innuendo specifically targeting the female hostages and only directed at them. See e.g., Seth J. Frantzman, Hamas hostage release: Chauvinism and Islamic terrorists' treatment of women — analysis, Jerusalem Post (Jan. 20, 2025), <https://www.jpost.com/israel-news/article-838363> (reporting that some social media users “took screenshots of the teenage girls who were released and tried to make it seem like the women were attracted to the Hamas men who were releasing them.”).

711 Detailed factual findings and testimonies appear in Section I.F (*SGBV Against Hostages in Captivity*). See e.g., Testimony of Ilana Gritzewsky, *supra* note 354 and accompanying text; Testimony of Agam Goldstein-Almog, *supra* note 514, and accompanying text; Testimony of K., *supra* note 516-517, and accompanying text; Testimony of Maayan Zin, *supra* note 501; Interview with Dafna Elyakim, *supra* note 498, and text accompanying notes 498-501; Interview with Noga Weiss, *supra* note 512, and accompanying text; Interview with Luis Har, *supra* note 513; Interview with Ori Megidish, *supra* note 486, and accompanying text.

712 Interview with Agam Goldstein-Almog, *supra* note 490, and accompanying text.

713 Interview with Noga Weiss, *supra* note 512, and accompanying text.

714 *Id.*

715 *Id.*

716 Testimony of K., *supra* note 516-517, and accompanying text. See also Interview with Mia Schem in Eran Itzkovitz, *Sobbing and bleeding: Mia Schem recounts sexual harassment, trauma of Gaza captivity*, Jerusalem Post (Nov. 27, 2024), <https://www.jpost.com/israel-news/article-830945> (reporting that “In a recent episode of ‘Connected: Life in War,’ Schem spoke with photographer Ziv Koren, the first to photograph her after her release, about the difficulties she had faced. . . . “His wife followed me into the bathroom. I was crying, in pain, trying to put in a tampon but failing. I was sobbing, and she started screaming at me while he banged on the door. I fainted from the pain, left with no underwear or pants.” She further described the sexual harassment she experienced from her captor, who “kept reminding me that he had seen me without underwear.”).

717 Interview with Ori Megidish, *supra* note 486, and accompanying text.

Another hostage recounted that her captor came to her and hugged her, and told the Commission: “One of [the captors] saw me, came to me, hugged me, said I was beautiful, that I’m going to marry him. He stole my necklace, my earrings. He said I’m beautiful, I’m going to marry him, this is going to be my life.”⁷¹⁸ Another hostage reported attempting to protect a 17-year-old girl after one of their captors told her he wanted to marry her. Both were subsequently threatened with a large knife.⁷¹⁹ Additionally, some female hostages were forced to cook for their captors’ families, play with their children and clean their houses and toilets.⁷²⁰ While these instances were distinct from threats of forced marriage, both acts forcibly placed the hostages into intimate, family-like contexts with their captors under coercion. This coerced intimacy stripped hostages of their sense of identity, with several female hostages describing feeling as though they were an “object,” “property,” or a “prize” of their captors, both during the abductions and throughout captivity.⁷²¹

The similarities from all these examples suggest a pattern of threats of forced marriage experienced by female hostages while in captivity, and more may come to light as returning hostages continue to speak out about what they endured.

13. RAPE AND OTHER FORMS OF SEXUAL VIOLENCE AGAINST BOYS AND MEN

While women and girls constituted the majority of victims of SGBV and were disproportionately affected by the SGBV committed on October 7th and subsequently in captivity, the Commission has found that there was a discernible pattern of boys and men who were subjected to extreme forms of sexual violence, sexual torture and sexual humiliation, including rape, forced nudity, mutilation, targeted burning in genitals and repeated sexual assaults. Although these violations overlap with the broader patterns of sexual violence documented in the preceding sections, the Commission determined that the scale, severity, and distinct modes of abuse directed at male victims warrant dedicated analysis.⁷²²

During the day of the attacks, male victims were subjected to extreme forms of sexualized violence and had their genital areas targeted, including through gunshots, intentional burning, mutilation, forced undressing, and post-mortem desecration.⁷²³ At least one male victim who

718 Testimony of Ilana Gritzewsky, *supra* note 354 and 507, and accompanying text.

719 Interview with Luis Har, *supra* note 513.

720 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g., Testimony of Shira Elbag, *supra* note 521, and accompanying text; Interview with Shlomi Berger, *supra* note 518, and accompanying text. See also Yael Ciechanover, *4 returned hostages were held in apartments and tunnels, and forced to cook for the terrorists*, Ynet (Jan. 26, 2025), <https://www.ynetnews.com/article/skxrfnfdjg> (reporting that “Daniela Gilboa, Liri Albag, Naama Levy and Karina Ariev, who returned to Israel on Saturday after 477 days in Hamas captivity, were held throughout the period in civilian apartments and tunnels, in poor sanitary conditions, and often did not shower for long periods. They were forced to cook and clean for their captors, sometimes even while receiving little food for themselves.”); “Noa Argamani: IDF spotters were ‘held as slaves’ in a luxury villa in Gaza, then taken into tunnels,” i24 News (Jun. 15, 2024), <https://www.i24news.tv/en/news/israel-at-war/artc-noa-argamani-idf-spotters-were-held-as-slaves-in-a-luxury-villa-in-gaza-then-taken-into-tunnels>.

721 See e.g., Interview with Hagar Brodutch, *supra* note 355, and text accompanying notes 355-357; Interview with Moran Stella Yanay, *supra* note 377, and accompanying text; Testimony of Ilana Gritzewsky, *supra* note 503, and text accompanying notes 503-506 Testimony of Amit Soussana, *supra* note 436–458, and accompanying text.

722 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*).

723 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). Images and videos archived with the Civil Commission. See also *supra* notes 395-396, describing the case of Joshua Mollel, and note 579.

survived was gang raped.⁷²⁴ Other documented cases by the Commission include a young man whose groin was intentionally set on fire,⁷²⁵ a foreign student who was abused and undressed and whose body was subsequently desecrated,⁷²⁶ and bodies of men found naked or partially naked or with their penises mutilated after death.⁷²⁷

Male hostages also experienced sexual violence in captivity. One hostage was stripped naked, tied up, and whipped by his captors, for a prolonged period of time.⁷²⁸ Another male hostage who was recently released shared that his captor sexually assaulted him, entering the shower while he was bathing and began to touch him and soap his body.⁷²⁹ In another case, a male hostage was assaulted by his captor at gunpoint and with a knife held against his throat, whereby his captor proceeded to kiss him, touch him, and rub his genitals against his anus.⁷³⁰ Some hostages were forced to shave their entire bodies, including their pubic hair, in front of their captors, and endure sexual humiliation and abuse.⁷³¹ Other hostages repeatedly reported sexual humiliation by captors, as well as weekly visits where they were all forced to undress in front of their captors.⁷³²

In another case, a returning male hostage recently described that a guard repeatedly attempted to pressure him into performing a sexual act on himself.⁷³³ He described this conduct as part of his captors' broader acts and practices of torture and psychological torment. The same hostage also reported that his captors filmed him in the shower (reportedly once per week), using a hidden camera positioned to film him while he was naked.⁷³⁴ He recounted attempting to shield his body from the camera's view: "I noticed it and I showered trying to avoid my private parts toward this angle."⁷³⁵

The Commission emphasizes that these violations must be treated with the same seriousness as other forms of SGBV. Sexual violence against boys and men constituted a recurring and intentional pattern of abuse and torture of victims, and was employed as a tool of domination, humiliation, and terror. Recognizing and documenting this pattern is essential to ensuring that male victims are not rendered invisible in the legal and historical record. A dedicated focus on these crimes is therefore required to ensure that the full spectrum of sexual violence is reflected in future investigations and prosecutions.

724 Testimony of D., *supra* note 127, and text accompanying notes 127-132.

725 Images and videos archived with the Civil Commission.

726 Videos archived with the Civil Commission.

727 Detailed factual findings appear in Section I (*Geographic Findings: Attacked Sites and Communities*). See e.g. Testimony of Eran Masas, *supra* note 170, and accompanying text; Testimony of Nachman Shai Revivo, *supra* note 174, and text accompanying notes 174-176; Interview with Tali Biner, *supra* note 126, and accompanying text. See also, e.g., Anonymous witness testimony given during a meeting of the Knesset Committee for the Advancement of the Status of Women, *supra* note 159, and accompanying text. Another first responder testified that he observed the body of a man whose mouth contained severed male genitalia. Testimony of Chaim Otmazgin, *supra* notes 177-178 and 210-216, and accompanying text; also documented in writing on February 23, 2026.

728 Interview with Rom Braslavski, *supra* note 428, and text accompanying notes 428-430.

729 Interview with Alon Ohel, *supra* note 431, and text accompanying notes 431-432.

730 Interview with Guy Gilboa Dalal, *supra* note 425, and text accompanying notes 425-427.

731 See e.g., Testimony of Keith Siegel; *supra* note 461, and text accompanying notes 461-466; Interview with Eli Sharabi, *supra* note 477, and accompanying text; Testimony of Aviva Siegel, *supra* note 476.

732 Interview with Eliya Cohen, *supra* note 478, and accompanying text.

733 Interview with Sasha Troufanov, *supra* note 433, and accompanying text.

734 *Id.*

735 *Id.*

B. CONCLUDING OBSERVATIONS

After a thorough factual investigation and analysis, the evidentiary record reviewed by the Civil Commission supports the conclusion that the SGBV perpetrated during the October 7th attacks and in the subsequent captivity of hostages formed an integral component of the operation. Across multiple attack sites and phases (ground assaults, abduction/transfer, and in captivity), the Commission documented **recurring patterns** across different locations of rape and gang rape; sexual torture; genital targeting (including burning, mutilation, and gunshot wounds directed at intimate areas); forced nudity and exposure; binding and restraint; post-mortem sexual humiliation and desecration; public parading and display of women and children; abduction of mothers and children; SGBV in the presence or near vicinity of family members; and perpetrator-driven filming and digital dissemination of acts of SGBV. The **repetition, similarities and internal coherence** of these patterns across geographically distinct locations and among different groups of perpetrators and holding sites in captivity, constitute an objective indicator to the *organized nature* of the SGBV that was documented by the Commission, and of the improbability of random occurrence.

Importantly, captivity did not represent a break from the violence. It functioned as a **continuation and extension** of the same coercive violence. Accounts of released hostages describe sexual violence, sexual torture, sexual humiliation, coercive threats, and gendered patterns of abuse continuing over time, often paired with cruel and inhumane treatment, filming of victims, restraints, sexual acts at gunpoint, deprivation, and repeated sexual assaults. This continuity is legally significant: it supports inferences about **preplanning, operational tolerance, repetition, and foreseeability** across units and locations, particularly where victims that were held at different sites report convergent methods of sexual violence, humiliation and control.

That boys and men were also subjected to sexual violence does not dilute the gendered character of these crimes. Feminist scholarship and jurisprudence from international criminal courts and tribunals treat sexual violence as gendered not because only women are targeted, but because sexual harm is often used to **enforce gendered hierarchies, exploit sexuality as a tool to dominate and torment victims, emasculate male victims and degrade them**, and weaponize social meanings attached to bodies, sexuality, reproduction, and gender roles.

“They abused the bodies at the most extreme levels...”

Amit Ezra, a family member who went to the Nova festival in an attempt to rescue his sister



PART II

LEGAL ANALYSIS

I. CRIMES UNDER INTERNATIONAL LAW

On October 7th, 2023, more than five thousand members of Hamas and other affiliated groups infiltrated and captured civilian villages and towns in Israel, as well as a number of military bases.¹ Within hours, over 1,200 people, including women, children, the elderly, and young adults, were killed, and thousands were severely wounded. In addition to those murdered and wounded, over 250 people were kidnapped and taken hostage, the majority of whom were civilians.² These acts constitute numerous international crimes, and other grave violations of international law.

The following legal analysis will first examine relevant international crimes applicable to the attack.³ It will then review international criminal jurisprudence on modes of liability, particularly with respect to those employed in prosecutions of sexual and gender-based crimes (SGBC). Finally, it will examine relevant jurisprudence with respect to the evidence utilized to prove SGBC, including testimony from survivors, direct witnesses and expert witnesses, as well as forensic evidence and other circumstantial evidence. This examination underscores that courts

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- 1 See *Introduction and Background and Context* and Part I (*Factual Findings*) (setting forth the factual and legal framework relevant to the present analysis).
 - 2 Among those abducted were women, children, infants, family members, the elderly, people with disabilities, and a small number of *hors de combat* soldiers.
 - 3 In applying the elements of the relevant international crimes to the Civil Commission's factual findings, this chapter relies primarily on the Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 3 (hereinafter: 'Rome Statute'); customary international law and the statutes of the ad hoc international criminal tribunals, as well as the Geneva Conventions (Geneva Convention Relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31 (hereinafter: 'Geneva Convention I'); Geneva Convention Relative for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85 (hereinafter: 'Geneva Convention II'); Geneva Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135 (hereinafter: 'Geneva Convention III'); Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 (hereinafter: 'Geneva Convention IV') and their Additional Protocols (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Jun. 8, 1977, 1125 U.N.T.S. 3 (hereinafter: 'Additional Protocol I'); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Jun. 8, 1977, 1125 U.N.T.S. 609 (hereinafter: 'Additional Protocol II')) and key international conventions such as the Convention on the Prevention and Punishment of the Crime of Genocide (Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277 (hereinafter: 'Genocide Convention')). The analysis further examines "additional violations of international law" and addresses applicable treaties and instruments, including the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, Dec. 10, 1984, U.N.T.S. 1465 (hereinafter: 'Convention against Torture') and the Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, U.N.T.S. 1249 (hereinafter: Convention on the Elimination of All Forms of Discrimination against Women), the evolving United Nations framework addressing sexual and gender-based violence in the context of terrorism, the Women, Peace and Security agenda as articulated in successive Security Council resolutions, and other emerging norms. See, e.g., the draft Convention on the Prevention and Punishment of Crimes Against Humanity, and relevant articles which are currently under consideration in the UN General Assembly's Preparatory Committee. See *Draft Articles on Prevention and Punishment of Crimes Against Humanity*, adopted by the International Law Commission at its seventy-first session (2019), submitted to the UN General Assembly, U.N. Doc. A/74/10 (2019), https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf (hereinafter: "Draft Treaty on Crimes Against Humanity"); Lastly, the analysis provides relevant jurisprudence of international criminal courts and tribunals, most notably the ICC, the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Tribunal for the former Yugoslavia (ICTY), as well as relevant decisions of domestic and international human rights bodies, which in many instances reflect customary international law. Note that this chapter provides a preliminary legal assessment of the crimes documented in the report and is not intended as an exhaustive element-by-element application of all relevant crimes under the Rome Statute or other instruments of international criminal law.

have relied upon diverse sources of evidence in determining whether an act of SGBV constitutes an international crime. The analysis further addresses the evidence deemed sufficient to demonstrate a nexus between the SGBC and the overarching context of violence.

During the past 20 years, sexual violence against both women and men has occurred in numerous armed conflicts globally, including in the Democratic Republic of Congo (“DRC”), Iraq, Sri Lanka, Chechnya, the Central African Republic, Iran, Kenya, the former Yugoslavia, Rwanda, Uganda,⁴ and, more recently, Ukraine, Sudan, Afghanistan, Haiti and Ethiopia.⁵ Across contexts, SGBC have been prosecuted as war crimes, crimes against humanity, and, in certain cases, as an act of genocide. The factual circumstances examined in international case law in which sexual violence has been successfully prosecuted as an international crime, bear meaningful similarities to the acts of sexual and gender-based violence documented across the attack sites on October 7th and against hostages in captivity, as brought herein. While the investigation and prosecution of sexual and gender-based crimes in armed conflict is often complex, international jurisprudence demonstrates the viability of criminal accountability for such crimes.

Importantly, the case law makes clear that there is no requirement to show that rape or other SGBC were widespread or systematic for such acts to be prosecuted as international crimes. Rather, it is sufficient to provide evidence of a single or a few instances of SGBC and their nexus to the broader criminal context constituting a war crime, crime against humanity or genocide.⁶ As shall be discussed, whether the attack is examined within the framework of an international armed conflict between Israel and Palestine or a non-international armed conflict between Israel and Hamas, as recognized by ICC Pre-Trial Chamber I,⁷ by virtue of its target—

4 Valorie K. Vojdik, *Sexual Violence Against Men and Women in War: A Masculinities Approach*, 14 Nev. L.J. 923, 928. (2014).

5 Caroline Kapp, *The Devastating Use of Sexual Violence as a Weapon of War*, Think Global Health (Nov. 2, 2022), <https://www.thinkglobalhealth.org/article/devastating-use-sexual-violence-weapon-war> (reporting on the prevalence of sexual violence used to torment, punish, and control civilian populations in multiple contemporary conflicts); See also U.N. Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence*, U.N. Doc. S/2025/389 (Jul. 15, 2025) (hereinafter: “U.N. Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) U.N. Doc. S/2025/389 (2025)”).

6 See, e.g., *Prosecutor v. Furundžija*, IT-95-17/1-T, Judgment, ¶ 65 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 10, 1998) (hereinafter: “ICTY, *Prosecutor v. Furundžija* (1998)”). With respect to a nexus to an armed conflict, courts generally consider a number of factors in determining if a war crime occurred, including the status of the victims and perpetrators, and whether the acts served the ultimate goal of the military campaign, or if they were committed as part of the official duties of the accused. See *Prosecutor v. Al Hassan*, ICC-01/12-01/18, Trial Judgment, ¶ 1275 (Jun. 26, 2024) [hereinafter: “ICC, *Prosecutor v. Al Hassan* (2024)"]. The ICC has considered similar factors when determining the nexus of a SGBC to an attack against a civilian population for purposes of characterizing it as a crime against humanity analysis. See *Prosecutor v. Ntaganda*, ICC-01/04-02/06, Trial Judgment, ¶ 732 (Jul 8, 2019) (hereinafter: “ICC, *Prosecutor v. Ntaganda* (2019)”). With respect to genocide, nexus is established when a court finds that the perpetrator committed the SGBC with genocidal intent. See Int’l Crim. Ct. [ICC], *Elements of Crimes*, ISBN No. 92-9227-232-2 (2011), art. 6(a)(3), available at: <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf> (hereinafter: “ICC, *Elements of Crimes*”).

7 See Situation in the State of Palestine, ICC-01/18, Decision on Israel’s request for an order to the Prosecution to give an Article 18(1) notice, ¶ 15 (Nov. 21, 2024); Int’l Crim. Ct. [ICC], *Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri (Deif)*, Press Release, (Nov. 21, 2024), available at: <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-issues-warrant-arrest-mohammed-diab-ibrahim>.

the Israeli civilian population—and its scale, the October 7th attack qualifies as a widespread attack under international law. Moreover, the perpetrators’ *modus operandi* and the deliberate, repeated targeting of civilians demonstrate a high degree of advance planning and operational coordination.⁸ The acts perpetrated by Hamas and affiliated armed groups were intended to advance a policy aimed at terrorizing, humiliating, and degrading the Israeli population, and involved inciting of other groups and/or states to open additional fronts against Israel.⁹

As documented by the Civil Commission and set out in the factual findings of this report, SGBV against Israeli men and women constituted a central component of the attack. The SGBV occurred as part of the larger attack and immediately continued in captivity. Acts of sexual and gender-based violence were similarly repeated in numerous documented incidents, alongside killings, abductions, torture, burning, and other grave violations of international law. During abduction, transfer, and captivity, women, men, and children were subjected to sexual violence, sexualized torture, humiliation, coercion, and ongoing suffering. In light of the enduring and devastating consequences of such violence for victims and their families, these crimes warrant a distinct and focused legal response. The commission of the crimes should serve as the basis for individual criminal liability before Israeli courts, as well as before other countries’ courts under the principle of universal or extraterritorial jurisdiction.¹⁰

“One terrorist started touching me; he put his hand under my shirt and started sliding it down my leg. That’s when I fainted”

Ilana Gritzewsky, Former Hostage

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- 8 Hamas, in its attack on Israel, was aided by collaborators of different kinds. Some were members of other armed groups, such as the Palestinian Islamic Jihad and the Democratic Front for the Liberation of Palestine; others were Gazan civilians. See *Introduction* and *Background and Context*. See also U.N. Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council), U.N. Doc. S/2025/389 (2025), *supra* note 5, ¶ 35 (“Both my Special Representative and the Commission of Inquiry found that the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, including the military arms of Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Popular Resistance Committees and the Palestinian Mujahideen Movement, as well as civilians from Gaza. My Special Representative concluded that the complexity and *modus operandi* of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected. See UN Security Council, *Mission Report: Official Visit of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to Israel and the occupied West Bank 29 January – 14 February 2024*, UN Doc. S/2024/217 (Mar. 6, 2024) <https://docs.un.org/en/S/2024/217>, (hereinafter: “UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024)”). In May 2024, the Prosecutor of the International Criminal Court submitted applications for warrants for the arrest of three political and military commanders of Hamas, citing reasonable grounds to believe that they bear criminal responsibility for war crimes and crimes against humanity, including rape and other forms of sexual violence, committed on the territory of Israel and the State of Palestine from at least 7 October 2023.”). See also Human Rights Watch, *“I Can’t Erase All the Blood from My Mind”: Palestinian Armed Groups’ October 7 Assault on Israel* (July 17, 2024), <https://www.hrw.org/report/2024/07/17/i-cant-erase-all-blood-mind/palestinian-armed-groups-october-7-assault-israel>, (hereinafter: “Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024)”), at 3, 9–12, 29–35, 204–210, 233–234.
- 9 *Id.*; See *Introduction* and *Background and Context*, as well as the following legal analysis herein. See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 8, at 211–235.
- 10 At the ICC, the status and trajectory of proceedings against Hamas leadership remain uncertain. Yet meaningful accountability for the crimes committed on October 7th, particularly the conflict-related sexual violence, must be pursued through additional legal avenues.

A. WAR CRIMES

Customary international humanitarian law prohibits rape and other forms of sexual violence.¹¹ The Rome Statute specifically prohibits rape and other sexual violence as a war crime.¹² SGBV, including rape, mutilation, forced nudity, or any other form of sexual violence, may amount to war crimes when committed “in the context of” and when “associated with” an armed conflict.¹³ The act in question may be linked to the attack even where the SGBV is temporally or geographically removed from the actual fighting,¹⁴ as long as the conflict “played a substantial part in the perpetrator’s ability to commit the crime, the decision to commit it, the purpose of the commission, or the manner in which the crime was committed.”¹⁵

The evidence gathered by the Commission suggests that multiple acts committed by Hamas, affiliated armed-groups, and individuals, documented across different attack sites, constitute war crimes under Article 8 of the Rome Statute and under customary international law.¹⁶ These include, *inter alia*, killings, torture and cruel treatment, intentionally directed attacks against the civilian population and civilian objects, extensive destruction and appropriation of property, the taking of hostages, and acts of rape, gang rape, and other forms of sexual and gender-based violence, such as forced nudity and mutilation, that were perpetrated during and in direct connection with the attack and in captivity.¹⁷

As mentioned above, the attacked civilian communities in the Gaza Periphery were the primary targets of the attacks and were not taking part in hostilities.¹⁸ During the attacks, Hamas and

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- 11 Int’l Comm. of the Red Cross (ICRC), Rule 93. Prosecution of War Crimes, in Customary International Humanitarian Law, vol. I: Rules 568 (Jean-Marie Henckaerts & Louise Doswald-Beck eds., Cambridge Univ. Press 2005) (hereinafter: ‘ICRC, Customary International Humanitarian Law (Vol. I)'). While Common Article 3 to the Geneva Conventions of 1949 does not specifically mention rape, it prohibits the infliction of “violence to life and person,” including “cruel treatment and torture,” as well as “outrages upon personal dignity, in particular humiliating and degrading treatment” on anyone not participating in the conflict. See also Theodor Meron, *Rape as a Crime under International Humanitarian Law*, 87 Am. J. Int’l L. 424 (1993); Indira Rosenthal, Valerie Oosterveld & Susana SáCouto, *Introduction, in Gender and International Criminal Law* (Indira Rosenthal, Valerie Oosterveld & Susana SáCouto eds., Oxford Univ. Press 2022).
- 12 Rome Statute, *supra* note 3, art. 8. Acts of sexual and gender-based violence may also constitute the war crime of outrages upon personal dignity.
- 13 See ICC, Elements of Crimes, *supra* note 6, arts. 8(2)(a)(4), 7(1)(a)(2), 6(a)(4), 8(2)(a)(4), 8(2)(b)(xxii)-1 to -5 ¶ 3, 8(2)(b)(xxii)-6 ¶ 4; ICC, *Prosecutor v. Ongwen*, ICC-02/04-01/15, Judgment, ¶ 2689 (Feb. 4, 2021) [hereinafter: “ICC, *Prosecutor v. Ongwen* (2021)"]; ICC, *Prosecutor v. Ntaganda*, *supra* note 6, ¶ 731. See also Noëlle Quéniwet, *Sexual Violence on October 7* (Dec. 19, 2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/sexual-violence-october-7/>.
- 14 ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶ 2689. In Furundžija, the ICTY Trial Chamber determined that one rape by an active combatant of a Muslim civilian who was being held by a Croatian military police unit was sufficient to link the crime to the conflict. See ICTY, *Prosecutor v. Furundžija* (1998), *supra* note 6, ¶ 65.
- 15 ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 731; ICC, *Prosecutor v. Katanga*, ICC-01/04-01/07, Judgment, ¶ 1176 (Mar. 7, 2014) [hereinafter: “ICC, *Prosecutor v. Katanga* (2014)"].
- 16 Common Article 3 to the Geneva Conventions of 1949; ICRC, Customary International Humanitarian Law (Vol. I), *supra* note 11, rules 1,50, 52 89, 90 and 113; Rome Statute, *supra* note 3, art. 8; ICC, Elements of Crimes, *supra* note 6, art. 8. Rome Statute, *supra* note 3, arts. 8(2)(b)(xxii) and 8(2)(c)(i); ICC, Elements of Crimes, *supra* note 6, arts. 8(2)(a)(4); 7(1)(a)(2); 6(a)(4), 8(2)(a)(4); ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶ 2689; ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 731.
- 17 *Id.* See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), 218-235; Noëlle Quéniwet, *Sexual Violence on October 7* (Dec. 19, 2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/sexual-violence-october-7/>.
- 18 See Part I (‘Factual Findings’). See also U.N. Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) U.N. Doc. S/2025/389 (2025), *supra* note 5, ¶ 35. See also The Civil Commission on October 7th Crimes by Hamas Against Women and Children, Kinocide: Uncovering the Weaponization of Families on

affiliated armed groups tortured, burned and executed civilians, including children, often in front of their relatives.¹⁹ Female bodies were found naked, abused, and mutilated, and exhibited gunshot wounds to the head, face, and genital area.²⁰ The Civil Commission identified at least thirteen recurring patterns of SGBV and extensively documented the cases in a secured archive.²¹ These include acts of rape and sexual violence committed against hostages who were captured and taken into Gaza, both during their abductions and subsequently in captivity.²² Hostages were also subjected to severe mental and physical pain and suffering in captivity, which was often intended to humiliate and degrade them.²³

As noted above, the qualification of the conduct described herein as war crimes turns on the existence of an armed conflict and the requisite nexus between that conflict and the alleged acts. In this regard, it is commonly acknowledged that there is an ongoing armed conflict between Israel and Hamas, most recently recognized by ICC Pre-Trial Chamber I.²⁴ This conclusion is strengthened by the statement of the Prosecutor of the ICC, who, in seeking charges against Hamas leaders Yahya Sinwar, Ismail Haniyeh, and Mohammed Deif for the commission of war crimes, including sexual crimes, on October 7th, stated that the acts took place in the context of both an international armed conflict between Israel and Palestine and a non-international armed conflict between Israel and Hamas.²⁵ The conflict itself further formed a substantial part in the perpetrators' ability, decision and purpose to commit their crimes, on October 7th and against hostages in captivity, as well as the prolonged manner in which these crimes were committed.²⁶ Both perpetrators who took part in the fighting, and captors who exploited their position of authority and control over hostages, tortured victims and sexually abused them, whether dead or alive.²⁷

SGBV committed on October 7th can also constitute the war crime of outrages upon personal dignity. As acknowledged by the ICTY Trial Chamber in *Kvočka et al*, rape and sexual violence, including forced nudity, cause "severe physical or mental pain and amount to [the war crime of] outrages upon personal dignity."²⁸ Additionally, in *Sesay et al.*, the Special Court for Sierra

October 7, 2023, https://www.civilc.org/files/ugd/aab121_00115134734b4e8ea6d91de6ad08132c.pdf (hereinafter: "Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*") (documenting the attacks on communities).

19 Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 18, pp. 4, 13–16, 18–19, 22–25.

20 See Part I (*Factual Findings*).

21 See Part I (*Factual Findings*), Section III (*Thematic Analysis: Identified Patterns*).

22 See Part I (*Factual Findings*), Section I.E (*SGBV Against Hostages During Abduction*) and Section I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section III (*Thematic Analysis: Identified Patterns*).

23 *Id.*

24 See Int'l Crim. Ct. [ICC], *Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri (Deif)*, Press Release, (Nov. 21, 2024), available at: <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-issues-warrant-arrest-mohammed-diab-ibrahim>.

25 Int'l Crim. Ct. [ICC], *Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine* (May 20, 2024), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

26 See Part I (*Factual Findings*), Section I.E (*SGBV Against Hostages During Abduction*) and Section I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section III (*Thematic Analysis: Identified Patterns*).

27 See Part I (*Factual Findings*).

28 *Prosecutor v. Kvočka*, IT-98-30/1-T, Judgment, ¶ 170 (Int'l Crim. Trib. for the Former Yugoslavia Nov. 2, 2001) [hereinafter: "ICTY, *Prosecutor v. Kvočka* (2001)"]; See also Noëlle Quéniwet, *Sexual Violence on October 7* (Dec. 19,



Photo by the US Embassy | Kfar Aza, June 1, 2024

Leone considered that the “slitting” of “private parts of several male and female civilians with a knife” and “insert[ing] a pistol into the vagina of one of the female captives where it remained overnight” constituted the war crime of outrages upon personal dignity.²⁹ The war crime of outrages upon personal dignity also extends to acts committed against dead persons.³⁰ In this respect, the Civil Commission likewise documented cases in which bodies were found with various objects, including nails, aluminum cans and other items, inserted into their genitals, and with breasts and genitalia mutilated or bearing injuries consistent with cutting.³¹

2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/sexual-violence-october-7/>; UN Security Council, *Statute of the Special Court for Sierra Leone*, January 16, 2002, art. 3(e). See also Sara Meger, *Rape Loot Pillage: The Political Economy of Sexual Violence in Armed Conflict* 115, 129 (Oxford Univ. Press 2016).

29 *Prosecutor v. Sesay*, SCSL-04-15-T, Judgment, ¶¶ 1208, 1308–09 (Mar. 2, 2009); See also Noëlle Quéniwet, *Sexual Violence on October 7* (Dec. 19, 2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/sexual-violence-october-7/>.

30 See Common Article 3 to the Geneva Conventions; ICRC, *Customary International Humanitarian Law* (Vol. I), *supra* note 11, rule 90, 113 (“The Elements of Crimes further specifies that degrading treatment can apply to dead persons and that the victim need not be personally aware of the humiliation.”).

31 See Part I (*Factual Findings*), Section III (*Thematic Analysis: Identified Patterns*).

B. CRIMES AGAINST HUMANITY

Crimes against humanity are considered customary international law and were first recognized in the charter of the Nuremberg International Military Tribunal of 1945.³² Their inclusion reflected a determination to prohibit conduct of such exceptional gravity that “endangered the international community or shocked the conscience of mankind.”³³ Rape and other acts of sexual violence have been expressly articulated as crimes against humanity in the Statutes of the main international criminal courts and tribunals.³⁴ Article 7(1)(g) of the Rome Statute lists rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, “or any other form of sexual violence of comparable gravity” as acts that may constitute crimes against humanity.³⁵ To constitute a crime against humanity, the act of SGBV must have been committed *as part of* a widespread or systematic attack directed against a civilian population.³⁶ In determining if such a nexus exists, “due regard must be given to the characteristics, aims, nature and consequences of the acts concerned.”³⁷

According to established international jurisprudence of the ICTY and ICTR, the term “widespread” refers to the “large-scale nature of the attack and the number of victims”, while “systematic” refers to the “organized nature of the acts of violence and the improbability of their

32 Charter of the International Military Tribunal, art. 6(c), Aug. 8, 1945, 82 U.N.T.S. 279.

33 See *History of the United Nations War Crimes Commission and the Development of the Laws of War*, compiled by the United Nations War Crimes Commission, 1948, p. 179-180 (including among the conclusions of the Legal Committee, that “As a rule systematic mass action... was necessary to transform a common crime...into a crime against humanity... Only crimes which either by their magnitude and savagery or by their large number or by the fact that a similar pattern was applied at different times and places, endangered the international community or shocked the conscience of mankind, warranted intervention by States other than that on whose territory the crimes had been committed, or whose subjects had become their victims”); See generally M. Cherif Bassiouni, *Crimes Against Humanity: Historical Evolution and Contemporary Application* (New York: Cambridge University Press 2011).

34 Statute of the International Criminal Tribunal for Rwanda, art. 3(g), S.C. Res. 955, U.N. Doc. S/RES/955 (Nov. 8, 1994); Statute of the International Criminal Tribunal for the Former Yugoslavia, art. 5(g), S.C. Res. 827, U.N. Doc. S/RES/827 (May 25, 1993); Statute of the Special Court for Sierra Leone, art. 2(g), S.C. Res. 1315, U.N. Doc. S/RES/1315 (Aug. 14, 2000). The Akayesu case, in which rape was also charged as a crime against humanity, first defined the international crime of rape as “a physical invasion of a sexual nature, committed against a person under circumstances which are coercive.” See *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment, ¶ 598 (Sept. 2, 1998) (hereinafter: “ICTR, *Prosecutor v. Akayesu* (1998)”). See also Caterina E. Arrabal Ward, *Wartime Sexual Violence at the International Level: A Legal Perspective* 59, 64 (Brill Nijhoff 2018). This definition was subsequently adopted, using slightly different terminology, in cases before the ICTR and ICTY including the Čelebići, Musema, Niyitegeka and Muhimana cases. See *Prosecutor v. Delalić*, IT-96-21-T, Judgment, ¶ 479 (Int’l Crim. Trib. for the Former Yugoslavia Nov. 16, 1998) (hereinafter: “ICTY, *Prosecutor v. Delalić* (1998)”); *Prosecutor v. Musema*, ICTR-96-13-T, Judgment & Sentence, ¶¶ 220, 226 (Jan. 27, 2000) (hereinafter: “ICTR, *Prosecutor v. Musema* (2000)”); ICTR, *Prosecutor v. Niyitegeka*, ICTR-96-14-T, Judgment & Sentence, ¶ 456 (May 16, 2003) (hereinafter: “ICTR, *Prosecutor v. Niyitegeka* (2003)”); *Prosecutor v. Muhimana*, ICTR-95-1B-T, Judgment & Sentence, ¶¶ 535–51 (Apr. 28, 2005) (hereinafter: “ICTR, *Prosecutor v. Muhimana* (2005)”). The ICC subsequently defined the crime against humanity of rape as an invasion of “the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body”, which was “committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment” or “committed against a person incapable of giving genuine consent.” See ICC, *Elements of Crimes*, *supra* note 6, art. 7(1)(g)-1, ¶¶ 1-2.

35 Rome Statute, *supra* note 3, art. 7(1)(g).

36 *Id.*, art. 7(1); *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶ 2688; ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 727.

37 ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶ 2688, citing ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 696 and ICC, *Prosecutor v. Katanga* (2014), *supra* note 15, ¶ 1124. In addition, an isolated act that clearly differs with respect to such aims, nature or consequences cannot be deemed part of the attack. See ICC, *Prosecutor v. Katanga* (2014), *supra* note 15, ¶ 1124.

random occurrence.”³⁸ The ICTY and ICTR have repeatedly held that “patterns of crimes—that is the non-accidental repetition of similar criminal conduct on a regular basis—are a common expression of such systematic occurrence.”³⁹ Similar definitions have been adopted by the ICC Pre-Trial Chamber, which, in the *Ruto, Koshey and Sang* case described an attack as widespread because it was “massive, frequent, carried out collectively with considerable seriousness and directed against a large number of civilian victims,” demonstrated by “the geographical scope of the attack, which covered four different locations in two districts.”⁴⁰

In this regard, the Civil Commission has assessed the numerous grave assaults and violations committed by perpetrators on October 7th as widespread, systematic and as forming part of a broader attack against a civilian population, thereby fulfilling the contextual elements of crimes against humanity. The large-scale killing, wounding, rape, sexual abuse, burning, mutilation, hostage taking, and torture of civilians—including families and individuals—in their own homes, on roads, in shelters, and in the vicinity of the Nova Festival, all documented by the Commission, satisfies the contextual requirement that the conduct was widespread.⁴¹ Additionally, the acts of sexual violence formed an inherent part of the attack against the civilian population on October 7th and in captivity, and were documented across different locations.⁴²

Jurisprudence of the ICC moreover confirms that “it need not be shown that each act [of sexual violence] was committed pursuant to or in furtherance of the [State or organizational]

38 For conduct to qualify as crimes against humanity, the attack directed against a civilian population must be either widespread or systematic. It need not be both, See *Prosecutor v. Kordić et al.*, IT-95-14/2-A, Appeals Judgment, ¶ 94 (Int'l Crim. Trib. for the Former Yugoslavia Dec. 17, 2004); *Prosecutor v. Blaškić*, IT-95-14-A, Appeals Judgment, ¶ 101 (Int'l Crim. Trib. for the Former Yugoslavia July 29, 2004); *Prosecutor v. Kunarac et al.*, IT-96-23-T & IT-96-23/1-T, ¶ 94 (Int'l Crim. Trib. for the Former Yugoslavia Feb. 22, 2001) (hereinafter: “ICTY, *Prosecutor v. Kunarac et al.* (2001)”); *Prosecutor v. Nahimana et al.*, ICTR-99-52-A, Appeals Judgment, ¶ 920 (Nov. 28, 2007).

39 See *Prosecutor v. Kordić et al.*, IT-95-14/2-A, Appeals Judgment, ¶ 94 (Int'l Crim. Trib. for the Former Yugoslavia Dec. 17, 2004); ICTY, *Prosecutor v. Blaškić*, IT-95-14-A, Appeals Judgment, ¶ 101 (Int'l Crim. Trib. for the Former Yugoslavia July 29, 2004); ICTY, *Prosecutor v. Kunarac et al.* (2001), *supra* note 38, ¶ 94; ICTR, *Prosecutor v. Nahimana et al.*, ICTR-99-52-A, Appeals Judgment, ¶ 920 (Nov. 28, 2007).

40 *Prosecutor v. Ruto et al.*, ICC 01/09 01/11, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, ¶¶ 176–179 (Jan. 23, 2012). It further described the attack as systematic, because the perpetrators identified houses “to be attacked in the different target locations...[made] sure that the selected properties were attacked and burned down... approached the target locations simultaneously, in large numbers, and from different directions, by vehicles or on foot, or both...erected roadblocks around such locations with a view toward intercepting [victims] attempting to flee, with the aim of eventually killing them...[and] used petrol and other inflammable material to systematically burn down the properties.” In the *Muthaura, Kenyatta and Ali* case, the Pre-Trial Chamber likewise described an attack as “organized and systematic” because of: “(i) the ferrying of attackers from other locations specifically for the purpose of the attack; (ii) the recruitment of new members... specifically for the purpose of participating in the attack; (iii) the provision of uniforms and weapons to the attackers; and (iv) the precise identification of the targets of the attack.” *Prosecutor v. Muthaura et al.*, ICC 01/09 02/11, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, ¶ 158 (Jan. 23, 2012).

41 See Part I (*Factual Findings*).

42 *Id.* Similar conclusions were reached by the Council of the European Union that recognized the commitment of “widespread sexual and gender-based violence in a systematic manner, using it as a weapon of war” in the context of the EU Global Human Rights Sanctions Regime. See Council Implementing Regulation (EU) 2024/1073 of 12 April 2024 implementing Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses, 2024 O.J. (L) 1073 (EU), and Council Decision (CFSP) 2024/1074 of 12 April 2024 amending Decision (CFSP) 2020/1999 concerning restrictive measures against serious human rights violations and abuses, 2024 O.J. (L) 1074 (EU); Similar conclusions appear in several NGO reports. See, e.g., Ass'n of Rape Crisis Centers in Isr. (ARCCI), *Silent Cry: Sexual Crimes in the October 7 War* 6 (Feb. 2024), available at: <https://www.1202.org.il/wp-content/uploads/2025/01/ARCCI-report-sexual-crimes-on-october-7-updated-26.3.pdf> (“This [analysis] serves as initial evidence of systematic and widespread sexual crimes conducted by Hamas”); The Dinah Project, *A Quest for Justice: October 7 and Beyond* 14 (July 8, 2025) (“Sexual violence was widespread and systematic during the October 7 attack, occurring across at least six different locations: the Nova music festival, Route 232, Nahal Oz military base, and Kibbutzim Re'im, Nir Oz, and Kfar Aza”).

policy” as long as the requisite nexus between the act and the systematic and widespread attack is established.⁴³ In determining if such a nexus exists, “due regard must be given to the characteristics, aims, nature and consequences of the acts concerned.”⁴⁴ An isolated act that clearly differs with respect to such aims, nature or consequences cannot be deemed part of the attack.⁴⁵ In this respect, as noted above, the Civil Commission’s findings further show that the attacks were committed pursuant to similar patterns of violence, including the acts of SGBV, and were carried out in similar (often near-identical) manner by perpetrators across multiple locations of the attack and by captors at distinct holding sites in Gaza.⁴⁶ The attack further demonstrated significant planning and coordination.⁴⁷ As also noted by the UN Secretary-General in its annual report on conflict-related sexual violence: “My Special Representative concluded that the complexity and modus operandi of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected.”⁴⁸

Notably, in *Al Hassan*, the ICC Trial Chamber concluded that rape, forced marriage, and sexual slavery were connected to the attack against the civilian population of Timbuktu.⁴⁹ The Chamber found that the takeover of the city by Ansar Dine/Al-Qaeda in the Islamic Maghreb AQIM enabled them the perpetration of these crimes.⁵⁰ As arising from our findings, the sexual and gender-based crimes perpetrated on October 7th were patterned and embedded within the broader operational and terrorizing objectives of Hamas during the attacks and in captivity.⁵¹ Moreover, perpetrators targeted civilians, including in their houses, using maps drawn up for the purposes of the attacks identifying their victims by name and house number.⁵² At the site of the Nova Festival and its surrounding areas, perpetrators set up roadblocks, preventing their victims from fleeing, and often returned to the same location to ensure that all their victims

43 Prosecutor v. Ruto et al., ICC 01/09 01/11, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, ¶¶ 176–179 (Jan. 23, 2012).

44 ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶ 2688 (citing ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 696 and ICC, *Prosecutor v. Katanga* (2014), *supra* note 15, ¶ 1124).

45 ICC, *Prosecutor v. Katanga* (2014), *supra* note 15, ¶ 1124.

46 See Part I (*Factual Findings*), Section III (*Thematic Analysis: Identified Patterns*).

47 See *Introduction and Background and Context*. See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 8, p. 214–218.

48 U. U.N. Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) U.N. Doc. S/2025/389 (2025), *supra* note 5, ¶ 35: “Both my Special Representative and the Commission of Inquiry found that the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, including the military arms of Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Popular Resistance Committees and the Palestinian Mujahideen Movement, as well as civilians from Gaza. My Special Representative concluded that the complexity and modus operandi of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected (see UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 8). In May 2024, the Prosecutor of the International Criminal Court submitted applications for warrants for the arrest of three political and military commanders of Hamas, citing reasonable grounds to believe that they bear criminal responsibility for war crimes and crimes against humanity, including rape and other forms of sexual violence, committed on the territory of Israel and the State of Palestine from at least 7 October 2023.”

49 ICC, *Prosecutor v. Al Hassan* (2024), *supra* note 6, ¶¶ 1298–99. ICC, Trial Chamber X, *Al Hassan Judgment*. The four were forced to become “wives” of Ansar Dine/AQIM members during its occupation of Timbuktu. Unfortunately, while *Al Hassan* was convicted of certain crimes, the Chamber did not find *Al Hassan* culpable of any of the SGBC charges. *Id.* at ¶ 1785.

50 *Id.*, ¶¶ 1287–88, 1298–99.

51 See Part I (*Factual Findings*) and Section III (*Thematic Analysis: Identified Patterns*).

52 See *Introduction and Background and Context*. See also Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 18.

were killed.⁵³ Additionally, the attacks were committed pursuant to an explicit ideological plan and policy of Hamas and its collaborators, who have threatened to commit attacks like that of the October 7th assault “again and again” until they achieve the destruction of the State of Israel and its Jewish population.⁵⁴

Moreover, the treatment of hostages both during their abduction and throughout their captivity forms an integral component of the attacks. Sexual and gender-based violence constituted a central part of the abuse endured by hostages in captivity.⁵⁵ Hostages were routinely subjected to grave violations, including rape, sexual assaults, severe physical and psychological pain, and sexual humiliation. Many were held in constant fear of sexual assault or rape and in conditions designed specifically to deteriorate their physical and mental health.⁵⁶ These acts amount to the crimes against humanity of rape or any other form of sexual violence, torture and other inhumane acts.⁵⁷ Because the victims were targeted due to their ethnic/religious background, these crimes may also amount to the crime against humanity of persecution.⁵⁸

The documented cases of SGBV committed against hostages in captivity may additionally amount to the crimes against humanity of sexual slavery and enslavement.⁵⁹ Under the Rome Statute, the crime against humanity of sexual slavery involves a perpetrator exercising “any or all of the powers attaching to the right of ownership over one or more persons...” and causing “such person or persons to engage in one or more acts of a sexual nature.”⁶⁰ In *Katanga*, the ICC Trial Chamber held that “powers attaching to right of ownership must be construed as the use, enjoyment, and disposal of a person who is regarded as property, by placing him or her in a situation of dependence which entails his or her deprivation of any form of autonomy.”⁶¹ The crime against humanity of enslavement is defined under the Rome Statute as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.”⁶² Jurisprudence of the ICTY has further interpreted the crime against humanity of enslavement as the “control of someone’s movement, control of physical environment,

53 See Part I (*Factual Findings*), Section I.A (*Nova Music Festival, Route 232, and Surrounding Fields and Areas*).

54 See Part I (*Factual Findings*) and *Background and Context*. See also *Hamas Official Ghazi Hamad: We Will Repeat The October 7 Attack, Time And Again, Until Israel Is Annihilated; We Are Victims – Everything We Do Is Justified* (Nov. 1, 2023), Memri TV, <https://www.memri.org/reports/hamas-official-ghazi-hamad-we-will-repeat-october-7-attack-time-and-again-until-israel>.

55 See Part I, Section I.E (*SGBV Against Hostages During Abduction*) and Section I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section III (*Thematic Analysis: Identified Patterns*).

56 *Id.* See also Part I (*Factual Findings*), Section III (*Thematic Analysis: Identified Patterns*).

57 Rome Statute, *supra* note 3, art. 7(1)(f), 7(1)(g), 7(1)(k) (defining “other inhumane acts” as acts of a similar character intentionally causing great suffering or serious injury to body or mental or physical health, including forced nudity and sexual humiliation).

58 Rape as a form of persecution requires that the perpetrator targeted the rape victims “by reason of the identity of a group or collectivity” based on “political, racial, national, ethnic, cultural, religious, gender” or other similar grounds. See ICC, *Elements of Crimes*, *supra* note 6, art. 7(1)(h) ¶¶ 2–4; ICTY, *Prosecutor v. Kvočka* (2001), *supra* note 28, ¶¶ 181–83, 197–98, 233–34; Caterina E. Arrabal Ward, *War-time Sexual Violence at the International Level: A Legal Perspective* 59, 68 (Brill Nijhoff 2018).

59 See Part I (*Factual Findings*), Section I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section III (*Thematic Analysis: Identified Patterns*).

60 Rome Statute, *supra* note 3, art. 7(1)(g); ICC, *Elements of Crimes*, *supra* note 6, art. 7(1)(g)-2, ¶¶ 1-2.

61 ICC, *Prosecutor v. Katanga* (2014), *supra* note 15, ¶¶ 975–77.

62 Rome Statute, *supra* note 3, art. 7(1)(c), 7(2)(c).



Photo by the Civil Commission | Nir Oz, June 19, 2024

psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labor.”⁶³

The documented accounts provided by hostages who have returned from captivity about the treatment they and other hostages endured are consistent with these definitions. Hostages have described being subjected to forced labor in captivity, including being forced to cook and clean for their captors and their families, being repeatedly touched and assaulted, and treated like “objects” of their captors.⁶⁴ Hostages consistently reported being sexually assaulted, including being forced to commit sexual acts on their captors, and being threatened with forced marriage, throughout their time in captivity.⁶⁵

63 ICTY, *Prosecutor v. Kunarac et al.* (2001), *supra* note 38, ¶¶ 542–43. Confirmed in ICTY, *Prosecutor v. Kunarac*, IT-96-23-A & IT-96-23/1-A, Judgment ¶ 119 (Int'l Crim. Trib. for the Former Yugoslavia June 12, 2002), and was later followed in *Prosecutor v. Kaing (alias Duch)*, 001/18-07-2007/ECCC/TC, Judgment, ¶ 342 (July 26, 2010), and *Prosecutor v. Taylor*, SCSL-03-01-T, Judgment ¶ 447 (May 18, 2012).

64 See Part I (*Factual Findings*), Section I.E (*SGBV Against Hostages During Abduction*) and Section I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section III (*Thematic Analysis: Identified Patterns*).

65 See Part I (*Factual Findings*), Section I.E (*SGBV Against Hostages During Abduction*) and Section I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section III (*Thematic Analysis: Identified Patterns*).

C. GENOCIDE

“Anyone who, with genocidal intent, kills a woman he just raped, for example, likely raped her with the same thought in mind.”⁶⁶

Looking at the history of mass atrocities, MacKinnon poses a foundational question: “what makes sexual forms of abuse available for specifically genocidal ends? What genocidal functions does it serve? In other words, why can sexuality become an instrumentality of genocide, and how does it help destroy a people as a people?”⁶⁷ As documented in the Civil Commission’s Archive, the Hamas-led attack targeted dozens of communities located in the southern region of Israel and constituted the largest mass killing of Jews since the Holocaust. It rapidly expanded across multiple sites, as thousands simultaneously infiltrated Israel by land, air, and sea, attacking homes in more than 20 Israeli communities, targeting festivalgoers at the Nova Music Festival area, and striking public spaces, roads, and military installations.⁶⁸ Within a few hours, more than 1,200 people were killed, over 250 were abducted into Gaza, and entire communities were devastated and displaced. The attacks were characterized by extreme brutality and deliberate targeting of civilians. Across all sites, individuals, including children and families, were violently attacked, murdered, mutilated, burned, raped, sexually tortured and abused, and taken as hostages – either dead, severely injured, or alive—and, in many instances, were subjected to mob violence and publicly filmed and displayed. As the factual findings demonstrate, sexual and gender-based violence formed an integral part of the attack and was marked by extreme cruelty and profound human suffering.

Against this factual backdrop, an analysis of genocide as a potential legal characterization of the attack is both warranted and necessary. The scale, coordination, and systematic nature of the violence; the targeting of civilians as part of a broader campaign to destroy and annihilate the Israeli and Jewish population; the infliction of severe bodily and mental harm, including through sexual violence and torture; and the widespread destruction and displacement of civilian communities, merit consideration under Article 6 of the Rome Statute and Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide.⁶⁹

66 Catharine A. MacKinnon, *The ICTR’s Legacy on Sexual Violence*, 14(2) *New England J. of Int’l and Comp. Law* 101, 114 (2008) (The reluctance to find, or in some instances to charge, rapes as genocide in other cases ... remains worrisome, particularly given that rapes are often found to constitute crimes against humanity at the same time on the same testimony that murders are found to be genocidal. Genocidal *mens rea* is thus unlikely to have been the problem. Anyone who, with genocidal intent, kills a woman he just raped, for example, likely raped her with the same thought in mind.”). See also Catharine A. MacKinnon, *Genocide’s Sexuality*, 46 *nomos: American Society for Political and Legal Philosophy* 313 (2005).

67 Catharine A. MacKinnon, *Genocide’s Sexuality*, 46 *nomos: American Society for Political and Legal Philosophy* 313 (2005).

68 See *Introduction and Background and Context* (setting forth the factual and legal framework relevant to the present analysis); See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 8, ¶¶ 5, 40 (“... a coordinated attack by Hamas joined by other armed groups, including reportedly Palestinian Islamic Jihad, Popular Resistance Committees, other armed elements and armed and unarmed civilians, breached the Gaza perimeter fence at multiple points and entered from Gaza including by road, air and sea. These attacks included multiple military and civilian targets, including surrounding villages and towns in the Gaza periphery, music festivals (Nova and Psyduck music festivals), and adjacent roads. The complexity and modus operandi of the attacks appears to demonstrate a significant level of planning, coordination and detailed prior knowledge of the targets selected, including civilian ones.”); See also Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 8, p. 10-13, 29-35, 43 et seq; See generally, All-Party Parliamentary Group for UK-Israel, 7 October Parliamentary Commission Report (2025) (hereinafter: “U.K. Parliament APPG Report on Oct 7th (2025)”).

69 See Yuval Shany, Amichai Cohen & Tamar Hostovsky Brandes, *Beyond the Pale: IHL and the Hamas Attack on Israel* (Oct. 17, 2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/beyond-pale-ihl-hamas-attack-israel/>

Several scholars have argued that “the Hamas attacks can be qualified as *genocidal* in nature.”⁷⁰ The prohibition of genocide is a well-established peremptory norm (*jus cogens*) enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide and the Rome Statute.⁷¹ The obligations of States to prevent, punish, and not commit genocide are owed to the international community as a whole (*erga omnes*).⁷² The prohibition of genocide binds both States and individual perpetrators.⁷³

Genocide, according to the Genocide Convention and the Rome Statute, involves acts “committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such.”⁷⁴ These acts toward a protected group consist of killing or causing serious bodily or mental harm to members of the group, inflicting “conditions of life calculated to bring about” its partial or total destruction, intentionally preventing births within it, and “forcibly transferring” its children to another group.⁷⁵ The prohibited act must have been committed against a person “based on that person’s membership in a specific group and specifically because the person belonged to this group.”⁷⁶ Moreover, the evidence must show that it is the group that has been targeted rather than specific individuals within that group.⁷⁷

(“the Hamas attacks can be qualified as *genocidal* in nature”); See also Amichai Cohen, *The Hamas Abductions and International Law* (Oct. 24, 2023), Israel Democracy Institute, <https://en.idi.org.il/articles/51162> (“Mass slaughter on this scale meets the definition of genocide, in that it was explicitly directed at Jews and was based on a racist and antisemitic ideology, as appears in the Hamas charter...”). See also Jens David Ohlin, *International Criminal Law Analysis of the Situation in Israel* (Oct. 12, 2023), *Opinio Juris*, <https://opiniojuris.org/2023/10/12/international-criminal-law-analysis-of-the-situation-in-israel/>.

70 *Id.*

71 The prohibition against genocide is also a norm of IHRL. It is understood as forming part of customary international human rights law and as applicable to non-State actors. Genocide Convention, *supra* note 3, art. II. Reservations to Genocide Convention, Advisory Opinion, 1951 I.C.J. 15 (May 28), p. 23; Application of Genocide Convention (Bosn. & Herz. v. Serbia & Montenegro), Judgment, 2007 I.C.J. 43, ¶ 161 (Feb. 26); Application of the Genocide Convention (Croatia v. Serbia), Judgment, 2015 I.C.J. 3, ¶ 87 (Feb. 3). See also Raoul Wallenberg Centre for Human Rights, Breaches of the Genocide Convention in Darfur, Sudan (April 2023–April 2024): An Independent Inquiry 22 (Mutasim Ali & Yonah Diamond eds., 2024), <https://raoulwallenbergcentre.org/images/reports/International-Inquiry-Breaches-of-the-Genocide-Convention-temp2.pdf>.

72 Application of the Genocide Convention (Bosn. & Herz. v. Yugoslavia), Judgment, 1996 I.C.J. 3, ¶ 31 (July 11); see also Report of the International Law Commission on the work of its fifty-third session, 23 April–1 June and 2 July–10 August 2001, U.N. GAOR, 56th Sess., Supp. No. 10, U.N. Doc. A/56/10 (2001), p. 111, https://legal.un.org/ilc/documentation/english/reports/a_56_10.pdf; Raoul Wallenberg Centre for Human Rights, Breaches of the Genocide Convention in Darfur, Sudan (April 2023–April 2024): An Independent Inquiry 22 (Mutasim Ali & Yonah Diamond eds., 2024), <https://raoulwallenbergcentre.org/images/reports/International-Inquiry-Breaches-of-the-Genocide-Convention-temp2.pdf>.

73 See Application of Genocide Convention (Bosn. & Herz. v. Serbia & Montenegro), Judgment, 2007 I.C.J. 43, ¶¶ 160-179 (Feb. 26).

74 Genocide Convention, *supra* note 3, art. 2 (2. “Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group); Rome Statute, art. 6. (“6. For the purpose of this Statute, “genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; Imposing measures intended to prevent births within the group; Forcibly transferring children of the group to another group”).

75 Rome Statute, *supra* note 3, art. 6.

76 ICTR, *Prosecutor v. Muhimana* (2005), *supra* note 34, ¶ 500; *Prosecutor v. Kajelijeli*, ICTR-98-44A-T, Judgment, ¶ 813 (Dec. 1, 2003).

77 *Prosecutor v. Sikirica et al.*, IT-95-8-T, Judgment on defense motions to acquit, ¶ 89 (Int’l Crim. Trib. for the Former Yugoslavia Sept. 3, 2001); *Prosecutor v. Radislav Krstic*, IT-98-33-T, Trial Judgment, ¶ 551 (Int’l Crim. Trib. for the Former Yugoslavia Aug. 2, 2001) (hereinafter: “ICTY, *Prosecutor v. Krstic* (2001)”); ICTY, *Prosecutor v. Jelusic*, IT-95-

While the attack, directed against thousands of Israeli civilians, clearly satisfies acts enumerated in the prohibition of genocide, most notably the killing of members of a protected group and the infliction of serious bodily and mental harm, the special mental element requiring an “intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such,” requires a more nuanced and demanding consideration.⁷⁸ In this respect, for an attack to constitute genocide, it is not necessary that the perpetrators successfully achieve destruction as a result of the attack. It is sufficient that they acted with the required “*dolus specialis*,” to destroy the group in whole or in part.

For decades, Hamas’s ideological foundation, as articulated by its leadership statements and in founding documents, bears genocidal intentions. The 1988 Hamas Charter calls for the violent Jihad against all Jews and Zionists, and expressly rejects Israel’s existence.⁷⁹ It characterizes all of Palestine as an Islamic waqf and elevates armed resistance as a divinely mandated duty.⁸⁰ It further casts the State of Israel as an usurpation that must be undone (rather than a political dispute that can be negotiated or settled).⁸¹ In particular, Article 7 of the Charter invokes a hadith declaring that “the Day of Judgment will not come about until Muslims fight the Jews, and kill them,” a formulation that frames Jews both as enemies and legitimate targets of destruction.⁸² It sacralizes violence through Jihad, and urges large-scale action declaring territorial, religious, and ethnic claims. Furthermore, numerous statements by the Hamas leadership over the years include antisemitic rhetoric.⁸³ Subsequent ideological pronouncements and publications, including recent statements by senior Hamas leaders and the group’s revised 2017 manifesto, retain this essential framing.⁸⁴ Accordingly, Hamas itself identifies Jews and Zionists as the

10-T, Trial Judgment, ¶ 79 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 14, 1999) (hereinafter: “ICTY, Prosecutor v. Jelusic (1999)”).

78 See Yuval Shany, Amichai Cohen & Tamar Hostovsky Brandes, *Beyond the Pale: IHRL and the Hamas Attack on Israel* (Oct. 17, 2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/beyond-pale-ihrl-hamas-attack-israel/> (“the Hamas attacks can be qualified as *genocidal* in nature”). Certainly, if and when individual leaders are charged with the crime of genocide, their individual *actus reus* and *mens rea* would have to be examined on a case-by-case basis.

79 In this context, “*jihad*” is framed as an obligatory armed campaign. The 1988 Hamas Charter describes the struggle as “long and dangerous” with the Jews. See: Hamas Covenant 1988: The Covenant of the Islamic Resistance Movement, arts. 7, 15. (Aug. 18, 1988), translated in Avalon Project, Yale Law School, https://avalon.law.yale.edu/21st_century/hamas.asp. The revised 2017 manifesto, which was “intended to demonstrate a softer edge in the eyes of the international community, and, presumably, to make Hamas more attractive and fundable”, contains different terminology, but retains the essential view. See Aaron David Miller, *Is Hamas Rebranding with New Manifesto?* (May 2, 2017), Wilson Center, <https://www.wilsoncenter.org/article/hamas-rebranding-new-manifesto>; *Doctrine of Hamas—Hamas Principles and Policies in May 2017*, Wilson Center (Oct. 21, 2023), <https://www.wilsoncenter.org/article/doctrine-hamas>, Preamble, The Movement (ii) (Preamble: “Palestine is a land whose status has been elevated by Islam, a faith that holds it in high esteem, that breathes through it its spirit and just values and that lays the foundation for the doctrine of defending and protecting it... Palestine is a land that was seized by a racist, anti-human and colonial Zionist project that was founded on a false promise (the Balfour Declaration), on recognition of a usurping entity and on imposing a *fait accompli* by force...”, (ii): “Palestine, which extends from the River Jordan in the east to the Mediterranean in the west and from Ras Al-Naqurah in the north to Umm Al-Rashrash in the south, is an integral territorial unit. It is the land and the home of the Palestinian people. The expulsion and banishment of the Palestinian people from their land and the establishment of the Zionist entity therein do not annul the right of the Palestinian people to their entire land and do not entrench any rights therein for the usurping Zionist entity.”).

80 Hamas Covenant 1988: The Covenant of the Islamic Resistance Movement (Aug. 18, 1988), translated in Avalon Project, Yale Law School, https://avalon.law.yale.edu/21st_century/hamas.asp.

81 *Id.*

82 *Id.*

83 See *Hamas in Their Own Words*, Anti-Defamation League (May 2, 2011), <https://www.adl.org/resources/news/hamas-their-own-words>.

84 For a discussion on the 1988 Hamas Charter and the 2017 manifesto, among other Hamas pronouncements, see:

principal objects of the violence, thereby delineating the protected groups within the meaning of genocide to encompass not only religious groups but also national groups, targeting individuals on the basis of their Israeli nationality.⁸⁵ In this respect, harm to persons outside the protected group does not undermine the characterization of a genocide against the protected group.⁸⁶

Moreover, for many years and also specifically in the days preceding the October 7th attacks, Hamas and its collaborators used Islamic religious edicts (*fatwas*) and other religious texts to incite the Gazan population against Jews.⁸⁷ For example, among the materials circulated was a fatwa asserting that “every Jew is considered combatant, including women, youth, and even the unarmed.”⁸⁸ Hamas also disseminated Jihad-oriented (holy war) books, where Jews are referred to as infidels, thereby religiously permitting their annihilation.⁸⁹ Numerous additional sources similarly reflect a pervasive and deeply antisemitic ideological and religious framework.⁹⁰

Evidence examined by the Civil Commission demonstrates that the crimes were motivated by a desire on the part of the perpetrators to destroy Israel and its members in their entirety.

Doctrine of Hamas, Wilson Center (Oct. 21, 2023), <https://www.wilsoncenter.org/article/doctrine-hamas>. See, e.g., Yahya Sinwar’s novel titled “The Thorns and the Carnation” is described in: Igal Shiri, Hayim Iserovich & Avishi Karo, Instructions Given by Yahya al-Sinwar for the October 7, 2023 Attack and Massacre 12 (The Meir Amir Intelligence and Terrorism Information Center, 2025) (Sinwar, former head of the Hamas political bureau in the Gaza Strip describes the war with Israel as a religious war, with the goal of killing as many Israelis as possible, without distinguishing between soldiers and civilians); See also Detailed plan handwritten by Yahya Sinwar. Original document viewed by Civil Commission during the Commission’s visit to ‘Return to October’ exhibition at the Israel Heritage & Commemoration Center (IICC) (Sept. 15, 2025). For the translation of the text provided publicly, See Igal Shiri, Hayim Iserovich & Avishi Karo, Instructions Given by Yahya al-Sinwar for the October 7, 2023 Attack and Massacre (The Meir Amir Intelligence and Terrorism Information Center, 2025). In a speech given by Sinwar at the World Jerusalem Day event in Gaza on April 30, 2022, Sinwar called on: “Arabs of the Negev, the Triangle, the Galilee, Haifa, Jaffa, Acre, and Lod” to prepare a rifle or axe, a meat cleaver or any knife, to wage a religious war against the Jews. A few days later, four Israelis were murdered in an axe attack in the town of Elad. See id 12-13, 9, citing to Sinwar’s speech on a Hamas Telegram channel.

- 85 See, e.g., Yuval Shany, Amichai Cohen & Tamar Hostovsky Brandes, *Beyond the Pale: IHRL and the Hamas Attack on Israel* (Oct. 17, 2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/beyond-pale-ihrl-hamas-attack-israel/>; See also Jens David Ohlin, *International Criminal Law Analysis of the Situation in Israel* (Oct. 12, 2023), *Opinio Juris*, <https://opiniojuris.org/2023/10/12/international-criminal-law-analysis-of-the-situation-in-israel/>. A national group is defined as “a collection of people who are perceived to share a legal bond based on common citizenship.” ICTR, *Prosecutor v. Akayesu* (1998), *supra* note 34, ¶ 512. ICTY, *Prosecutor v. Krstic* (2001), *supra* note 77, ¶ 551 (defining a religious group as one “whose members share the same religion, denomination or mode of worship”). Jewish people are often referred to as an ethno-religious group, while Israeli people are a national group. See, e.g., Jonathan D. Sarna, *Ethnicity and Beyond*, in *Ethnicity and Beyond: Theories and Dilemmas of Jewish Group Demarcation* 158-165 (Eli Lederhendler ed., Studies in Contemporary Jewry Series, Vol. 25, Oxford University Press 2011); Leonard J. Greenspoon, *Editor’s Introduction*, in *Who Is a Jew? : Reflections on History, Religion, and Culture* 10-22 (Leonard J. Greenspoon ed., Purdue University Press, 2014). According to the Trial Chamber in *Krstic*, “the concepts of protected groups and national minorities partially overlap and are on occasion synonymous . . . To attempt to differentiate each of the named groups on the basis of scientifically objective criteria would thus be inconsistent with the object and purpose of the Convention.” The Trial Chamber further “identifie[d] the relevant group by using as a criterion the stigmatisation of the group, notably by the perpetrators of the crime, on the basis of its perceived national, ethnical, racial or religious characteristics.” See ICTY, *Prosecutor v. Krstic* (2001), *supra* note 77, ¶¶ 555-557.
- 86 The prohibited acts ought to be committed with the required intent against a protected group “as such.” Harm to others does not defeat that characterization. See, e.g., Yuval Shany, Amichai Cohen & Tamar Hostovsky Brandes, *Beyond the Pale: IHRL and the Hamas Attack on Israel* (Oct. 17, 2023), Lieber Institute Articles of War, <https://lieber.westpoint.edu/beyond-pale-ihrl-hamas-attack-israel/>.
- 87 A fatwa is a religious pronouncement issued by a qualified Islamic jurist or authority entrusted with the responsibility of issuing such rulings.
- 88 EL DIRASAT WA EL FATAWA WA EL RASAIL EL SHARIYA [Studies and Fatwa and Sharia Letters], a book issued by Gaza Sharia Committee, p. 289, on file with the Civil Commission.
- 89 *Fatawa Mujahideen* [The Fatwa of holy fighters].
- 90 See *Introduction and Background and Context*.

The footage archived with the Commission frequently captures perpetrators celebrating the violence—while killing, torturing, burning, mutilating and taking victims hostage, dead or alive—calling for additional attacks, destroying and burning houses, property and symbols, chanting religious chants, making explicit hate statements, and expressing explicit intent to destroy Israelis and Jews.⁹¹ As extensively documented by the Commission, during the attacks themselves, Hamas and its collaborators further exploited digital and social media platforms, including Telegram, X, TikTok, and Facebook, to record, circulate, celebrate, and glorify the atrocities in real time, including SGBC.⁹² The attack included the public display and desecration of female bodies, as well as the circulation of images and videos of partially clothed or abused bodies of women and men, the torture and abduction of women and girls—including elderly women, mothers with children, and, in some cases, entire families.⁹³ Hostages were filmed as they were forcibly taken into Gaza, with the footage broadcast through public channels.⁹⁴ Perpetrators also livestreamed the atrocities through victims’ own social media accounts and personal devices, thereby extending the humiliation and amplifying the psychological terror inflicted on victims, their families, and the wider public.⁹⁵ Other perpetrators wore GoPros and body-worn cameras, or otherwise ensured that their actions were documented and disseminated by others.⁹⁶ Across all sites, these videos documented armed groups and Palestinian civilians appearing joyful and euphoric, as well as crowds in Gaza cheering or beating victims.⁹⁷

With respect to the SGBC documented by the Civil Commission, Hamas and its collaborators subjected victims to rape, gang rape, and other forms of sexual and gender-based violence,

91 Materials archived with the Civil Commission. See also Part I (Factual Findings); See Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 18.

92 See *Introduction and Background and Context* and Part I (Factual Findings), Section I (Geographic Findings: Attacked Sites and Communities) and Section III.A.4-10 (Thematic Analysis: Identified Patterns). Materials archived with the Civil Commission’s Archive and forms part of its evidentiary record. See Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 8; U.K. Parliament APPG Report on Oct 7th (2025), *supra* note 68, as well as other investigative inquiries into the October 7th attacks, which document the extensive use of social media to broadcast victims’ suffering and to disseminate terror, including sexual and gender-based violence.

93 See Part I (Factual Findings).

94 See *Introduction and Background and Context* and Part I (Factual Findings), Section I (Geographic Findings: Attacked Sites and Communities) and Section III.A.4-10 (Thematic Analysis: Identified Patterns). Materials archived with the Civil Commission’s Archive and forms part of its evidentiary record.

95 Many family members learned of the fate of their loved ones through content circulated by perpetrators via victims’ own personal devices and family-linked accounts. Materials archived with the Civil Commission. See Elkayam-Levy, Gilad, and Rudyak, *The Civil Commission Kinocide Report: The Weaponization of Families on Oct. 7th*, *supra* note 18, p. 19-20; U.N. Human Rights Council, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Hostage-Taking as Torture*, ¶ 74, UN Doc. A/HRC/58/55 (6 February 2025) (hereinafter: “U.N. Special Rapporteur on Torture Report on Hostage-Taking UN Doc. A/HRC/58/55 (2025)”) (“Hamas has released videos of hostages that torment family members by, for example, asking them to guess which hostage has been killed.”); U.K. Parliament APPG Report on Oct 7th (2025), *supra* note 68. For families’ accounts, see Alicia Victoria Lozano, Daniel Arkin and Melissa Chan, “Hostages in Israel Update: Families of Loved Ones Taken by Hamas Share Their Horrifying Stories” (Oct. 9, 2023), NBC News, <https://www.nbcnews.com/news/us-news/hamas-israel-hostages-tell-loved-ones-stories-rcna119509>; Frankie McCamley, et al., *Family Tell of Heartbreak After Israel Kidnap Live-Stream* (Oct. 17, 2023), BBC News, <https://www.bbc.com/news/world-middle-east-67124745>.

96 Footage captured by perpetrators is archived with the Civil Commission; See also Casey Tolan et al., *Slain Hamas Militants’ Body Camera Videos Show the Preparation and Tactics Behind Their Terror Attack in Israel* (Oct. 26, 2023), CNN, <https://www.cnn.com/interactive/2023/middleeast/hamas-attack-body-cam-videos-invs-dg/>; Oren Liebermann, *Bodycam Video Shows Early Moments of Hamas Massacre in Israel and Tunnels in Gaza* (Nov. 15, 2023) CNN, <https://www.cnn.com/2023/11/15/middleeast/bodycam-video-hamas-massacre-tunnels-intl/index.html>; In addition, the UK Parliamentary Commission of Inquiry similarly recognized the use of digital platforms to broadcast acts of terror directly to victims and their families, and the unique suffering caused to those families as a result. See also U.K. Parliament APPG Report on Oct 7th (2025), *supra* note 68, Part I, Ch. 6.11.

97 *Id.*

including sexualized torture, as an integral component of the attacks.⁹⁸ In the majority of documented cases, victims were subsequently murdered.⁹⁹ The material contained in the Commission’s archive, and corroborated by other investigative reports and credible sources, establishes that victims were raped or gang raped, sexually abused, and then immediately executed or subjected to extreme mutilation, across different sites of the attack.¹⁰⁰ These acts included burning of victims while naked, targeted burning of genital areas, sexual mutilation, forced nudity, desecration of bodies, deliberate gunshot wounds to the head, face, and genital region, insertion of items to genitals, and the public display of victims.¹⁰¹ The Commission also documented cases of postmortem sexual abuse and sexual abuse in the presence of family members.¹⁰² In some documented cases, sexual abuse occurred in conjunction with the murder of victims.¹⁰³ Rape and other forms of sexual violence were also perpetrated against boys and men.¹⁰⁴ Additionally, the Commission documented multiple cases of sexual and gender-based violence—against men, women and children—perpetrated during abductions and throughout captivity, including rape, sexualized torture, sexual assaults, forced nudity, sexual humiliation, threats of rape and forced marriage, and public display of victims.¹⁰⁵ Furthermore, female hostages were displayed upon entry into the Gaza Strip and presented as “human trophies” by captors.¹⁰⁶ This conduct persisted for months, with the continuous release of footage used as a tool of psychological terror against the victims and their families.¹⁰⁷

Importantly, although indeed, rape and other forms of sexual violence carried out in the context of a genocidal campaign may fall under the categories of several prohibited acts under the Rome Statute and the Genocide Convention, including, for example, through the prohibited acts of “causing serious bodily or mental harm,” the case law makes clear that there is no requirement to show that the acts of rape or other SGBV constitute genocide.¹⁰⁸ Rather, it is

98 Findings detailed in Part I (Factual Findings), Section I (*Geographic Findings: Attacked Sites and Communities*) and Section III (*Thematic Analysis: Identified Patterns*).

99 See Part I (Factual Findings), Section III (*Thematic Analysis: Identified Patterns*), Pattern 4 (*Killing and Executions Following or Committed in Conjunction with SGBV*) and Pattern 5 (*Postmortem Sexual Abuse, Humiliation, and Desecration of Bodies*).

100 Part I (Factual Findings), Section III (*Thematic Analysis: Identified Patterns*), Pattern 1 (*Rape, Gang Rape, and Other Forms of Sexual Assault*), Pattern 2 (*Sexual Torture, Including Intentional Burning and Mutilation*), Pattern 4 (*Killing and Execution Following or Committed in Conjunction with SGBV*), Pattern 5 (*Postmortem Sexual Abuse, Humiliation, and Desecration of Bodies*), and Pattern 12 (*Filming and Digital Dissemination of SGBV, Including Use of Social Media to Document, Glorify, and Amplify the Atrocities*).

101 Id; See also Section II (*Thematic Analysis: Identified Patterns*), Pattern 3 (*Deliberate Shooting to the Head, Face, and Genital Area*), Pattern 6 (*Forced Nudity and Exposure*), and Patterns 8-9 (*Public Display and Parading of Women and Children and the Abduction of Mothers and Children*).

102 Part I (Factual Findings), Section III (*Thematic Analysis: Identified Patterns*), Pattern 5 (*Postmortem Sexual Abuse, Humiliation, and Desecration of Bodies*) and Pattern 10 (*SGBV Inflicted in the Presence or Near Vicinity of Family Members*).

103 Part I (Factual Findings), Section III (*Thematic Analysis: Identified Patterns*), Pattern 4 (*Killing and Execution Following or Committed in Conjunction with SGBV*).

104 Part I (Factual Findings), Section III (*Thematic Analysis: Identified Patterns*), Pattern 13 (*Rape and Other Forms of Sexual Violence Against Boys and Men*).

105 See Part I (Factual Findings), Section I.E (*SGBV Against Hostages During Abduction*) and Section I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section II (*Thematic Analysis: Identified Patterns*).

106 Part I (Factual Findings), Section III (*Thematic Analysis: Identified Patterns*), Patterns 8-9 (*Public Display and Parading of Women and Children and the Abduction of Mothers and Children*).

107 Part I (Factual Findings), Section III (*Thematic Analysis: Identified Patterns*), Pattern 11 (*Filming and Digital Dissemination of SGBV, Including Use of Social Media to Document, Glorify, and Amplify the Atrocities*).

108 Conduct resulting in serious bodily or mental harm “may include... acts of torture, rape, sexual violence or inhuman

sufficient to proffer evidence of the crimes' nexus to the broader criminal context constituting genocide. With respect to genocide, nexus of a SGBC to a genocidal campaign is established primarily by determining that the perpetrator acted with the requisite intent to destroy the target community.¹⁰⁹ Specifically, the Elements of Crimes states that the perpetrator must have "intended to destroy, in whole or in part, that national, ethnical [sic], racial or religious group, as such."¹¹⁰ The perpetrator must "seek to achieve the destruction, in whole or in part."¹¹¹ The intent does not need to be clearly expressed but can be inferred from certain facts.¹¹² The ad hoc tribunals have noted certain indicators, such as dehumanizing statements, actions taken against symbols of the group, as well as the repetitive pattern of criminal acts, that can be considered when inferring the requisite intent in these cases.¹¹³ In addition, such intent may be inferred from "acts which violate, or which the perpetrators themselves consider to violate, the very foundation of the groups."¹¹⁴ Courts have often relied on statements and actions of perpetrators to link the SGBC to an overarching genocidal campaign.¹¹⁵ In the context of the October 7th

or degrading treatment."; See ICC, Elements of Crimes, *supra* note 6, art. 6(b); The Akayesu case of the International Criminal Tribunal for Rwanda (ICTR) was the first case in which it was found that rape and sexual violence may amount to acts of genocide. The ICTR Trial Chamber found that "numerous Tutsi women were forced to endure acts of sexual violence, mutilations and rape, often repeatedly, often publicly and often by more than one assailant." The Chamber underscored "the fact that in its opinion, [those acts] constitute genocide in the same way as any other act as long as they were committed with the specific intent to destroy, in whole or in part, a particular group, targeted as such." The Chamber emphasized that rape and sexual violence constitute infliction of serious bodily and mental harm on the victims and are even "one of the worst ways to inflict harm on the victim as he or she suffers both bodily and mental harm." It notes that "it appears clearly to the Chamber that the acts of rape and sexual violence, as other acts of serious bodily and mental harm committed against the Tutsi, reflected the determination to make Tutsi women suffer and to mutilate them even before killing them, the intent being to destroy the Tutsi group while inflicting acute suffering on its members in the process." ICTR, Prosecutor v. Akayesu (1998), *supra* note 34, ¶¶ 706, 731, 732. Subsequent jurisprudence has reinforced this approach; for example, in the Kayishema case, the Trial Chamber determined that rape may also constitute a method of destruction which does not "immediately lead to the death of members of a group," and may therefore constitute an infliction of conditions of life calculated to bring about its physical destruction, in whole or in part. ICTR, Prosecutor v. Clément Kayishema et al., ICTR-95-1-T, Judgement (May 21, 1999), ¶ 116.

109 ICC, Elements of Crimes, *supra* note 6, art. 6(a)(3).

110 *Id.*

111 Susana SáCouto, *Advances and Missed Opportunities in the International Prosecution of Gender-Based Crimes*, Michigan St. J. Int'l L. 138, 142-3 (2007) (hereinafter SáCouto, *Advances and Missed Opportunities in the International Prosecution*) (citing ICTY, Prosecutor v. Jelusic (1999), *supra* note 77) (rejecting prosecution's argument that genocide exists where a defendant "knows that his acts will inevitably, or even only probably, result in the destruction of the group in question").

112 Prosecutor v. Karadzic et al., IT-95-5-R61 & IT-95-18-R61, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, ¶ 94 (July 11, 1996) (hereinafter: "ICTY, Prosecutor v. Karadzic et al. (1996)").

113 SáCouto, *Advances and Missed Opportunities in the International Prosecution*, *supra* note 111, p. 143-44.

114 ICTY, Prosecutor v. Karadzic et al. (1996), *supra* note 112, ¶ 94.

115 See, e.g., for instance, in Bagosora, the Chamber noted that the sites of the attack included widespread killings, as well as "acts of rape, sexual violence and mistreatment of Tutsis." There, the assailants were accused of raping and slaughtering Tutsis as well as those Hutus who were suspected of supporting the opposition. Based on such facts, the Chamber determined that the assailants intended to destroy the Tutsi population. Given that the accused had ordered such crimes, the Chamber then concluded that "he was aware of the genocidal intent of the perpetrators and shared it." As a result, Bagosora was found guilty of genocide; ICTR, Prosecutor v. Bagosora et al, ICTR-98-41-T, Judgment and Sentence, ¶¶ 2124-26, 2158. In the Taha case, for example, Germany's highest court found that the actions of the accused against the five-year old and her mother, which included enslaving and abusing them, forcing them to pray consistent with Islamic rites, giving them little food, and causing the death of the child, resulted in serious physical and psychological harm. The court found that such actions reflected genocidal intent "to destroy the definable religious group of Yazidis as such — the Yazidi religion, Yazidism and its members, in line with IS ideology." Fed. Ct. Just. (Ger.), Taha Appellate Decision, Order of Nov. 30, 2022, Case No. 3 StR 230/22, ¶ 15 (hereinafter: "Fed. Ct. Just. (Ger.), Taha Appellate Decision") (where the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals found no error in the Trial Chamber's conclusion that the accused demonstrated genocidal intent through his statements and conduct related to the Srebrenica enclave); Further,



Photo by USAID | Be'eri February 28, 2024

attack, the scale of the killings, combined with the systematic and patterned targeting of the civilian population, as well as the extreme forms of violence and sexual and gender-based crimes documented by the Commission, supports the inference that the perpetrators had acted with the intent to destroy and serve as indicators of a genocidal campaign.

D. ADDITIONAL VIOLATIONS OF INTERNATIONAL LAW

I. TORTURE AND SGBV AMOUNTING TO TORTURE

Torture, along with other forms of cruel, inhuman, or degrading treatment or punishment (CID),

the Court agreed with the lower court's conclusion that the destruction of the community did not need to be the perpetrator's ultimate goal in order to find an act was committed with genocidal intent; it was sufficient for it to be an intermediate goal with the creation of an Islamic caliphate as the ultimate aspiration. *Id.*, at ¶¶ 13(aa), 14, 15; Higher Reg. Ct. (Ger), Taha Trial Decision, ¶ 501 (noting that "the destruction of the Yazidis itself does not have to be his ultimate aim.").

is prohibited under numerous international frameworks and instruments. For instance, torture and CID can constitute war crimes and crimes against humanity, and are also prohibited by the Geneva Conventions, as discussed above.¹¹⁶ Prohibitions of torture and CID are further codified in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which provides the most detailed definition of the crimes.¹¹⁷ CAT defines torture as the intentional infliction of “severe pain or suffering,”¹¹⁸ which can be physical or mental, by or at the direction of a public official for specific purposes.¹¹⁹ Such purposes include “obtaining [information] from . . . punishing . . . intimidating or coercing [a person],”¹²⁰ or, notably, another person, as well as “any reason based on discrimination of any kind.”¹²¹ CAT also imposes an obligation on States to prevent “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.”¹²²

The prohibitions on torture and CID under CAT, as well as those under war crimes and crimes against humanity and CIL frameworks, provide an especially apt legal lens for assessing key aspects of the sexual and gender-based crimes committed on October 7th and during the ensuing period of captivity.¹²³ The acts committed by the perpetrators inflicted profound suffering of exceptional severity on victims and hostages. The evidence gathered by the Commission suggests that documented acts of rape, gang rape, genital mutilation, and burning—in some cases perpetrated concurrently—as well as acts of targeted burning and shooting to the genital area, forced nudity, coerced sexual acts, public display of victims, binding, gagging, insertion of items to genital areas, and prolonged sexual abuse of hostages, inflicted severe physical and psychological pain and suffering on victims, hostages, and their families.¹²⁴ Furthermore, the Commission documented cases of SGBV which was inflicted in the presence or near vicinity of family members, and in at least one documented case, family members held hostage together were forced to perform sexual acts on one another.¹²⁵

116 Geneva Convention I, *supra* note 3, art. 12; Geneva Convention III, *supra* note 3, art. 17, 87, 89; Geneva Convention IV, *supra* note 3, art. 32; Common Article 3 of the Geneva Conventions. Torture and CID also appear on the pertinent lists of prohibited acts in the Rome Statute, and in the Draft Treaty on Crimes Against Humanity. See, e.g., Rome Statute, *supra* note 3, art. 7.1(f), 7.1(k), 8(2)(a)(ii), 8(2)(b)(xxi), 8(2)(c)(i), 8(2)(c)(ii); Draft Crimes Against Humanity Treaty, *supra* note 3, art. 2.1(f), 2.1(k). For a brief discussion of differences between torture as a crime against humanity and war crime See ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶¶ 2702-07. See also U.N. Special Rapporteur on Torture Report on Hostage-Taking UN Doc. A/HRC/58/55 (2025), *supra* note 95, ¶ 51 (“Torture is an *erga omnes* and *jus cogens* norm.”).

117 Convention Against Torture, *supra* note 3. For additional international instruments proscribing torture, see, e.g., the European Convention on Human Rights, art. 3, Nov. 5, 1950, ETS No. 005; International Covenant on Civil and Political Rights, art. 7, Dec. 16, 1966, 999 U.N.T.S. 171. The definition of torture under the Convention Against Torture (CAT) differs in certain respects from its articulation in other international criminal law instruments.

118 Convention against Torture, *supra* note 3, art. 1. See generally, David J. Luban et al., *International and Transnational Criminal Law* (4th ed. Aspen Publishing 2023).

119 Convention against Torture, *supra* note 3, art. 1.

120 *Id.*

121 *Id.*

122 Convention against Torture, *supra* note 3, art. 16 (emphasis added).

123 See, e.g., Catharine A. MacKinnon, *Are Women Human? And other international dialogues* (Harvard University Press, Belknap Press 2006) (urging the reconceptualization of many abuses faced by women as forms of torture and famously arguing that “rape is torture”).

124 Part I (*Factual Findings*). For hostage-related cases, see Part I, Section I.E (*SGBV Against Hostages During Abduction*) and I.F (*SGBV Against Hostages in Captivity*). Documented cases of SGBV against hostages are also analyzed in Section III (*Thematic Analysis: Identified Patterns*).

125 Section III (*Thematic Analysis: Identified Patterns*).

With respect to hostages, the Special UN Representative of the Secretary-General on Sexual Violence in Conflict also documented “clear and convincing information,” based on the firsthand accounts of released hostages, “that sexual violence, including rape, sexualized torture, and cruel, inhuman and degrading treatment occurred against some women and children during their time in captivity,” as well as credible information of some forms of sexual violence, including genital mutilation, sexualized torture, or cruel, inhuman and degrading treatment in the overall assessment of the crimes.¹²⁶ Similarly, the United Nations Special Rapporteur on Torture has recently affirmed that hostage-taking accompanied by severe physical or psychological suffering involves forms of torture or other cruel, inhuman or degrading treatment or punishment.¹²⁷ In doing so, she made explicit reference to the October 7th hostage crisis.¹²⁸ The Special Rapporteur further acknowledged the suffering endured by families of hostages, noting, *inter alia*, that “ Hamas has released videos of hostages that torment family members,” and subsequently called for recognition that both hostages and their family members constitute “victims” of these crimes who are entitled to effective reparation, rehabilitation and support.¹²⁹

Notably, there is a considerable overlap between torture and SGBC.¹³⁰ ICL caselaw addresses sexual crimes as torture or CID.¹³¹ For instance, rape, itself an international crime, can also

126 UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 8, ¶¶ 71, 84.

127 U.N. Special Rapporteur on Torture Report on Hostage-Taking UN Doc. A/HRC/58/55 (2025), *supra* note 95, ¶¶ 60-65, 71, 78, 80, 84, 86, 87, 84.

128 *Id.*, ¶¶ 7, 27, 74, 78, 85.

129 *Id.*, ¶ 60 (“The primary victims are the hostages themselves, who endure not only direct psychological and often physical torture, but who also experience extreme powerlessness. Secondary victimization affects immediate family members.” 87(j): calling on states to “Recognize that both hostages and their family members constitute victims who are entitled to effective reparation, rehabilitation and support;”)

130 See, e.g., Convention on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, U.N. Doc. CEDAW/C/GC/30 (2013), para. 23: “...jurisprudence of the international and mixed criminal tribunals and the Rome Statute of the International Criminal Court, pursuant to which enslavement in the course of trafficking in women and girls, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity may constitute a war crime, a crime against humanity or an act of torture, or constitute an act of genocide,” *id.*, para 34: “Irrespective of the character of the armed conflict, its duration or the actors involved, women and girls are increasingly deliberately targeted for and subjected to various forms of violence and abuse, ranging from arbitrary killings, torture and mutilation, sexual violence, forced marriage, forced prostitution and forced impregnation to forced termination of pregnancy and sterilization.” International jurisprudence has consistently upheld this framework: in ICTY, *Prosecutor v. Furundžija* (1998), *supra* note 6, ¶¶ 163–64, the ICTY held that rape may amount to torture when inflicted with the requisite purpose and severity; in ICTY, *Prosecutor v. Kunarac et al.* (2001), *supra* note 38, ¶¶ 655–656, the ICTY emphasized that acts of rape caused the victims severe mental and physical pain and thus constituted both rape and torture; in ICTR, *Prosecutor v. Akayesu* (1998), *supra* note 34, ¶¶ 59798, 687, the ICTR recognized that rape can constitute torture noting that rape, like torture, is a violation of personal dignity. In *Aydin v. Turkey*, App. No. 23178/94, ¶¶ 83–84 (Eur. Ct. H.R. Sept. 25, 1997), the European Court of Human Rights considered rape to be “an especially grave and abhorrent form of ill-treatment” which leaves “deep psychological scars on the victim which do not respond to the passage of time as quickly as other forms of physical and mental violence”; in *Mejía v. Peru*, IACtHR Case 10.970, Report N. 5/96, 1 March 1996, <https://hrlibrary.umn.edu/cases/1996/peru5-96.htm> the Inter-American Commission found that rape constituted an act of torture, recognizing that it is both a form of psychological and physical torture. See also Harriet Rosalind Gray et al., *Torture and Sexual Violence in War and Conflict: The unmaking and remaking of subjects of violence*, rev. of int’l studies 197, 206 (2020); Dragica Kozarić-Kovačić et al., *Rape, Torture, and Traumatization of Bosnian and Croatian Women: Psychological Sequelae*, 65(3) Am j. Orthopsychiatry 428 (1995).

131 See, e.g., ICTR, *Prosecutor v. Akayesu* (1998), *supra* note 34, ¶ 597; *Prosecutor v. Kunarac*, IT-96-23 & IT-96-23/1-A, Judgement, ¶ 151 (Int’l Crim. Trib. for the Former Yugoslavia, June 12, 2002); ICTY, *Prosecutor v. Delalić* (1998), *supra* note 34, ¶¶ 942-43, 964-65; *Prosecutor v. Anto Furundžija*, IT-95-17/1-T, Judgment, ¶¶ 163-164 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 10, 1998); *Raquel Martí de Mejía v. Peru*, Judgement, Inter-Am. Ct H.R. (ser. C) No. 5/96, (Mar. 1, 1996); *Aydin v. Turkey*, App. No. 23178/94, ¶¶ 83–84 (Eur. Ct. H.R. Sept. 25, 1997). See also ICRC, Customary

constitute torture.¹³² In *Akayesu*, the ICTR considered that “rape constituted a form of torture” and was used for the purposes of “intimidation, degradation, humiliation, discrimination, punishment, control or destruction of a person.”¹³³ The findings of the ICTR in *Akayesu* were followed by the ICTY in the *Čelebići* case. In that case, one of the accused, Zdravko Mucic, was found responsible as a superior for the war crimes of inhuman treatment and cruel treatment,¹³⁴ which involved forcing two brothers who were prisoners of the *Čelebići* camp to commit fellatio on one another and tying a burning fuse-cord around the genitals of another prisoner.¹³⁵ As mentioned above, the cases documented by the Civil Commission suggest distinct harm and suffering that amounts to torture and other cruel, inhuman, or degrading treatment or punishment.¹³⁶

“Then she told us that he touched her, and she told us exactly how he touched her and what he did...”

Aviva Siegel, Former Hostage

International Humanitarian Law (Vol. I), *supra* note 11; ICRC, Customary International Humanitarian Law (Vol. I), *supra* note 11, rule 93.

132 See, e.g., ICTR, *Prosecutor v. Akayesu* (1998), *supra* note 34, ¶ 597; *Prosecutor v. Kunarac*, IT-96-23 & IT-96-23/1-A, Judgment, ¶ 151 (Int'l Crim. Trib. for the Former Yugoslavia, June 12, 2002).

133 ICTR, *Prosecutor v. Akayesu* (1998), *supra* note 34, ¶ 597.

134 ICTY, *Prosecutor v. Delalić* (1998), *supra* note 34, ¶¶ 424-426. The offence of “cruel treatment” is a violation of Common Article 3(1) of the Geneva Conventions. See, e.g., Geneva Convention I, *supra* note 3, art. 3(1). It is listed in the Rome Statute, *supra* note 3, art. 8(2)(c)(ii) and is also a crime that has been interpreted through ICTY case law as falling within Statute of the International Criminal Tribunal for the Former Yugoslavia, art. 3, S.C. Res. 827, U.N. Doc. S/RES/827 (May 25, 1993). The offence of cruel treatment is materially equivalent to the offence of inhuman treatment.

135 ICTY, *Prosecutor v. Delalić* (1998), *supra* note 34, ¶¶ 1035-40, 1047, 1072, 1275.

136 Provided that other legal elements of the crimes are met under the applicable legal framework.

II. SGBV LINKED TO TERRORISM

Hamas's attack on Israel was aided by different groups. Some were members of other armed groups, such as the Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Popular Resistance Committees, the Palestinian Mujahideen Movement, and the Democratic Front for the Liberation of Palestine; others were Gazan civilians.¹³⁷ The attack was marked by the use of SGBV as an integral component of the violence inflicted against civilians. Acts of rape, sexual torture, genital mutilation, forced nudity, and other forms of SGBV were perpetrated in multiple locations, often in conjunction with killings, burning, abductions, and the targeting of family members, with victims often deliberately filmed and documented by the perpetrators, underscoring the use of sexual violence as a deliberate tool of terror.¹³⁸

Such violent strategies and attacks on civilians have been characterized as SGBV linked to terrorism and can be addressed under international and domestic criminal law and applicable counterterrorism frameworks.¹³⁹ The United Nations Security Council affirmed that terrorism constitutes one of the gravest threats to international peace and security and that "acts of terrorism are criminal and unjustifiable, regardless of their motivation," and "are to be unequivocally condemned, especially when they indiscriminately target or injure civilians."¹⁴⁰ It further called on Member States to strengthen efforts to prevent terrorism, including by addressing terrorist financing and related criminal activities, while emphasizing that such efforts must respect underlying legal norms.¹⁴¹ Sexual and gender-based violence has been

137 See *Introduction and Background and Context*. See also U.N. Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) U.N. Doc. S/2025/389 (2025), *supra* note 5, ¶ 35 (... "Both my Special Representative and the Commission of Inquiry found that the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, including the military arms of Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Popular Resistance Committees and the Palestinian Mujahideen Movement, as well as civilians from Gaza. My Special Representative concluded that the complexity and *modus operandi* of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected (See S/2024/217). In May 2024, the Prosecutor of the International Criminal Court submitted applications for warrants for the arrest of three political and military commanders of Hamas, citing reasonable grounds to believe that they bear criminal responsibility for war crimes and crimes against humanity, including rape and other forms of sexual violence, committed on the territory of Israel and the State of Palestine from at least 7 October 2023."). See also Human Rights Watch, *Palestinian Armed Groups' October 7 Assault on Israel* (2024), *supra* note 8, p. 3, 9–12, 29–35, 204–210, 233–234.

138 See *Introduction and Background and Context*; and Part I (*Factual Findings*).

139 Terrorism can be addressed under several international frameworks and instruments, as well as counterterrorism frameworks, and under domestic criminal law. See U.N. Security Council Counter-Terrorism Committee Executive Directorate (CTED), *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism* (Nov. 2023), https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/cted_report_sgbv_linked_to_terrorism_final.pdf, p. 10–33 ("Depending on the context, acts of SGBV linked to terrorism can be addressed under international humanitarian law, international criminal law, international human rights law, anti-trafficking law, and counter-terrorism legislation. In some cases, certain dimensions of SGBV linked to terrorism may be captured by general domestic criminal law addressing the underlying prohibited conduct such as rape, kidnapping, forced marriage, and other forms of SGBV."); U.N. Secretary-General, *Report on Sexual Violence in Conflict*, U.N. Doc. S/2015/203 (Mar. 23, 2015) (examining the use of sexual violence by terrorist and extremist groups as a tactic to target civilians and advance strategic objectives); See also Stuart Casey-Maslen, *The Prosecution of Terrorism as a War Crime*, *Lieber Institute Articles of War* (June 20, 2025), <https://lieber.westpoint.edu/prosecution-terrorism-war-crime/>.

140 S.C. Res. 1373, preamble., U.N. Doc. S/RES/1373 (Sept. 28, 2001); S.C. Res. 1456, U.N. Doc. S/RES/1456 (Jan. 20, 2003). See also G.A. Res. 77/298, preamble, *The United Nations Global Counter-Terrorism Strategy: Eighth Review*, U.N. Doc. A/RES/77/298 (July 3, 2023).

141 *Id.*



Photo by the Civil Commission | Nir Oz, June 19, 2024

“one of the means through which terrorist organizations indiscriminately target civilians in both conflict and non-conflict settings,” including through tactics such as rape, sexual slavery, sexual exploitation and forced labor.¹⁴²

The expression “SGBV linked to terrorism” aims to reflect that SGBV is “integrally linked with the strategic objectives, ideology and funding of extremist groups.”¹⁴³ The term emerged in

142 U.N. Security Council Counter-Terrorism Committee Executive Directorate (CTED), *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, p. 1 (Nov. 2023), https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/cted_report-_sgbv_linked_to_terrorism_final.pdf

143 U.N. Secretary-General, *Report on Sexual Violence in Conflict*, U.N. Doc. S/2015/203, para. 83 (Mar. 23, 2015). See also S.C. Res. 2242, U.N. Doc. S/RES/2242, ¶¶ 6, 11-13 (Oct. 13, 2015) (SGBV are “known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism, and an instrument to increase their power.”); S.C. Res. 2331, U.N. Doc. S/RES/2331 (Dec. 20, 2016); S.C. Res. 2388, U.N. Doc. S/RES/2388 (Nov. 21, 2017); S.C. Res. 2467, U.N. Doc. S/RES/2467 (Apr. 23, 2019); U.N. Security Council Counter-Terrorism Committee Executive Directorate (CTED), *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, p. 8; See also General Recommendation No. 30 of the CEDAW Committee, notes that “women and girls are primarily and increasingly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.” It especially notes that women in conflict situations are “often attacked as symbolic representatives of their community.” Committee on the Elimination of Discrimination against Women, General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, CEDAW/C/GC/30, ¶ 35 (Oct. 18, 2013). See also S.C. Res. 1820, preamble (June 19, 2008). Likewise, the Women, Peace, and Security (WPS) framework established by the U.N. Security

response to egregious forms of conflict-related sexual violence perpetrated by extremist groups across diverse contexts worldwide.¹⁴⁴ It arises from dehumanization based on gender, sexual orientation, ethnic and political or religious identity, with women and girls disproportionately targeted due to entrenched gender inequalities.¹⁴⁵

The effort to conceptualize sexual violence within counter-terrorism frameworks seeks to enhance accountability and strengthen criminal justice responses to such crimes. Counter-terrorism mechanisms must also contribute to a more comprehensive understanding of the diverse forms of violence, harms, and consequences associated with SGBV perpetrated by terrorist groups.¹⁴⁶ According to the UN Security Council Counter-Terrorism Committee Executive Directorate (CTED), the various motivations behind the commission of SGBV by terrorist groups have been conceptualized in six ways: (1) the systematic use of SGBV as an integral part of an operation; (2) the deliberate use of SGBV to spread terror; (3) the use of SGBV to finance and sustain terrorist activity; (4) the deliberate use of SGBV as a means of persecuting a group based on its political, ethnic, or religious identity; (5) the use of SGBV, including human trafficking, as part of a strategy for radicalization, recruitment, and retention of members; and (6) sexual and gender-based crimes (SGBC) committed pursuant to and/or in furtherance of an ideology, such as the subjugation of women in society and the control of their bodies.¹⁴⁷ The evidence documented by the Civil Commission reflects multiple motivations recognized in international analyses of SGBV linked to terrorism listed above, including the strategic use of sexual violence as an integral component of the operation, aimed to terrorize civilian populations, persecute targeted communities, reinforce extremist ideology, and sustain the operational objectives of armed groups.

In such circumstances, acts of SGBV may be charged not only as international crimes under international criminal law or customary international law, but also, where applicable, as acts of terrorism under relevant counter-terrorism frameworks and domestic legislation. Recognizing and prosecuting SGBV within these intersecting legal regimes is essential to ensuring accountability, capturing the full gravity of the suffering inflicted, and addressing the distinct harm of terrorist violence for victims, their families, and affected communities.¹⁴⁸

Council emphasizes the gendered impact of armed conflict, noting that women and girls are disproportionately and increasingly targeted through sexual violence, including as a means of asserting ideological domination. See, e.g., Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013), and 2467 (2019).

144 *Id.*

145 *Id.*

146 U.N. Security Council Counter-Terrorism Committee Executive Directorate (CTED), *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, p. 5 (Nov. 2023), https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/cted_report-_sgbv_linked_to_terrorism_final.pdf.

147 U.N. Security Council Counter-Terrorism Committee Executive Directorate (CTED), *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, p. 9 (Nov. 2023), https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/cted_report-_sgbv_linked_to_terrorism_final.pdf.

148 *Id.* See also Anne-Marie de Brouwer, Eefje de Volder & Christophe Paulussen, *Prosecuting the Nexus between Terrorism, Conflict-Related Sexual Violence and Trafficking in Human Beings before National Legal Mechanisms: Case Studies of Boko Haram and Al-Shabaab*, 18 *J. Int'l Crim. Just.* 499, 506–07 (May 2020). Some processes are already starting to be employed in relation to Hamas members for acts of terrorism, including sexual acts, committed on October 7th. See, e.g., U.S. Department of Justice, *Justice Department Announces Terrorism Charges Against Senior Leaders of Hamas* (Sept. 3, 2024), <https://www.justice.gov/archives/opa/pr/justice-department-announces-terrorism-charges-against-senior-leaders-hamas>.

II. INDIVIDUAL CRIMINAL RESPONSIBILITY

Atrocity crimes do not occur in the abstract. They are conceived, directed, and carried out by *individuals* who make choices to violate the most basic norms of humanity. Under international criminal law, those who planned, ordered, enabled, induced, contributed to, or directly perpetrated these acts incur individual criminal responsibility.

The following section accordingly examines the potential individual perpetrators and applicable modes of liability under international criminal law. It offers an illustrative examination that focuses on international criminal jurisprudence on modes of liability, particularly with respect to those employed in prosecutions of SGBC. In addition to ICC jurisprudence, the section draws on the jurisprudence of other international tribunals such as the ICTY and ICTR. It further shows that due to the nature of SGBC, in some cases, courts have used the concept of *foreseeability* to determine whether these actors could have predicted that SGBC would occur in the normal course of events, as explained below.

A. PERPETRATORS OF THE OCTOBER 7TH ATTACKS

The October 7th attacks were planned, coordinated, and executed by a complex web of actors.¹⁴⁹ The U.N. Special Representative on conflict-related sexual violence and the U.N. Commission of Inquiry found that “the 7 October attacks were led and coordinated by Hamas, joined by other Palestinian armed groups, including the military arms of Palestinian Islamic Jihad, the Al-Aqsa Martyrs Brigade, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, the Popular Resistance Committees and the Palestinian Mujahideen Movement, as well as civilians from Gaza.”¹⁵⁰ The Special Representative concluded that “the complexity and *modus operandi* of the attacks demonstrated a significant level of planning, coordination and detailed prior knowledge of the targets selected.”¹⁵¹ Within this web of perpetrators, different individuals would have played different roles in the execution of the attacks, reflecting the varied roles carried in the planning, coordination, execution, and facilitation of the attacks.

As documented by the Civil Commission, many perpetrators were able to carry out their crimes and retreat to the Gaza Strip, some while taking hostages or abducting the bodies of victims,

149 See *Introduction and Background and Context*.

150 U.N. Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) U.N. Doc. S/2025/389 (2025), *supra* note 5, ¶ 35. The Investigations conducted by Human Rights Watch point to five major armed groups which took part in the October 7th attack: the Qassam Brigades, the Palestinian Islamic Jihad’s armed wing, the Quds Brigades, the Democratic Front for the Liberation of Palestine’s armed wing, the National Resistance Brigades or Omar al-Qasim, the Popular Front for the Liberation of Palestine’s armed wing, the Martyr Abu Ali Mustafa Brigades, the Aqsa Martyrs Brigades, formerly linked to the Fatah political faction, and civilians directly participating in the attack. See Human Rights Watch, *Palestinian Armed Groups’ October 7 Assault on Israel* (2024), *supra* note 8, ¶¶ 204-205.

151 *Id.* See also UN SRSG on Sexual Violence in Conflict Oct 7 Report UN Doc. S/2024/217 (2024), *supra* note 8, ¶ 5 (Mar. 6, 2024).

before Israeli military forces reached the attacked sites.¹⁵² Some perpetrators have since been detained by Israeli authorities and are awaiting trial in Israel,¹⁵³ while others escaped the region and traveled to third states in an effort to evade arrest.¹⁵⁴

In addition, the attacks were made possible by individuals who incited, encouraged, or otherwise contributed to the commission of the crimes. Others facilitated the attacks through financial and material support, providing resources that made the crimes possible. Finally, the violence was amplified by perpetrators who filmed, broadcast, or otherwise disseminated the acts digitally in order to terrorize victims and their families and maximize harm. The filming and dissemination of the attacks, including SGBV content, served to glorify the crimes, encourage participation, and dehumanize or humiliate victims.¹⁵⁵

B. MODES OF LIABILITY UNDER INTERNATIONAL CRIMINAL LAW IN PROSECUTIONS OF SEXUAL AND GENDER-BASED CRIMES

I. GENERAL

The perpetrators' conduct engages various established modes of liability, including co-perpetration, indirect perpetration, indirect co-perpetration, ordering, inducing, aiding and abetting, and contribution to crimes committed pursuant to a common purpose.¹⁵⁶ In addition, commanders and other superiors may incur criminal responsibility where they knew or should have known that crimes were being committed by subordinates and failed to prevent their commission or to punish those responsible.¹⁵⁷

International jurisprudence has made important advances toward a more thorough understanding of how SGBC form an integral part of the campaigns of violence that

152 See *Introduction and Background and Context*.

153 More than 300 individuals are expected to face prosecution for their involvement in the October 7th attack and the taking of hostages. See sections III and IV below (*Toward Accountability for October 7th SGBC, Internationalized Mechanism for October 7th with Gender Competent Standards*); See also Chen Maanit, *Israeli Effort to Indict October 7 Terrorists Still Faces Legal and Diplomatic Hurdles*, Haaretz (Apr. 20, 2025), <https://www.haaretz.com/israel-news/2025-04-20/ty-article/premium/israeli-effort-to-indict-october-7-terrorists-still-faces-legal-and-diplomatic-hurdles/00000196-5371-d99b-a5ff-dbf77aab0000>.

154 See, e.g., US Department of Justice, Office of Public Affairs, *Gaza Man Arrested for Alleged Involvement in October 7, 2023 Terrorist Attacks* (Oct. 17, 2025), <https://www.justice.gov/opa/pr/gaza-man-arrested-alleged-involvement-october-7-2023-terrorist-attacks>; *Hamas terrorist involved in Oct. 7 living in Belgium, travelling freely across Europe, antisemitism watchdog says*, Times of Israel (Nov. 8, 2025), https://www.timesofisrael.com/liveblog_entry/hamas-terrorist-involved-in-oct-7-living-in-belgium-antisemitism-watchdog-says/.

155 See *Introduction and Background and Context*; and *Part I (Factual Findings)*, and Section III (*Thematic Analysis: Identified Patterns*), including Patterns 8-9 (*Public Display and Parading of Women and Children and the Abduction of Mothers and Children*) and Pattern 11 (*Filming and Digital Dissemination of SGBV, Including Use of Social Media to Document, Glorify, and Amplify the Atrocities*).

156 The ICC recognizes several modes of responsibility applicable to collective crimes: co-perpetration, indirect perpetration, indirect co-perpetration, and contributing "in any other way" to the commission of a crime by a group of people acting with a common purpose. See Rome Statute, *supra* note 3, art. 25(3)(a) and (d). Although giving orders, inducing and aiding and abetting do not require the existence of a group, these modes have also been used in situations where crimes have been committed by more than one person. See art. 25(3)(b) and (c).

157 For example, under the Rome Statute, responsibility has been attributed to superiors when, despite their effective control over their subordinates and knowledge that crimes had been or were going to be committed by them, they failed to take the necessary measures to prevent the crimes or punish those responsible. Rome Statute, *supra* note 3, art. 28.

characterize war crimes and crimes against humanity.¹⁵⁸ Prosecutors have employed various theories of accountability in the pursuit of justice, charging not only perpetrators, but also co-perpetrators, indirect perpetrators, indirect co-perpetrators, contributors, those who order and induce, as well as accomplices and superiors.¹⁵⁹ Without purporting to present the full breadth or doctrinal complexity of the subject, and mindful of the fact-specific and context-dependent nature of international criminal prosecutions, and evidentiary challenges of each case, it is nevertheless instructive to note selected jurisprudence on SGBV for its contribution to the legal understanding and characterization of SGBC.

Tribunals have used distinct modes of liability to hold perpetrators responsible for SGBC. To date, these efforts have been met with varying degrees of success.¹⁶⁰ ICC prosecutors have, for example, successfully employed charges of indirect perpetration and indirect co-perpetration against the accused in the Ongwen and Ntaganda cases.¹⁶¹

In *Ntaganda*, the Trial Chamber convicted the accused of SGBC. The ICC found that there was a common plan among members of the *Union des Patriotes Congolais/Forces Patriotiques pour la Libération du Congo* (UPC/ FPLC), to take control of the Ituri region of the Democratic Republic of the Congo.¹⁶² The objective of this plan was to expel members of the Lendu ethnic group from the targeted areas.¹⁶³ The Trial Chamber held that there was sufficient evidence to convict the defendant of rape and other sexual crimes committed during the implementation of the common plan, despite the fact that these crimes were not the objective of the attack.¹⁶⁴ In reaching this conclusion, the Chamber found that the defendant knew that these crimes would occur “with virtual certainty” since those implementing the plan had previously committed SGBV.¹⁶⁵ Similar to the killings and other acts of physical violence, SGBV was “a tool used by both the soldiers and the UPC/FPLC commanders to achieve their goal of destroying the Lendu community” consistent with the plan.¹⁶⁶

158 See generally Susana SáCouto et al., *Collective Criminality and Sexual Violence: Fixing a Failed Approach*, 33 *Leiden J. Int'l L.* 207 (2020) (hereinafter SáCouto, *Collective Criminality*).

159 *Id.*

160 *Id.* (examining the treatment of modes of liability by international criminal courts and tribunals and limitations in the jurisprudence discussed). See, e.g. Barbara Goy et al., *Contextualizing Sexual Violence and Linking It to Senior Officials – Modes of liability*, in *Prosecuting Conflict-Related Sexual Violence at the ICTY* 242 (S. Brammertz & M. Jarvis, eds., 2016), (hereinafter: “Goy et al., *Contextualizing Sexual Violence*”) (focusing on the practice at the ICTY). Susana SáCouto & Patricia Sellers, *The Bemba Appeals Chamber Judgment: Impunity for Sexual and Gender-Based Crimes?* 27(3) *William & Mary Bill Rts. J.* 599 (2019).

161 *Prosecutor v. Ntaganda*, ICC-01/04-02/06-211, Decision on the confirmation of charges, (June 9, 2014), ¶ 158, (hereinafter: *Ntaganda*, Confirmation Decision). ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 776. See generally E. van Sliedregt & L. Yanev, *Co-Perpetration Based on Joint Control over the Crime*, in Jérôme De Hemptinne, Robert Roth, and Elies Van Sliedregt, *Modes of Liability in International Criminal Law* (de Hemptinne et al., eds. 2019), <https://doi.org/10.1017/9781108678957.005>.

162 ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 808; see also *Ntaganda*, Confirmation Decision, *supra* note 160, ¶ 105.

163 *Id.*

164 ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶¶ 808-09; See also *Ntaganda*, Confirmation Decision, *supra* note 160, ¶ 134. The allegations were made under a theory of indirect co-perpetration.

165 ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶¶ 797, 799, 805, 811. Although this decision demonstrates that knowledge of prior conduct may be sufficient to satisfy this element, proof that similar crimes were committed earlier is not necessary and the knowledge element can be satisfied in other ways. See, e.g., *Prosecutor v. Laurent Gbagbo*, ICC-02/11-01/11-656-Red, Confirmation Decision, ¶ 238 (Jun. 13, 2014); *Prosecutor v. Charles Blé Goudé*, ICC-02/11-02/11-186, Confirmation Decision, ¶¶ 154-57 (Dec. 13, 2014).

166 ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 805; see also *Ntaganda*, Confirmation Decision, *supra* note 160, ¶ 134. On appeal, the accused alleged that the Trial Chamber erred in interpreting the common plan. In the absence of

In *Ongwen*, the Trial Chamber convicted the accused of indirect perpetration with respect to two attacks on camps for internally displaced persons (IDPs).¹⁶⁷ In that case, the Lord's Resistance Army (LRA) had a hierarchical structure where military orders were generally followed.¹⁶⁸ LRA fighters attacked the Abok and Lukodi camps, consistent with Ongwen's instructions.¹⁶⁹ The camp residents were perceived as associated with the Government of Uganda and therefore enemies.¹⁷⁰ The Chamber explained that with respect to the Lukodi attack, "[T]he conditions of recruitment, initiation and training, and service in the LRA generally of its members were such that LRA commanders could rely for obedience in the execution of orders on a reliable pool of persons. ... The LRA soldiers selected and sent for the attack on the Lukodi IDP camp as a whole functioned as a tool of Dominic Ongwen, through which he was able to execute his plan to attack the Lukodi IDP camp, including the commission of crimes."¹⁷¹ Accordingly, the Chamber concluded that the conduct of the individual LRA fighters in the execution of the crimes during the attack on the Lukodi IDP camp must be attributed to Dominic Ongwen as his own and convicted Ongwen for indirect perpetration with respect to these attacks.¹⁷²

II. JOINT CRIMINAL ENTERPRISE (JCE) THEORY

Doctrines of collective criminal responsibility have played a central role in cases involving SGBC committed as part of coordinated campaigns of violence. Importantly, the concept of Joint Criminal Enterprise (JCE) serves as a method of attribution utilized by the *ad hoc* international tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) with particular success in SGBC cases.¹⁷³ Joint criminal enterprise (JCE) liability originates from Article 7(1) of the ICTY Statute.¹⁷⁴ This theory has been applied by other international tribunals such as the ICTR, the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Special Tribunal for Lebanon (STL).¹⁷⁵

direct evidence, Ntaganda argued, that the Chamber should have adduced evidence from the "concerted action of the co-perpetrators," rather than inferring the common plan based on the criminal activity of rank-and-file members of the UPC/FPLC. The Appeals Chamber dismissed the argument, noting that where criminal liability is exercised "through other people who function as a tool of all co-perpetrators," the Trial Chamber did not err when it inferred the plan from the actions of individual soldiers. *Prosecutor v. Ntaganda*, ICC-01/04-02/06 A A2, Appeals Judgment, ¶ 915, 918-22 (Mar. 30, 2021).

167 ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶¶ 2864, 2973, 3020; see also *Prosecutor v. Ongwen*, ICC-02-04-01/15, Decision on the confirmation of charges, ¶ 44 (Mar. 23, 2016).

168 ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶ 2799.

169 The Chamber also adopted the same conclusion with respect to some of the charges related to gender-based violence and child recruitment. *Id.*, ¶¶ 36, n. 68, 1722, 1864.

170 *Id.*, ¶ 2852.

171 *Id.*, ¶¶ 2964. With respect to the attack at Camp Abok, See *Id.*, ¶ 3011.

172 *Id.*, ¶¶ 2973, 3020. In two more attacks, he was convicted as an indirect co-perpetrator (See also *Id.*, ¶¶ 2874, 2927).

173 See Patricia Sellers, *Individual(s) Liability for Collective Sexual Violence*, in *Gender and Human Rights* (Karen Knop (ed.), 2004) (focusing on joint criminal enterprise in ICTY jurisprudence). See also SáCouto, *Collective Criminality*, *supra* note 158, pp. 209-210.

174 Statute of the International Criminal Tribunal for the Former Yugoslavia, art. 7(1), S.C. Res. 827, U.N. Doc. S/RES/827 (May 25, 1993) (providing that a person who "planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime" shall be individually responsible for the offence.) Regarding the challenges posed by SGBV prosecutions at the ICTY, See Michelle Jarvis & Kate Vigneswaran, *Challenges to Successful Outcomes*, in *Sexual Violence Cases in Prosecuting Conflict-Related Sexual Violence at the ICTY* (S. Brammertz & M. Jarvis, eds., Oxford University Press 2016), pp. 41-42.

175 Yanev Lachezar, *Joint Criminal Enterprise*, in *Modes of Liability in International Criminal Law 121-122* (Jérôme Hemptinne et al., eds., Cambridge University Press 2019).



“They removed her underwear. Her legs were spread. Her genitals were exposed. It was a very, very difficult sight. Her husband’s body was on the other side of the car, apparently it was her husband...”

Eden Wessely, who went to the Nova festival in an attempt to rescue her friend

Although there are three distinct categories of JCE liability,¹⁷⁶ all include certain core elements: (1) the existence of a **group of two or more people**; (2) the existence of a **common plan, design, or purpose** amounting to or involving the commission of a crime; and (3) the **individual's participation** in the common plan.¹⁷⁷

In contrast to co-perpetration under Article 25(3)(a) of the Rome Statute, JCE does not require an essential contribution, but rather a **significant contribution** to the commission of the crime.¹⁷⁸ This includes forms of assistance or contribution to the common purpose that do not necessarily involve the material execution of the crime.¹⁷⁹ However, it requires a more substantial level of participation than simply following orders and performing a low-level function in the criminal activity on a single occasion.¹⁸⁰

Courts have identified significant contribution in light of evidence that the actor engaged in the following conduct: encouraging and supporting the crimes; providing training, weapons and financial means; undertaking activities in anticipation of the crime, such as recruiting militias and mercenaries; forging military alliances; and assisting in defining the military strategy.¹⁸¹ Additional factors in determining whether the contribution was significant include, *inter alia*, the following: the size of the criminal enterprise, the functions performed, the position of the accused, the amount of time spent, participation after acquiring knowledge of the criminality of the system, the seriousness and scope of the crimes committed; and the efficiency, zeal or wanton ruthlessness exhibited in carrying out the actor's function.¹⁸² Mitigating factors also include efforts made to prevent criminal activity or impede the efficient functioning of the criminal enterprise.¹⁸³

Under the first category of JCE, known as **JCE I** or basic JCE, the individual can be held criminally responsible for crimes that were part of the common plan, provided that the **individual intended to perpetrate the crimes**.¹⁸⁴ The second category, referred to as systematic JCE or JCE II, has been used with respect to systems of mistreatment such as concentration camps.¹⁸⁵ Under the third category, **JCE III** or extended JCE, the individual may be responsible for additional crimes committed by members of the JCE if he or she **intended to participate in and further the**

176 ICTY, Prosecutor v. Tadić, IT-94-1-A, Appeals Judgment, ¶ 195 (Int'l Crim. Trib. for the Former Yugoslavia, Jul. 15, 1999) (hereinafter: "ICTY, Prosecutor v. Tadic (1999)"); ICTY, Prosecutor v. Kvočka *et al.*, IT-98-30/1-A, Appeals Judgment, ¶ 82 (Int'l Crim. Trib. for the Former Yugoslavia, Feb. 28, 2005) (hereinafter "ICTY, Prosecutor v. Kvočka (2005)"); ICTY, Prosecutor v. Martić, IT-95-11-T, Judgment, ¶ 435 (Int'l Crim. Trib. for the Former Yugoslavia, Jun. 12, 2007) (hereinafter: "ICTY, Prosecutor v. Martić (2007)").

177 ICTY, Prosecutor v. Tadic (1999), *supra* note 175, ¶ 227; ICTY, Prosecutor v. Vasiljević, IT-98-32-A, Appeals Judgment, ¶ 100, (Int'l Crim. Trib. for the Former Yugoslavia, Feb. 25, 2004) (hereinafter: "ICTY, Prosecutor v. Vasiljević (2004)"); ICTY, Prosecutor v. Martić (2007), *supra* note 175, ¶ 435.

178 Antonio Cassese, *International Criminal Law* (2013), pp. 163, 164, 166; Héctor Olásolo, *A Treatise on Perpetration and Participation in International Criminal Law* (2013), pp. 78-80.

179 Bert Swart, *Modes of International Criminal Liability* in *The Oxford Companion to International Criminal Justice* (Antonio Cassese, ed., online ed., Oxford Law Pro, 2009), p. 84.

180 ICTY, Prosecutor v. Kvočka (2005), *supra* note 175, ¶ 311.

181 *Id.*

182 *Id.*

183 *Id.*

184 ICTY, Prosecutor v. Tadic (1999), *supra* note 175, ¶ 228; ICTY, Prosecutor v. Vasiljević (2004), *supra* note 176, ¶101; ICTY, Prosecutor v. Martić (2007), *supra* note 175, ¶ 439.

185 Prosecutor v. Đorđević, IT-05-87/1-A, Appeals Judgment, (Int'l Crim. Trib. for the Former Yugoslavia, Jan. 27, 2014), ¶ 919 (hereinafter: "ICTY, Prosecutor v. Đorđević (2014)").

criminal activity of the JCE; it was foreseeable that the additional crime could be perpetrated by other members of the group; and the individual decided to participate in the enterprise despite that risk.¹⁸⁶ The discussion below focuses on the theories of JCE I and JCE III.

1. JCE I

JCE I has been utilized for SGBC that is part of the common criminal purpose of the members of the joint criminal enterprise. For example, the ICTY Appeals Chamber applied this mode of liability after finding that the sexual violence committed in several detention camps was an integral part of the campaign of persecution against Bosnian Muslims and Bosnian Croats carried out by the JCE members as it was committed against the same ethnic group of victims, by the same perpetrators, in the same temporal and geographical context, and with the same motivation.¹⁸⁷

Moreover, JCE I has been employed in circumstances where the SGBC were not initially part of the common purpose but became part of that purpose once they were allowed to occur with impunity. For example, in the *Krajišnik* case, the ICTY Trial Chamber held that while the sexual violence was not part of the group's original plan to expel the non-Serb population [from areas of Bosnia], the accused could be held responsible for the sexual violence, after the prosecution demonstrated that the accused had been informed of the violence, did nothing to prevent its recurrence, and persisted in carrying out the group's plan.¹⁸⁸ Although the *Krajišnik* Appeals Chamber overturned the conviction for crimes that were part of the expanded scheme,¹⁸⁹ it confirmed that criminal methods employed to achieve a common purpose may evolve over time if the JCE members agreed to this expanded activity.¹⁹⁰ Furthermore, the Appeals Chamber found that it is not necessary to show that the JCE members explicitly agreed to expand criminal means of realizing the common objective; "this agreement may materialize extemporaneously and be inferred from circumstantial evidence."¹⁹¹ Accordingly, the *Krajišnik* case established the precedent that perpetrators can be held responsible for crimes of sexual violence not only when those crimes clearly form a component of a common plan from the outset, but also when they become part of the group's action over time.¹⁹²

2. JCE III

The "extended" JCE or JCE III has been used by both the ICTY and the ICTR to successfully convict civilian or military leaders for crimes of SGBV when these crimes were not part of the common purpose but **were natural and foreseeable consequences of the implementation of**

186 ICTY, *Prosecutor v. Vasiljević* (2004), *supra* note 176, ¶ 101; ICTY, *Prosecutor v. Tadić* (1999), *supra* note 175, ¶ 204; ICTY, *Prosecutor v. Kvočka* (2005), *supra* note 175, ¶ 83; ICTY, *Prosecutor v. Martić* (2007), *supra* note 175, ¶ 168.

187 ICTY, *Prosecutor v. Stakić*, IT-97-24-A, Appeals Judgment (Int'l Crim. Trib. for the Former Yugoslavia, Mar. 22, 2006), ¶ 73; ICTY, *Prosecutor v. Stakić*, IT-97-24-T, Judgment (Int'l Crim. Trib. for the Former Yugoslavia, Jul. 31, 2003), ¶¶ 475, 477, 496, 818; see also Barbara Goy *et al.*, *Contextualizing Sexual Violence*, *supra* note 159, pp. 224-225.

188 ICTY, *Prosecutor v. Krajišnik*, IT-00-39-T, Judgment, ¶¶ 1096, 1105, 1118 (Int'l Crim. Trib. for the Former Yugoslavia, Sep. 27, 2006); see also discussion in SáCouto, *Collective criminality*, *supra* note 158, p. 237.

189 Note that this decision reflected the lack of evidence as to when the common purpose was expanded to include these other crimes and not for rejecting the notion that an accused can be responsible for an expanded common purpose.

190 ICTY, *Prosecutor v. Krajišnik*, IT-00-39-A, Appeals Judgment, ¶ 163 (Int'l Crim. Trib. for the Former Yugoslavia, Mar. 17, 2009).

191 *Id.*

192 SáCouto, *Collective criminality*, *supra* note 158, p. 237.

that common purpose.¹⁹³ The use of the extended JCE to hold perpetrators accountable of SGBV aims to challenge the common misconception that sexual violence committed in the context of conflict or mass violence is often isolated or unrelated to other crimes.¹⁹⁴

In the case law established by the Appeals Chambers of these tribunals, a defendant can be held liable under JCE III for an offense that is outside the common purpose when: (1) it was **foreseeable** that such offense could be committed by one or more people used by him (or by any other member of the JCE) to perform the *actus reus* of the offenses that are part of the common purpose, and (2) the defendant **willingly assumed that risk** (i.e., the defendant participated in the JCE despite knowing that such offenses were a possible consequence of the JCE).¹⁹⁵ In order to establish JCE III crimes as the natural and foreseeable consequence of the crimes envisaged in the common plan, such crimes have to be part of the context initially resulting from the implementation of the common criminal purpose.¹⁹⁶

Moreover, the Chambers clarified that, when the crimes in question were committed by one or more people who are not part of the JCE, it is sufficient to prove that these people were used by JCE members to commit the *actus reus* of the crimes that were part of the common purpose; it is not necessary to prove that they were used to commit the crimes that fall outside the common purpose.¹⁹⁷ Regarding the subjective element (*mens rea*), it is not necessary to prove awareness of the “likelihood” that the crime would be committed, but rather that the defendant knew that the commission of the crime was a “possible” consequence of the implementation of the common purpose.¹⁹⁸ Under this possibility standard, the risk that the crime might occur must be “sufficiently substantial to be foreseeable to the defendant.”¹⁹⁹

In the *Šainović* and *Đorđević* cases, the ICTY applied the concept of JCE III to hold Serb leaders of various political, military, and police entities responsible for the expulsion of the Kosovo Albanian population from the territory of Kosovo, through the creation of a climate of violence and fear that included the commission of murders, massacres, destruction of communities, and forced expulsion of the population.²⁰⁰ In both cases, the Appeals Chamber held that the SGBV were clearly foreseeable and found the accused guilty under JCE III for such violations.²⁰¹

In *Đorđević*, the Appeals Chamber referred to the context of violence and fear that constituted the central element of the common plan, including various crimes that were committed such as bombings, destruction of houses, looting, killings, threats, and forced relocations that left the Kosovo Albanian population “highly vulnerable, lacking protection, and exposed to abuse and mistreatment by members of the Serb forces.”²⁰² Furthermore, the Chamber noted that men and women were frequently separated, on several occasions men were killed, and the

193 *Id.*; ICTY, Prosecutor v. Đorđević (2014), *supra* note 184, ¶ 919.

194 SáCouto, *Collective criminality*, *supra* note 158, p.214.

195 ICTY, Prosecutor v. Đorđević (2014), *supra* note 184, ¶ 906 (emphasis added).

196 *Id.*

197 *Id.*, ¶¶ 912-913.

198 *Id.*, ¶ 907.

199 *Id.*

200 *Id.*, ¶¶ 919-920; ICTY, Prosecutor v. Šainović, IT-05-87-A, Appeals Judgment (Int'l Crim. Trib. for the Former Yugoslavia, Jan. 23, 2014), ¶ 639 (hereinafter: “ICTY, Prosecutor v. Šainović (2014)”).

201 ICTY, Prosecutor v. Šainović (2014), *supra* note 199, ¶¶ 1582, 1592, 1602.

202 ICTY, Prosecutor v. Đorđević (2014), *supra* note 184, ¶ 921.

separated women were rendered “especially vulnerable to being targeted and subjected to violence by Serbian forces on the basis of their ethnicity, including violence of a sexual nature as one of the most degrading and humiliating forms of violence.”²⁰³ The Chamber concluded that “[d]efenceless Kosovo Albanian civilians were confronted with Serbian forces, who knew that they could act with near impunity” and that this left the Chamber in “no doubt that in such an environment, sexual assaults were a natural and foreseeable consequence.”²⁰⁴

The ICTR case of *Karemera et al.* provides another example of the use of JCE III to convict an accused for SGBC. There, the Chamber recalled that it had already concluded that the rapes and sexual assaults of Tutsi women and girls were not part of the JCE’s common purpose to destroy the Tutsi population in Rwanda, but still established the responsibility of two accused—Karemera and Ngirumpatse—for rape and sexual assault as acts of genocide under JCE III as well as under command responsibility for the crimes committed by the Interahamwe militia in Kigali and Gisenyi.²⁰⁵ The Chamber observed that “during a campaign to destroy, in whole or in part, a national, ethnic, racial or religious group, a natural and foreseeable consequence of that campaign will be that soldiers and militia who participate in the destruction will resort to rapes and sexual assaults unless restricted by their superiors.”²⁰⁶ The Chamber took into consideration that the two accused, because of their leadership positions and their participation in high-level meetings and with the population, would have had access to information about acts of sexual violence, as well as the open and notorious nature of these crimes.²⁰⁷ The Chamber found that they were aware that widespread rape and sexual assault were “at least a possible consequence of the JCE to pursue the destruction of the Tutsi population in Rwanda” and that they “willingly took the risk of further rapes and sexual assaults” because they continued to participate in the JCE.²⁰⁸

The Appeals Chamber affirmed the Trial Chamber’s analysis that the violations, although not part of the common purpose of the JCE, were a natural and foreseeable consequence of it.²⁰⁹ The Appeals Chamber reiterated that this inference—that such crimes were foreseeable—must be the only reasonable inference based on the accused’s knowledge and level of involvement in the JCE, and that inferences may be based on circumstantial evidence whenever they are the only reasonable conclusion that can be drawn from the evidence presented.²¹⁰ In this regard, the Appeals Chamber affirmed that a person’s high-level position, together with the open and notorious manner in which the crimes occurred, can be a sufficient basis for an inference of knowledge about the crimes.²¹¹ The Chamber also reiterated that knowledge of the crimes, coupled with continued participation in a JCE, can lead to a finding of the person’s intent.²¹²

203 *Id.*, ¶ 922.

204 *Id.*

205 Prosecutor v. Karemera, ICTR-98-44-T, Judgment, ¶¶ 1669-1671 (Feb. 2, 2012).

206 *Id.*, ¶ 1476.

207 *Id.*, ¶¶ 1481-1485.

208 *Id.*, ¶¶ 1483, 1486.

209 Prosecutor v. Karemera, ICTR-98-44-A, Appeals Judgment, ¶¶ 627-633, (Sept. 29, 2014).

210 *Id.*, ¶ 629.

211 *Id.*, ¶ 630.

212 *Id.*, ¶ 632.

3. Foreseeability of Crimes

Due to the nature of SGBC, it is often difficult to find evidence of direct knowledge on the part of the high-level perpetrators. For this reason, courts have used the concept of foreseeability to examine whether these actors could have predicted that SGBC would occur in the normal course of events. By examining the actions and omissions of the high-level perpetrators, a court can evaluate the extent to which they created the conditions for the SGBC to occur.

The notion of foreseeability has been incorporated into the Rome Statute in its Article 30, which establishes the elements of *mens rea*, and in particular, in Paragraph 2(b), where it provides that a person acts intentionally where, in relation to a consequence, “means to cause that consequence or is aware that it will occur in the ordinary course of events,” as well as in Paragraph 3, according to which knowledge means “awareness that a circumstance exists or that a consequence will occur in the normal course of events.”²¹³ The jurisprudence of the ICC has grappled with the meaning of this provision. In the *Lubanga* appeals judgment, for example, the Chamber held that the standard for foreseeability of events is one of “virtual certainty.”²¹⁴

One way prosecutors have demonstrated foreseeability is by providing evidence of SGBC crimes along with other concurrent criminal conduct, thereby countering courts’ tendency to view such violence as separate from the other criminal conduct.²¹⁵ In their study on the contextualization of sexual violence, experts Goy, Jarvis and Pinzauti drew from ICTY jurisprudence and other cases to propose a list of possible indicators of the foreseeability of SGBC, including, for example, the accused’s knowledge of:

- The violent nature of a campaign which makes victims more vulnerable.
- The existence of a widespread and systematic attack against civilians.
- The forced displacement of hundreds of thousands of people, or the generally chaotic nature of an operation.
- The separation of men and women, making women more vulnerable.
- The large number of troops involved in an operation, particularly in conjunction with a climate of ethnic animosity.
- The types of military forces involved in the execution of a criminal campaign, e.g., paramilitary or irregular groups with a violent or untrained reputation, lack of criminal background checks prior to deployment, or redeployment of troops who have previously committed crimes.
- The criminal propensity of the perpetrators, for example, through statements made by the accused, or through reports received by the accused about the perpetrators’ activities.
- The use of sexualized depictions of women as war propaganda.²¹⁶

213 Rome Statute, *supra* note 3, art. 30(2)-(3).

214 Prosecutor v. Lubanga, ICC-01/04-01/06-3121-Red, Appeals Judgment, ¶ 447 (Dec. 1, 2014) (emphasis in original).

215 SáCouto, *Collective criminality*, *supra* note 158, p. 214.

216 Goy et al., *Contextualizing Sexual Violence*, *supra* note 159, pp. 251-252. The authors suggest that other indicators could be: that the accused played an active role in the operation during which the crimes were committed, such as overseeing logistical aspects on the ground and was therefore aware of the violent nature of the operation and the vulnerability of the victims; that the accused was present in the field and saw the commission of crimes (e.g., illegal detention, transfer, ill-treatment) or was otherwise aware of factors that increased the vulnerability of the victims (e.g., separation of men and women); the defendant’s leadership position and participation in high-level meetings, which enabled him/her to have access to information about the occurrence of crimes of sexual violence, particularly those that were of an open and notorious nature; that the defendant was informed about — or took — inadequate measures to minimize the risk that crimes of sexual violence would be committed; the defendant’s role and/or that of other members of the JCE in creating the situation that led to the commission of the offenses; that the accused played a role in creating an environment of impunity in which the perpetrators acted, and which promoted the commission

Thus, *ad hoc* tribunals have effectively utilized the concept of JCE to hold perpetrators accountable for the SGBC committed by JCE members and affiliated parties. The variation of JCE III was particularly useful in reaching leaders when such crimes were not part of the common purpose but were the natural and foreseeable consequence of the implementation of that common purpose.

C. EVIDENCE OF SGBV

In laying out what is considered compelling evidence, international case law offers useful guidance on the types of evidence. In a nutshell, courts have relied upon diverse sources of evidence in determining whether an act of SGBV constitutes an international crime.²¹⁷ Such evidence has included testimony (including from survivors, direct witnesses, and expert witnesses), as well as forensic and circumstantial evidence.²¹⁸ Furthermore, courts have recognized that survivors might be re-traumatized by having to testify about their experience at trial (after having already shared their story with investigators or a pre-trial judge) and have, in certain cases, allowed their pre-recorded statements to be admitted as evidence in lieu of their *viva voce* testimony.²¹⁹ They have also been more willing to consider how such trauma might affect the testimony itself, for instance, as a reason that might explain minor inconsistencies in their testimony.²²⁰

In this respect, the ICC's framework encourages prosecutors to consider a wide range of evidence relating to SGBC. It also recognizes that survivor testimony may be impacted by trauma. Its focus on diversified sources and types of evidence encourages prosecution of SGBC even with a limited number of survivors. Article 69 of the Rome Statute permits an ICC trial chamber to request "all evidence that it considers necessary for the determination of the truth," and to assess its probative value as well as any prejudice that it may cause to a fair trial.²²¹ This standard provides the Court with the authority to consider a wide range of evidence related to SGBC,²²² including circumstantial evidence.²²³ Furthermore, Rule 63(4) of

of the crimes; the culture and ideology of the armed organization and in particular whether they welcome violent crimes as opposed to restricting them; *id.*, p. 252-53.

217 This refers to evidence used in SGBC cases before the International Criminal Court (ICC) and the *ad hoc* international criminal tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), as well as some domestic courts with jurisdiction to try international crimes.

218 Significantly, courts have convicted perpetrators of SGBC based on the testimony of a few survivors and, at times, even in the absence of survivor testimony. In such cases, tribunals have relied upon other forms of evidence, including other witnesses, as well as circumstantial evidence. Reliance on sources of evidence other than survivor testimony often reflects a survivor-centered approach to accountability. See, e.g., ICC, Office of the Prosecutor, *Policy on Gender-Based Crimes: Crimes involving sexual, reproductive and other gender-based violence* (Dec. 2023), ¶¶ 108, 129, <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf> (hereinafter: "ICC, 2023 Gender Policy"). See, e.g., ICC, *Prosecutor v. Ongwen* (2021), *supra* note 13, ¶¶ 205-11, 395, 398; See, e.g., ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 521, 407.

219 See, e.g., ICC, *Prosecutor v. Ongwen*, ICC-02/04-01/15, Decision on the "Prosecution application for the Pre-Trial Chamber to preserve evidence and take measures under article 56 of the Rome Statute", ¶ 1. (Jul. 27, 2015).

220 See, e.g., ICC, *Prosecutor v. Katanga* (2014), *supra* note 15, ¶¶ 944, 988.

221 Rome Statute, *supra* note 3, art. 69(3), (4). See, e.g., ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶ 49.

222 See, e.g., ICC, Office of the Prosecutor, *Policy on Gender-Based Crimes: Crimes involving sexual, reproductive and other gender-based violence* (Dec. 2023), ¶¶ 108, 129, <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>.

223 Int'l Crim. Ct. (ICC), *Rules of Procedure and Evidence*, Rule 63(2), <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf> ("A Chamber shall have the authority . . . to assess freely all evidence submitted . . ."). As previously noted, a Trial Chamber must determine whether the alleged facts and

the ICC’s Rules of Procedures and Evidence expressly states that corroborating evidence is not needed for any crime, including crimes of sexual violence.²²⁴ Nor do minor inconsistencies in testimony by different witnesses necessarily undermine its value. As the ICC Appeals Chamber has observed, “[d]ifferent testimonies do not need to be identical in all aspects” to establish facts, since “every witness presents what he has seen from his own point of view at the time of the events, or according to how he understood the events recorded by others.”²²⁵

Recognizing the reasons survivors of SGBV may be hesitant to come forward, in its 2023 *Policy on Gender-Based Crimes* (“Gender Policy”), the ICC’s Office of the Prosecutor’s (OTP) set out its approach to SGBC cases,²²⁶ urging prosecutorial teams to “diversify their sources of information,”²²⁷ and be attentive to “red flags that may signal the commission of these crimes” such as detention, forced displacement and hate speech.²²⁸ The policy encourages the Prosecutor to consider “[m]ultiple varied sources and types of evidence,” such as forensic, documentary and digital evidence as well as testimony, “including eye-witness, insider, contextual and expert” testimony.²²⁹

The Gender Policy further clarifies that proving SGBC should be no more onerous than proving other crimes.²³⁰ It notes, for instance, that there is no requirement to prove a specific policy to rape or that there be large scale acts of gender-based crimes in order to prosecute them as international crimes.²³¹ The Policy also encourages prosecutors to take a “trauma-informed approach,” recognizing that the crime might have “lasting adverse effects on the individual’s functioning and mental, physical, social, emotion or spiritual well-being.”²³² It suggests calling experts on trauma and seeking agreements with the Defense to limit the testimony required to prove certain contextual elements of the crimes.²³³ In addition, it cautions prosecutors not to view “belated or hesitant disclosure” of elements of the violence, or lack of clarity, as indications of a lack of credibility.²³⁴

circumstances have been established beyond a reasonable doubt to hold an accused criminally liable for a crime. Rome Statute, *supra* note 3, art. 66(3). Yet even then, the Chamber can rely on circumstantial evidence provided that the inferences drawn from such evidence are the only reasonable conclusion. ICC, *Prosecutor v. Ntaganda* (2019), *supra* note 6, ¶¶ 50, 70 (“When, based on circumstantial evidence, only one reasonable conclusion can be drawn from particular facts, the Chamber may reach a conclusion beyond reasonable doubt.”).

224 Int’l Crim. Ct. (ICC), *Rules of Procedure and Evidence*, Rule 63(4), <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf> (finding that “a Chamber shall not impose a legal requirement that corroboration is required in order to prove any crime within the jurisdiction of the Court, in particular, crimes of sexual violence”).

225 ICC, *Prosecutor v. Ntaganda*, ICC-01/04-02/06, Appeals Judgment, ¶¶ 18, 672 (Mar. 30, 2021). This language is cited in the ICC’s Gender Policy: ICC, 2023 *Gender Policy*, *supra* note 217, ¶ 108, n. 136.

226 ICC, 2023 *Gender Policy*, *supra* note 217, at Executive Summary.

227 *Id.*, ¶ 108.

228 *Id.*, ¶ 110.

229 *Id.* ¶ 108.

230 *Id.* The ICC Rules on Procedure and Policy likewise note that corroboration is not required to prove any crime, noting “in particular, crimes of sexual violence.” ICC Rules, Rule 63(4).

231 ICC, 2023 *Gender Policy*, *supra* note 217, ¶ 81.

232 *Id.*, ¶ 71.

233 *Id.*, ¶ 129.

234 *Id.*, ¶ 138.

III. TOWARD ACCOUNTABILITY FOR OCTOBER 7TH SGBC

The scale and nature of the atrocities committed on October 7th and in captivity present distinct investigative and prosecutorial challenges. Sexual atrocities, in particular, are among the most difficult crimes to investigate and prosecute.²³⁵ In the global pursuit of accountability for atrocity crimes, an expanding array of national, regional, and international initiatives to ensure accountability has emerged, creating what experts describe as an “evolving international justice ecosystem.”²³⁶ Experience from conflicts worldwide demonstrates that coordinated, multilevel responses, grounded in collaboration mechanisms between States, international institutions, and civil society, can have a significant effect on the prospect of accountability.²³⁷ Within this landscape, Ukraine’s recent experience provides an instructive case study for advancing accountability. While significant challenges remain, its approach illustrates the extent of international cooperation that is possible given a coherent strategy, international and internal political will, and an openness to receiving outreach and assistance.

The gravity of the October 7th crimes, the fact that the victims represent at least **52 different nationalities**,²³⁸ the distinct nature of SGBC and the cross-border dimensions of the perpetrators’ networks, underscore the necessity of complementing domestic efforts with robust international cooperation. The international community has a deep and direct stake in accountability for the October 7th crimes.²³⁹ States whose citizens were among the victims, together with Israel and relevant international partners, should therefore intensify existing avenues of cooperation, initiate additional frameworks and develop coordinated strategies to deliver justice to October 7th victims, and in particular with respect to the SGBC.

Building on international best practices and survivor-centered approaches, this final chapter sets out concrete pathways for international cooperation capable of strengthening accountability for the SGBC perpetrated on October 7th and in captivity. The chapter draws

235 See discussion above in Part II (*Legal Analysis and Individual Criminal Responsibility*). See also Peggy Kuo, *Prosecuting Crimes of Sexual Violence in an International Tribunal*, 34 CASE W. RES. J. INT’L 305, 316–317 (2002) (Elaborating on the prosecutorial challenges of sexual atrocity trials. These include witnesses reluctant to testify hoping to leave the past behind, downplaying the attacks, wanting to spare pain from their loved ones, or acting out of stigma and shame. Others could not recognize their perpetrators due to the circumstances of the crime).

236 Federica D’Alessandra et al., *Anchoring Accountability for Mass Atrocities 2-24* (Oxford Institute for Ethics, Law and Armed Conflict, 2022), <https://www.elac.ox.ac.uk/research/anchoring-accountability-for-mass-atrocities>. (The report identifies that the past two decades brought an expansion of international justice institutions, varying from the ICC, civil society documentation of atrocity crimes, pursuing justice at the inter-State level as well as the development of domestic state capacity, with UN investigations at the center of this ecosystem. The different sectors also cooperate more, in efforts to enhance their effectivity).

237 Sean D. Murphy, *New Mechanisms for Punishing Atrocities Committed in Non-International Armed Conflicts*, *Melbourne Journal of International Law* 298, 309 (2015); GWU Law School Public Law Research Paper No. 2015-53 (noting that despite achievements, an accountability gap exists and requires *inter alia* promoting inter-state cooperation for investigating, prosecuting and extraditing perpetrators of core international crimes). See also ictj, *Advancing Global Accountability the Role of Universal Jurisdiction in Prosecuting International Crimes* 36 (Dec. 2020), www.ictj.org/sites/default/files/ICTJ_Report_Universal_Jurisdiction.pdf (supporting international cooperation between stakeholders as a means to avoid duplication of efforts and to contribute to standardization of the prosecution of war crimes, crimes against humanity and war crimes).

238 See Map A: Cross-Border Impact: International Victims of October 7th, created by Nir Smilga based on data compiled by the Civil Commission and verified against official records.

239 U.K. Parliament APPG Report on Oct 7th (2025), *supra* note 68.



Photo by the Civil Commission | Nir Oz, June 19, 2024

on lessons from Ukraine’s experience while remaining attentive to the specific context of this conflict and broader developments in international justice. It proceeds in four parts. Section III.A sets out overarching principles guiding accountability efforts. Section III.B reviews existing accountability initiatives relating to the October 7th attacks. Section III.C examines effective mechanisms of international cooperation, drawing on best practices and Ukraine as a comparative case study. Finally, Section III.D considers the potential for an internationalized accountability mechanism for October 7th incorporating gender-competent standards for addressing SGBC.

Above all, this chapter provides an **in-depth analysis of selected international cooperation mechanisms**, with a view to elucidating the procedural, institutional, and technical processes that support the effective investigation and prosecution of sexual and gender-based crimes. It further sets out **a comprehensive proposal for the establishment of a prosecution mechanism, complimented by strong international elements, that is institutionally structured to support SGBC cases**, which warrants consideration. Central to these efforts is the imperative that victims’ experiences must inform legal and institutional responses and should neither be marginalized nor eclipsed by broader considerations.²⁴⁰

Lastly, this chapter addresses accountability for the crimes committed on October 7th and in captivity and does not purport to exhaust or preclude other accountability efforts.²⁴¹

240 M. Cherif, Bassiouni, *Forward to Jane Stromseth, Accountability for Atrocities: National and International Responses*, at viii (Ardsley, NY: Transnational Publishers, 2003) (“admittedly every conflict is *sui generis*, but far too many conflicts are addressed in purely political terms with little concern for the genuine needs of post-conflict justice”).

241 As the Commission has emphasized elsewhere, the pursuit of justice for one group of victims does not foreclose, but rather coexists with, the pursuit of justice for others. The victims and their families are entitled to timely recognition and redress. See also Methodology (elaborating on the Commission’s mandate). See also Cochav Elkayam-Levy & Irwin Cotler, *Beyond National Borders: How Will Israel Find Legal Justice for the Atrocities of October 7?*, Jerusalem

A. OVERARCHING PRINCIPLES FOR ACCOUNTABILITY EFFORTS

The sheer gravity and nature of the SGBC committed on October 7th and in captivity demand an ambitious approach to accountability—one that goes well beyond the conventional aims of domestic criminal justice. In this context, a few overarching principles should shape any accountability mechanism for the October 7th crimes, particularly with respect to the prosecution of SGBC.

First, **any accountability process must place victims and their families at its core**, ensuring meaningful participation and the establishment of a credible and authoritative record of the crimes committed. Justice in this context has a restorative dimension: it must publicly affirm and formally validate the suffering of victims, acknowledge the truth of what occurred, and contribute to the broader aim of societal recognition and repair.

Secondly, given that October 7th SGBV is already subject to widespread denial, **creating an incontrovertible judicial record is essential**.²⁴² The Nuremberg Trials, for instance, are known for their role in creating an enduring historical record.²⁴³ More recently, landmark prosecutions of ISIS members in Germany under universal jurisdiction, including the first conviction for genocide against Yazidi women and girls, illustrate how judicial processes can both deliver accountability and affirm the lived experiences of the victims of SGBC.²⁴⁴ Contemporary Ukrainian efforts follow suit. These trials serve not only as a vehicle for accountability, but also as a historical tool. Legal proceedings produce reliable documentation of the crimes, thus creating “a bedrock of truth and a historical record which can be used to counter Russia’s misinformation.”²⁴⁵

These two aspects are interconnected. A definitive record of the SGBC could have immense value for truth-telling, education, and ultimately, for remembrance. It could empower victims: when survivors or victims’ families tell their stories in courts, their accounts are validated, those responsible are held accountable, and shame or stigma wrongly associated with these crimes

Post (Aug. 2, 2025), <https://www.jpost.com/opinion/article-862910> (emphasizing that victims and their families deserve recognition and justice).

242 For example, the UN Special Rapporteur on violence against women and girls, Reem Alsalem wrote on X: “No Palestinian applauded rape in Gaza. No independent investigation found that rape took place on the 7th of October” (Nov. 14, 2025) https://x.com/UNSRVAW/status/1989315118358745148?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1989315118358745148%7Ctwgr%5E20d7b620f577d12c29d04334355c5950942beb71%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.jpost.com%2Fisrael-news%2Farticle-873910. Rogelio Alonso, *The Denial of Hamas’ Atrocities: An Analysis of How the Terrorist Attacks on October 7 have been Justified and Legitimized*, *Studies in Conflict & Terrorism* 1 (2025). <https://doi.org/10.1080/1057610X.2025.2494284>.

243 International Military Tribunal, *Opening Statement Sir Hartley Shawcross*, Nuremberg, December 4, 1945, Nuremberg Trial Proceedings, Vol. 3, Twelfth Day, available via the Avalon Project, Yale Law School, <https://avalon.law.yale.edu/imt/12-04-45.asp>. (“... this Tribunal, acting, as we know it will act notwithstanding its appointment by the victorious powers, with complete and judicial objectivity, will provide a contemporary touchstone and an authoritative and impartial record to which future historians may turn for truth, and future politicians for warning. From this record shall future generations know not only what our generation suffered, but also that our suffering was the result of crimes, crimes against the laws of peoples which the peoples of the world upheld and will continue in the future to uphold-to uphold by international co-operation, not based merely on military alliances, but grounded, and firmly grounded, in the rule of law.”)

244 Fed. Ct. Just. (Ger.), Taha Appellate Decision, *supra* note 115, ¶ 39 (in German); See, e.g., Brammertz, Baron Serge, and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (2016; online edn, Oxford Law Pro).

245 An interview with Wayne Jordash KC, “Prosecuting War Crimes in Ukraine,” NPR (Feb. 18, 2023), transcript available at <https://www.npr.org/transcripts/1158169187>.

can be dispelled.²⁴⁶ On the other hand, neglecting to address conflict related sexual violence can have adverse societal implications.²⁴⁷

A victim-centered approach further requires that procedures be trauma-informed and accommodating to victims' needs.²⁴⁸ This includes, *inter alia*, providing psychosocial support; allowing testimony via video, translation services, or other protective measures as needed; and enabling extensive victim participation in proceedings (including through legal representatives). It also entails orienting proceedings toward reparative outcomes or coordination with broader compensation mechanisms.

Additionally, **any criminal process relating to October 7th crimes must employ procedures and legal standards that embrace international norms on the investigation and prosecution of SGBC, as well as meet international fair trial norms**, thereby enhancing its legitimacy and fostering trust among relevant stakeholders.²⁴⁹ Fair trial guarantees also enhance the admissibility and enforceability of outcomes across jurisdictions, which is an increasingly important consideration. The objective is to deliver justice and ensure a process that commands respect among victims, affected communities, the Israeli public, and the international community alike.

Embracing international norms on the investigation and prosecution of SGBC could support producing credible outcomes that withstand international scrutiny. Proceedings that are perceived as fair and just would have the moral authority required for such cases. Embedding these principles from the outset would help ensure not only that justice is done, but that it is seen to be done, and should guide the design and implementation of all prosecutorial, judicial, and institutional processes from their inception.

246 Claudia Martin & Susana SáCouto, *Access to Justice for Victims of Conflict-related Sexual Violence*, 18 J. of Int'l Crim. Just. 243, 256 (2020) (“The characterization of CRSV as crimes against the duties of humanity... to shift the blame from themselves to the perpetrators, helping them to heal from the stigma and isolation they experienced and to regain their dignity within their community”).

247 U.N. Secretary-General, *Conflict-Related Sexual Violence* (annual report to the Security Council) U.N. Doc. S/2021/312 (Apr. 8, 2021).

248 UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, *Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual violence* (Jun. 18, 2021), art. 59-64 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/06/report/auto-draft/OSRSG-SVC-Model-Legislative-Provisions-ENG.pdf>.

249 See discussion above in Part II (*Legal Analysis and Individual Criminal Responsibility*). See also Yuval Shany, *Assessing the Effectiveness of International Courts: A Goal-Based Approach*, 106 Am. J. Int'l L. 225, 266 (2012). (arguing that “[T]he ability of the court to attain its goals — i.e., to be effective, may depend to a large extent on its perceived legitimacy in the eyes of key constituencies”). See also David J. Luban, *Fairness to Rightness: Jurisdiction, Legality, and the Legitimacy of International Criminal Law*, Georgetown Public Law, Faculty working papers 13-14 et seq. (July 2008) (suggesting that the legitimacy of international courts based on “natural justice”, which has been known to include “the right to a speedy, public trial before an impartial tribunal that bases its decision solely on the evidence, under rules designed to reach accurate verdicts; the right to offer a defense; the right to be informed of the charges, in a language that the accused understands, through a written indictment that specifies the charges and the conduct charged; the right of the accused to confront the witnesses against him; the right of the accused to have compulsory process for obtaining witnesses in his favor; the right to counsel and the privilege against self-incrimination; and the ban on double jeopardy (ne bis in idem)... duties of prosecutors: to pursue cases only when there is probable cause, to disclose exculpatory evidence to the accused, and more generally, to seek justice rather than victory. Finally, it includes humane conditions of confinement and reasonable punishments”).

B. EXISTING ACCOUNTABILITY EFFORTS RELATING TO THE OCTOBER 7TH ATTACKS

Aside from preliminary legislative efforts underway in Israel, accountability measures for the October 7th attacks remain scarce and fragmented across the international arena, with few concrete steps taken toward prosecutions. Certain jurisdictions examined here, including the United States, France, and Germany, have opened investigations into the atrocities²⁵⁰ and the ICC has taken initial investigatory steps and issued arrest warrants accordingly, specifically mentioning rape and SGBC.²⁵¹

Since the attack, Israeli authorities have been conducting an investigation into the crimes, with Police Unit 105 responsible for the investigation of the sexual violence.²⁵² They are working to establish a prosecutorial legal framework for October 7th crimes, including for the SGBC.²⁵³ Reportedly, the hostage crisis, together with tensions between political and legal echelons, impeded the development of a clearly defined approach.²⁵⁴ Though the legislative process on the prosecution of those responsible for the October 7th crimes has accelerated since the release of the remaining hostages,²⁵⁵ at the time of this report's publication, considerable uncertainty persists regarding the forum, timing and modalities of prosecutions in Israel, including the scope of prosecutions for SGBV crimes.

At the international level, shortly after the attack, several countries have initiated investigations into October 7th crimes, including for SGBC, usually in relation to their own nationals who were victims of the crimes. The United States has taken the most concrete and advanced steps toward criminal accountability for the October 7th crimes to date. In February 2025, the Attorney General established the Joint Task Force October 7 (JTF 10-7), an interagency body bringing together the expertise of the Justice Department and the FBI, to target, charge and secure prosecutions in the United States of the direct perpetrators of the October 7th

250 *German Citizens Among the Victims: Federal Prosecutor Investigates Hamas Terror Attacks* (in German), der tagesspiegel (Oct. 10, 2023), <https://www.tagesspiegel.de/internationales/deutsche-staatsburger-unter-den-opfern-bundesanwaltschaft-ermittelt-wegen-terrorangriffen-durch-hamas-10601503.html>; *7 October: 65 French victims identified thanks to a 'mirror' investigation* (in French), tf1 info (FR.) (Oct. 7, 2024), <https://www.tf1info.fr/international/7-octobre-2023-un-an-attaque-du-hamas-israel-65-victimes-francaises-identifiees-grace-a-une-enquete-miroir-pnat-2327304.html>.

RCMP Statement Regarding Media Reports on the Structural Investigation into the Israel-Hamas Conflict, Royal Canadian Mounted Police (Jun. 4, 2025), <https://www.rcmp.ca/en/news/2025/06/rcmp-statement-regarding-media-reports-structural-investigation-israel-hamas-conflict>. Justice Department Announces Launch of Joint Task Force October 7, U.S. Dep't of Justice, Office of Public Affairs (Jun. 4, 2025), <https://www.justice.gov/opa/pr/justice-department-announces-launch-joint-task-force-october-7>.

251 Int'l Crim. Ct. (ICC), *Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine*, (May 20, 2024), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

252 *Difficulties in Investigations of Hamas rapes "the witnesses are traumatized, have difficulty speaking"*, N12, (Jan. 4, 2024) https://www.mako.co.il/news-israel/2024_q1/Article-97e38b952b4dc81026.htm (in Hebrew).

253 See also Chen Maanit, *Israeli Effort to Indict October 7 Terrorists Still Faces Legal and Diplomatic Hurdles*, Haaretz (Apr. 20, 2025), <https://www.haaretz.com/israel-news/2025-04-20/ty-article/premium/israeli-effort-to-indict-october-7-terrorists-still-faces-legal-and-diplomatic-hurdles/00000196-5371-d99b-a5ff-dbf77aab0000>.

254 *After the Return of the Hostages Alive: The Knesset Accelerates Legislation to Bring the "Nukhba" Perpetrators to Trial* (in Hebrew), ynet (Nov. 9, 2025), <https://www.ynet.co.il/news/article/byxjuvatxl>. Progress remained limited so long as hostage negotiations were ongoing and national priorities were directed toward securing the lives of those held in Gaza.

255 The Bill on the Imprisonment and Prosecution of Participants in the Events of October 7 (5785–2024). See the Knesset's Law, Constitution and Justice Committee, at <https://main.knesset.gov.il/activity/legislation/laws/pages/lawbill.aspx?t=lawsuggestionssearch&lawitemid=2222852>.

attacks as well as Hamas leadership.²⁵⁶ The United States Department of Justice further issued terrorism charges against members of Hamas, acknowledging grave SGBC.²⁵⁷ In a recent development, American authorities made the first arrest of a Gazan man allegedly involved in the October 7th attacks, pursuant to a joint investigation between the JTF 10-7 and Israeli authorities.²⁵⁸ Additionally, hundreds of October 7th victims brought civil lawsuits against legal entities, funding entities, and States for their alleged role in the attacks.²⁵⁹

Several other jurisdictions have set national investigative processes in motion in the aftermath of October 7th. Germany's Federal Prosecutor's Office opened a structural investigation against "unknown members of Hamas" for the kidnapping and killing of German citizens.²⁶⁰ Structural investigations are used when there is evidence that a crime was committed, but potential perpetrators have not been identified yet.²⁶¹ Petitions have since been filed by victims holding German citizenship under the German criminal code, and by non-German citizens under Germany's Code of Crimes against International Law²⁶², subject to the principle of universal jurisdiction.²⁶³ In France, the National Anti-Terrorism Prosecutor's Office initially identified 65 French victims, and opened a "mirror investigation," alongside Israeli investigations.²⁶⁴ Additional French victims have since joined the proceedings.²⁶⁵ The Canadian police opened a

256 *Justice Department Announces Launch of Joint Task Force October 7*, U.S. Dep't of Justice, Office of Public Affairs (Mar. 17, 2025), <https://www.justice.gov/opa/pr/justice-department-announces-launch-joint-task-force-october-7>.

257 *United States v. Haniyeh*, No. 24-MAG-438, Sealed Compl. ¶ 18(e) (S.D.N.Y. 2024) (explicitly mentioning that "during the October 7 Hamas Massacres, Hamas terrorists weaponized sexual violence against Israeli women, including rape and genital mutilation").

258 *Gaza Man Arrested for Alleged Involvement in October 7, 2023 Terrorist Attacks*, U.S. Dep't of Justice, Office of Public Affairs (Oct. 17, 2025), <https://www.justice.gov/opa/pr/gaza-man-arrested-alleged-involvement-october-7-2023-terrorist-attacks>.

259 *Balva v. Binance*, No. 3:25-cv-00266-PDW-ARS, Compl. (D.N.D. Nov. 24, 2025) (October 7th American victims sue Binance and its founder Changpeng Zhao, accusing them of facilitating millions of dollars to Hamas and other U.S.-designated terrorist groups). *Estate of Sivan Sha'arabany v. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*, No. 1:25-cv-02490, Compl. (D.D.C. 2025). (A group of over 100 victims and family members, both American nationals and aliens, filed a lawsuit with the District Court of Manhattan, New York against officials of the UN Relief and Works Agency (UNRWA) for knowing that Hamas siphoned money from the agency to pay for tunnelling equipment and weapons used on October 7). *Weiser v. Islamic Republic of Iran*, No. 1:24-cv-03244, Compl. (D.D.C. Nov. 17, 2024). (Another group of over 250 American families and dozens of individuals filed a civil lawsuit against Iran, alleging that Iran worked closely with Hamas to fund, plan, and coordinate the October 7th attack). <https://www.fdd.org/analysis/2024/06/25/israeli-victims-of-hamas-october-7-atrocities-file-lawsuit-in-new-york-against-unrwa/> (last visited Nov. 23, 2025).

260 *German Citizens Among the Victims: Federal Prosecutor Investigates Hamas Terror Attacks* (in German), der tagesspiegel (Oct. 10, 2023), <https://www.tagesspiegel.de/internationales/deutsche-staatsburger-unter-den-opfern-bundesanwaltschaft-ermittelt-wegen-terrorangriffen-durch-hamas-10601503.html>.

261 See Section III.C.iii (*Structural Investigations*). See European Ctr. for Constitutional & Hum. Rts., *Structural Investigation*, <https://www.ecchr.eu/en/glossary/structuralinvestigation/#:~:text=In%20Germany%2C%20a%20structural%20investigation,not%20yet%20been%20definitively%20identified> (last visited: Feb 5 2026) (in Germany, the focus of the investigation is on "structures related to the potential crime and groupings of potential perpetrators").

262 *Völkerstrafgesetzbuch (Code of Crimes against International Law) of 26 June 2002*, Bundesgesetzblatt (Federal Law Gazette) 2002 I, p. 2254; cf. BT-Drucksache 14/8524.

263 Meeting with Att. Yael Vias Gvirsman, Founder and Lead Counsel, October 7 Justice without Borders. Adv. Vias Gvirsman filed both petitions with the German Federal Prosecutor (Feb. 10, 2026). Meeting notes archived with the Civil Commission.

264 *7 October: 65 French victims identified thanks to a 'mirror' investigation* (in French), tf1 info (Oct. 7, 2024), <https://www.tf1info.fr/international/7-octobre-2023-un-an-attaque-du-hamas-israel-65-victimes-francaises-identifiees-grace-a-une-enquete-miroir-pnat-2327304.html>.

265 *Id.*, meeting with Att. Vias Gvirsman, who represented some of the victims in the civil action.

structural investigation into war crimes related to the Israel-Hamas conflict as a whole.²⁶⁶ To the best of the Civil Commission’s knowledge, these proceedings have not progressed beyond the investigation stage.

Lastly, the ICC Prosecutor has taken notable steps in the pursuit of justice, including seeking arrest warrants for senior Hamas officials.²⁶⁷ However, to date, there has been no public indication of further action to investigate additional Hamas leaders, including those who have operated and who continue to operate from third countries.²⁶⁸

“One of the things that stood out very strongly, that for some of these girls they, they verified killing, but they shot them in the face. ... You see ... It, it crushes their beauty...”

Noa Lews, Shura Morgue

266 RCMP Statement Regarding Media Reports on the Structural Investigation into the Israel Hamas Conflict, Royal Canadian Mounted Police (June 4, 2025), <https://www.rcmp.ca/en/news/2025/06/rcmp-statement-regarding-media-reports-structural-investigation-israel-hamas-conflict>.

267 Int’l Crim. Ct. (ICC), *Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine* (May 20, 2024), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

268 Additionally, the ICC’s investigative approach does not seem to pursue the entities that may have aided and abetted Hamas and its collaborators. A meaningful examination of the complex network of actors involved in this criminal enterprise is warranted. “The withdrawal of the warrant for Deif means there are now no public ICC arrest warrants for any Palestinian militants connected to the October 7 attacks.” Stefanie van den Berg, *ICC Prosecutor’s Office Says Palestinian Probe Continues with Urgency*, Reuters (Feb. 27, 2025), <https://www.reuters.com/world/middle-east/icc-prosecutors-office-says-palestinian-probe-continues-with-urgency-2025-02-27/>. Yuval Shany & Amichai Cohen, *The ICC Palestine Case in the Aftermath of the Arrest Warrants Decisions – Part Two*, Lieber Institute Articles of War (Dec. 2, 2024), <https://lieber.westpoint.edu/icc-palestine-case-aftermath-arrest-warrants-decisions-part-two/> (arguing that the Prosecutor’s initial decision to maintain the arrest warrant against Mohammed Deif, despite strong indications that he was dead, may have been taken to avoid the impression that he was only investigating the Israeli side). Shai Farber & Ofek Efraim Alaluf, *Legal Frameworks for Mass Terrorism: The October 7th Attack and Implications for Security Law*, 30 *J. Conflict & Security L.* 287, 303 (2025) (noting the arrest warrants against Hamas leaders, and the legal and political challenges of the ICC investigation).

C. EFFECTIVE MECHANISMS OF INTERNATIONAL COOPERATION FOR THE PROSECUTION OF SGBC

As discussed above, over the past two decades, significant progress has been made in the investigation and prosecution of SGBC in conflict and atrocity contexts.²⁶⁹ Capacities developed across international and hybrid tribunals, as well as in national jurisdictions worldwide, has yielded growing jurisprudence, alongside a more nuanced understanding of victimhood.²⁷⁰ Despite persistent challenges,²⁷¹ international cooperation has been described as “essential to the successful investigation of international crimes,”²⁷² and especially with relation to SGBC, which often requires cross-border coordination, specialized expertise, and enhanced protections for victims and witnesses.²⁷³

Following Russia’s invasion in 2022, the Ukrainian government launched an unprecedented and comprehensive legal strategy, pursuing accountability through coordinated domestic, regional, and international proceedings.²⁷⁴ Notwithstanding shortcomings, the Ukrainian experience offers a pertinent comparative case study for Israel, specifically in relation to SGBC. Like Israel, Ukraine is set in a complex geo-political region, and similarly, it must rely on coalition-based diplomacy and make use of multilateral mechanisms, including those of which it is not a member. While the two contexts and circumstances of each country also differ in important ways,²⁷⁵ the Ukrainian model illustrates a range of legal strategies and institutional mechanisms

269 See discussion above in Part II (*Legal Analysis and Individual Criminal Responsibility*).

270 Philipp Schulz & AnneKathrin Kreft, *Accountability for Conflict-Related Sexual Violence*, oxford research encyclopedia of international studies 12 (2022). Catharine A. MacKinnon, *The ICTR’s Legacy on Sexual Violence*, 14 new eng. J. int’l & comp. l. 211, 220 (2008). (Observing that the ICTR’s greatest accomplishment is the “expanded world attention under international law to these [SGBC] violations... The fact that the ICC even exists, with its prohibitions on sexual violence, however imperfect, displaying the detail and seriousness they do, is due in no small part to the impetus provided by the ad hoc tribunals, and those who gave them life by believing in them enough to testify before them.); Diane Lupig, *Investigation and Prosecution of Sexual and Gender-Based Crimes Before the International Criminal Court*, 17 Am. U. J. Gender Soc. Pol’y & L. 431, 451–52 (2009).

271 Philipp Schulz & Anne Kathrin Kreft, *Accountability for Conflict-Related Sexual Violence*, oxford research encyclopedia of international studies 12 (2022) (Successful convictions of SGBC is still extremely limited. Legal, political and technical shortcomings often impede the success of proceedings). Susana SáCouto & Katherine Cleary, *Importance of Effective Investigation of Sexual Violence and Gender-Based Crimes at the International Criminal Court*, 17 Am. U. J. of Gender, Social Policy & The Law 337 (2009) (discussing the challenges of investigating and prosecution of SGBC at the ICC).

272 Yulia Nuzban, *Investigative Practices of Specialized War Crimes Units*, in *international criminal investigations: law and practice* 271, 282 (A. Babington-Ashaye, A. Comrie & A. Adeniran eds., Eleven Int’l Publ’g 2018).

273 Michelle Jarvis, *Prosecuting Conflict-Related Sexual Violence Crimes: How Far Have We Progressed and Where Do We Go from Here?* in *Imagining Law: Essays in Conversation with Judith Gardam* 126 (Dale Stephens & Paul Babie eds., Univ. of Adelaide Press 2016). (Observing that the challenges stemming from SGBC and the need for progressive approaches would benefit from structures of international cooperation, such as a forum for collective problem solving, collation of best practices and development of legal strategies, ensuring the flow of information between the national and international levels).

274 This strategy was described by Ukraine’s Prosecutor General, Andriy Kostin, as the “five pillars of accountability for Russian war crimes in Ukraine” comprising of effective domestic investigations; securing accountability for the crime of aggression; through the establishment of a special international tribunal; strategic partnership with international justice institutions such as the ICC, the UN Independent Inquiry Commission; interstate partnerships to investigate and prosecute Russian crimes; and securing payments of reparations by Russia to Ukraine and its citizens. Andriy Kostin, *Five Pillars of Accountability for Russian War Crimes in Ukraine*, Breakfast Policy Briefing, European Policy Centre (Mar. 5, 2024), <https://www.epc.eu/publication/-58c0b4/>. Katherine K. French, *Justice on the Home Front: Domestic Prosecution of Foreign Combatants During Wartime*, 74 duke l. j. 1441, 1453 (2025) (Arguing that Ukraine’s ambitious domestic prosecutions, alongside regional and international tribunals, are central to holding Russia accountable for war crimes).

275 Most notably the political dynamics surrounding Israel’s war in Gaza, and Ukraine’s formal integration into

available to pursue justice for SGBC through international cooperation.

The following mechanisms represent some of the more effective forms of international cooperation that have demonstrated tangible impact in advancing accountability across diverse contexts. They provide a non-exhaustive overview of the accountability measures employed in the Ukrainian context and other contexts, illustrating how coordinated international engagement, specialized expertise, and institutional openness can strengthen the investigation and prosecution of serious international crimes.²⁷⁶

I. DOMESTIC WAR CRIMES UNITS, DEDICATED PROSECUTORIAL UNITS, AND FOCAL POINTS SPECIALIZING IN SGBC

An emerging practice within States is the establishment of domestic interagency War Crimes Units (WCUs), dedicated to the investigation and prosecution of international criminal cases, within the police, immigration, and justice departments. Such units have been established in Belgium, Canada, Croatia, Denmark, France, Germany, Norway, Sweden, Switzerland, the Netherlands, the United Kingdom, and the United States.²⁷⁷ Research shows that the role of prosecutors that are minded to SGBC is especially significant, due to their influence on the selection of charges and the inclusion of SGBC therein.²⁷⁸ Although many limitations remain, these units' dedicated resources and specific expertise in international crimes enhance the quality and quantity of domestic international criminal proceedings.²⁷⁹

Following the Russian invasion in 2022, the Ukrainian Office of the Prosecutor General initiated an “institutional re-engineering” process.²⁸⁰ A WCU was established, and included specialized

European institutions such as the Council of Europe and its ongoing accession to the European Union. Ukraine — Member State — Council of Europe Portal, <https://www.coe.int/en/web/portal/ukraine> (last visited December 1, 2025); *Enlargement Package shows progress towards EU membership for key enlargement partners*, European Commission (Nov. 4, 2025) https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2584.

276 The mechanisms highlighted here were carefully selected for their potential applicability to the Israeli context, particularly in the pursuit of accountability for SGBC committed on and after October 7th.

277 See Karolina Aksamitowska, war crimes units: legislative, organizational and technical lessons 9-13 (T.M.C. Asser Inst., 2021) (Arguing that generally, the establishment of “mirror units” within different agencies helps the referral of international crime cases to the criminal justice authority). See also Yulia Nuzban, *Investigative Practices of Specialized War Crimes Units*, in International criminal investigations: law and practice 271, 271-77 (A. Babington Ashaye, A. Comrie & A. Adeniran eds., Eleven Int'l Publ'g 2018); Mikkel Jarle Christensen, *Justice Sites and the Fight against Atrocity Crimes*, 48 Law & Soc. Inquiry 1399, 1417 (2023) (surveying the advantages of cooperation, alongside challenges of WCU's establishing cases in domestic courts).

278 For example, in the Mucic case at the ICTY, the trial chamber clearly noted that forced fellatio would have been acknowledged as rape, yet the indictment settled for the more obscure crime of inhumane treatment. See: ICTY, *Prosecutor v. Delalić* (1998), *supra* note 34. At the ICC, despite considerable evidence of rape and sexual violence, Thomas Lubanga was not charged for such crimes. See: *Prosecutor v. Thomas Lubanga Dyilo*, Judgment, ICC-01/04-01/06 (Trial Chamber I), Judgment (March 14, 2012). Maryann E. Gallagher, Deepa Prakash & Zoe Li, *Engendering Justice: Women and the Prosecution of Sexual Violence in International Criminal Courts*, 22(2) Int'l Feminist J. Pol. 1, 6 (2019) (Arguing that prosecutors play a crucial role in accountability for SGBC, as judges cannot convict on crimes that defendants were not formally charged with).

279 Eurojust, *20 years on: main development in the fight against impunity for core international crimes in the eu* (2022) (Recognizing the establishment of specialized units, while also noting they remain limited, and that even when these units exist, there is a lack of technical, financial, and human resources to effectively address the growing and complex caseload).

280 Office of the Prosecutor General of Ukraine, *Strategic Plan: Implementation of the Powers of the Prosecutor's Office in the Field of Criminal Prosecution for Conflict-Related Sexual Violence*, at 4 (Jun. 26, 2023), <https://docs.google.com/document/d/1XBgeD2vR9w78lzyLy07B8bkRIYvTpi4X/edit>; Fabricio Guariglia, *Justice in Ukraine Requires Using All Tools in the Accountability Ecosystem*, Just Security (Jun. 5, 2024), <https://www.justsecurity.org/96393/ukraine-accountability-ecosystem/>. GREVIO Committee, *Sexual Violence and Stigmatisation of Victims: NGO Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women*

prosecutors trained in cases of conflict-related sexual violence (CRSV),²⁸¹ who work closely with domestic war crimes investigators within the Ukrainian national police and security service.²⁸² This dedicated unit for SGBC is now considered by some to be a model of best practice.²⁸³

The existence of WCUs in countries with jurisdictional links to the October 7th attacks presents a concrete institutional avenue for advancing accountability for these crimes. Given the scale and transnational dimension of the SGBC, these units could be instrumental in conducting investigations, securing evidence, and initiating prosecutions in foreign jurisdictions.

Israel should consider establishing its own WCU, with dedicated attention to SGBC, through consultations and adoption of best practices from other jurisdictions.²⁸⁴ Like most domestic legal systems, Israeli judges and prosecutors likely lack experience in sexual atrocities cases.²⁸⁵ The establishment of specialized units with expertise in the investigation and prosecution of SGBC, together with active participation in international professional exchanges, can assist in filling this gap. Additionally, collaboration with established WCUs in other countries would enable Israeli prosecutors and investigators to receive advanced training, observe institutional structures, and learn from comparative best practices.

II. EXTRATERRITORIAL AND UNIVERSAL JURISDICTION

The exercise of extraterritorial or universal jurisdiction by foreign domestic courts has emerged as an increasingly central mechanism of accountability for international crimes, particularly in Europe. In its 2025 *Universal Jurisdiction Annual Review*, TRIAL International reported more than 130 judicial proceedings, including 36 new cases and 27 convictions in 2024 alone.²⁸⁶ This trend reflects the growing willingness of national authorities to pursue accountability beyond

and Domestic Violence in Ukraine (July 2024), <https://rm.coe.int/sexual-violence-and-stigmatisation-of-victims-grevio-shadow-report-ukr/1680b195ff>.

281 We Are Not Weapon of War, WWOW, WICC & SSRU, White Paper - Conflict-Related Sexual Violence in Ukraine: Where Are We Now? white paper 8 (June 2025), <https://www.standspeakriseup.lu/wp-content/uploads/2025/06/Conflict-related-sexual-violence-in-Ukraine.pdf>.

282 Office of the Prosecutor General of Ukraine, Strategic Plan: Implementation of the Powers of the Prosecutor's Office in the Field of Criminal Prosecution for Conflict-Related Sexual Violence, 4 (June 26, 2023), <https://docs.google.com/document/d/1XBgeD2vR9w78lzyLy07B8bkRIYvTpi4X/edit> ("The focal points for the CVRS will be selected from the regional prosecutor's offices, as well as the National Police of Ukraine and the Security Service of Ukraine (upon agreement). They will be trained by international and national experts"). Katherine K. French, *Justice on the Home Front: Domestic Prosecution of Foreign Combatants During Wartime*, 74 Duke L. J. 1441, 1458 (2025).

283 Karolina Aksamitowska, War Crimes Units: Legislative, Organizational and Technical Lessons 8-9 (T.M.C. Asser Inst., 2021). Demian Sheyko, *Prosecuting Putin Will Take Years, but It's Possible – Wayne Jordash Explains How*, the new voice of Ukraine (July 2, 2025), <https://english.nv.ua/russian-war/ukraine-s-legal-response-to-war-crimes-is-gaining-strength-says-top-international-human-rights-lawy-50526615.html>.

284 An interagency WCU would bring an added value to existing teams, such as the Southern District Prosecution's dedicated team for October 7th crimes, and the State Prosecution's dedicated team for sexual offenses. Special Discussion in the Knesset Committee for the Advancement of the Status of Women: *One Year Since the October 7 Massacre and Still No Indictments Filed Against Nukhba Terrorists*, The Knesset (Oct. 7, 2024) (in Hebrew), <https://main.knesset.gov.il/news/pressreleases/pages/press07102024v.aspx>.

285 A.L.M. de Brouwer, *Conflict-Related Sexual Violence: Achievements and Challenges in International Criminal Law and the Role of the Military*, 108 *militaire rechtelijk tijdschrift* 2, 53 (2015) (Arguing that prosecutions for conflict-related sexual violence are rare internationally and often minimal or absent nationally).

286 TRIAL International et al., *Universal Jurisdiction Annual Review 2025* ¶10-13, <https://www.ecchr.eu/en/publication/universal-jurisdiction-annual-review-2025/>. See also Réka Varga, *Effects of War Crimes in the Rome Statute on National Systems of Prosecution With Particular Emphasis on Universal Jurisdiction*, in the ICC at 25: lessons learnt 195 (Nóra Béres ed., CEA Publishing 2025). (Listing universal jurisdiction cases prosecuted in Europe since 2022).

their borders, and has been particularly impactful in addressing CRSV.²⁸⁷

The jurisdictional approach to these cases differs among states. Most countries require some link to the accused, such as nationality or habitual residence (active jurisdiction),²⁸⁸ and because most states do not accept the principle of trials *in absentia*, in practice, cases are usually admitted when the alleged perpetrator is physically present within a state's territory.²⁸⁹ However, cases may also be brought when the nationality of the victim matches that of the pursuing state (passive jurisdiction), or under the principle of universal jurisdiction, which does not require any jurisdictional link to the state and enables the prosecution of certain offenses, based solely on the gravity of the crime itself.²⁹⁰

Criminal proceedings relating to war crimes in Ukraine have been launched in over twenty states, supported by various cooperation platforms.²⁹¹ Despite some of these states' legal authority to conduct universal jurisdiction trials, proceedings have thus far been conducted only in cases where the victims were nationals of the prosecuting states (passive jurisdiction).²⁹²

A similar approach could be applied in the context of the October 7th attacks, particularly in cases involving dual nationals or foreign citizens who were victims of atrocity crimes including SGBC. Given that these mechanisms remain underutilized, existing investigations should be completed and additional investigations initiated, as appropriate.

287 TRIAL International et al., *Universal Jurisdiction Annual Review 2025*, ¶¶ 49, 52, 54, 57, 58, 80, 85, 90-91, <https://www.ecchr.eu/en/publication/universal-jurisdiction-annual-review-2025/> (noting, for example, that charges of rape and sexual violence involving Syrian nationals were made in France, Germany, The Netherlands and Sweden. France is also pursuing similar charges against nationals of the Democratic Republic of Congo and Ukraine, and Switzerland is conducting criminal proceedings against nationals of Liberia and The Gambia).

288 James Crawford, *Brownlie's Principles of Public International Law* ¶ 460-61 (8th ed. 2012) (Articulating the rule that "nationality, as a mark of allegiance and an aspect of sovereignty, is also generally recognized as a basis for jurisdiction over extra-territorial acts. The application of the principle may be extended by reliance on residence and other connections"). The rule of nationality-based jurisdiction is also stated in Alex Mills, *Rethinking Jurisdiction in International Law*, 84 *Brit. Y.B. Int'l L.* 187, 198 (2014), Stephen J. Rapp, *Achieving Accountability for Atrocity Crimes in an Era of Resistance to International Justice and Human Rights*, 21 *wash. u. global stud. l. rev.* 137, 140 (2022); Beth Van Schaack, *National Courts Step Up: Syrian Cases Proceeding in Domestic Courts*, *ssrn* 2, 26 (Feb. 2, 2019).

289 See Ryan Rabinovitch, *Universal Jurisdiction In Absentia*, 28 *Fordham Int'l L. J.* 500, 505-10 (2004) (stating that "a majority of the States that have implemented the various conventions establishing universal jurisdiction in their national legislation expressly require the presence of the offender on their territory before asserting jurisdiction" and that States have rarely applied universal jurisdiction *in absentia*). See also Leah Calabro, *A Decade of Impunity: Finding Justice for the Yazidi Women Victims of the Islamic State*, 48 *fordham int'l l. j.* 1, 32 (2024) (Highlighting that countries differ on whether a perpetrator must be physically present for prosecution, creating either access challenges or debates over fair trial rights).

290 James Crawford, *Brownlie's Principles of Public International Law* ¶¶ 461-66 (8th ed. 2012) (discussing the passive personality principle: "aliens may be punished for acts abroad harmful to nationals of the forum." While objections were raised with regards to this principle, they have not prevented a consensus for its application in terrorism and, *aut dedere aut judicare* treaty provisions. With regards to Universal Jurisdiction, Crawford describes it as "the assertion of criminal jurisdiction by a state in the absence of any other generally recognized head of prescriptive jurisdiction"); Xavier Philippe, *The Principles of Universal Jurisdiction and Complementarity: How Do the Two Principles Intermesh?*, 88 *int'l rev. red cross* 375, 377-88 (2006) (Describing that universal jurisdiction permits trying anyone for grave international crimes anywhere. The principle is supported by the gravity of the crimes and the interest of preventing safe havens for perpetrators).

291 *Ukraine: Investigating war crimes — Interview with Anti-terrorism prosecutor Jean-François Ricard* (translated from French), Radio France, <https://www.radiofrance.fr/franceculture/podcasts/et-maintenant-l-invite-e-des-matins-du-samedi/ukraine-enqueteur-sur-les-crimes-de-guerre-2709170> (last visited Dec. 1, 2025).

292 TRIAL International et al., *Universal Jurisdiction Annual Review 2025*, ¶12, <https://www.ecchr.eu/en/publication/universal-jurisdiction-annual-review-2025/>. See also: Arne Bardelle & Arie Mora, "No Safe Haven" Is Not Enough — *Universal Jurisdiction and Russia's War of Aggression*, *EJIL:Talk!* (Feb. 26, 2025), <https://www.ejiltalk.org/no-safe-haven-is-not-enough-universal-jurisdiction-and-russias-war-of-aggression/>.

III. STRUCTURAL INVESTIGATIONS

Structural investigations are preliminary probes that focus on entire conflicts or situations, instead of specific perpetrators of crimes.²⁹³ These unique investigations afford investigators and prosecutors the opportunity to become informed about the dynamics of violence, the chain of command, the evidence, and potential perpetrators, without the need to focus on a specific alleged perpetrator.²⁹⁴ They also allow prosecutors to secure evidence that can later be used in domestic trials or submitted to foreign or international courts.²⁹⁵

Pursuant to the wave of over six million Ukrainian citizens fleeing the war to other countries, states such as Poland, Lithuania, Germany, and others have opened structural investigations into Russian violations.²⁹⁶ They invited witnesses and survivors to testify and share materials, collecting hundreds of testimonies each,²⁹⁷ and through various cooperation frameworks yielded criminal proceedings worldwide.²⁹⁸

Similarly, jurisdictions such as Canada²⁹⁹ and the United States,³⁰⁰ have already launched structural investigations that include the October 7th attack. Additional investigations in other jurisdictions would constitute a particularly valuable tool for countries that may not yet have identified specific suspects but have jurisdictional links to victims or potential perpetrators.

IV. JOINT INVESTIGATION TEAMS AND MULTISTATE INVESTIGATORY SUPPORT

Joint investigation teams (JITs) are established through an agreement between two or more states, for the purpose of carrying out criminal investigations together.³⁰¹ Though they are often established under the auspices of Eurojust, JITs may also include non-European Union member states.³⁰² JIT's are made up of judges, prosecutors, and law enforcement authorities from

293 Beth Van Schaack, *National Courts Step Up: Syrian Cases Proceeding in Domestic Courts*, ssrn 2, 16 (Feb. 2, 2019) (Depicting States' strategies to achieve accountability in Syria, including structural investigations, that constitute broad inquests that build an evidentiary basis in an effort to understand the context of the crimes, rather than focusing on specific suspects).

294 Wolfgang Kaleck & Patrick Kroker, *Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?* in *National Prosecution of International Crimes: Legislation and Cases* 119 (2018) (Describing the practice of structural investigations in Germany).

295 Florian Jeßberger, *A Short History of Prosecuting Crimes Under International Law in Germany*, 21 *Int'l Crim. Just.* 399, 386–87 (2024) (Elaborating on the German practice of conducting structural investigations, aimed at gathering information that would be used in future trials). Open Society Justice Initiative & TRIAL International, *Universal Jurisdiction Law and Practice in Germany: Briefing Paper* 17 (2019), <https://www.justiceinitiative.org/publications/universal-jurisdiction-law-and-practice-germany> (Generally describing the principles of structural investigations).

296 Arne Bardelle & Arie Mora, "No Safe Haven" Is Not Enough — *Universal Jurisdiction and Russia's War of Aggression*, *EJIL:Talk!* (Feb. 26, 2025), <https://www.ejiltalk.org/no-safe-haven-is-not-enough-universal-jurisdiction-and-russias-war-of-aggression/>.

297 *Id.*

298 *Ukraine: Investigating war crimes — Interview with Anti-terrorism prosecutor Jean-François Ricard* (in French), *Radio France* (Mar. 18, 2023), <https://www.radiofrance.fr/franceculture/podcasts/et-maintenant-l-invite-e-des-matins-du-samedi/ukraine-enqueter-sur-les-crimes-de-guerre-2709170>.

299 *RCMP Statement Regarding Media Reports on the Structural Investigation into the Israel Hamas Conflict*, *Royal Canadian Mounted Police* (June 4, 2025), <https://www.rcmp.ca/en/news/2025/06/rcmp-statement-regarding-media-reports-structural-investigation-israel-hamas-conflict> (explaining that the investigation focuses on the Israel-Hamas ongoing conflict as a whole).

300 *Justice Department Announces Launch of Joint Task Force October 7*, U.S. Dep't of Justice, Office of Public Affairs (June 4, 2025), <https://www.justice.gov/opa/pr/justice-department-announces-launch-joint-task-force-october-7>.

301 *Joint Investigation Teams*, Eurojust, <https://www.eurojust.europa.eu/judicial-cooperation/instruments/joint-investigation-teams> (last visited Oct. 30, 2025).

302 Cornelia Riehle, "20 Years of Joint Investigations Teams (JITs) in the EU": *An Overview of Their Development, Actors*

respective states, and enable quick and flexible investigations³⁰³ through the direct exchange of information and evidence, cooperation, and joint operations.³⁰⁴ The incorporation of JITs into states' prosecutorial strategies reduces duplicate interviews with victims, lowers the risk of inconsistent testimony, and helps prevent re-traumatization of witnesses.³⁰⁵ The effectiveness of JITs has been repeatedly demonstrated in practice, including in atrocity-related investigations in Syria, Ukraine, and the Western Balkans, where JIT cooperation has led to complex evidence gathering that was then submitted to multiple jurisdictions.³⁰⁶

The JIT on alleged core international crimes committed in Ukraine was established under the auspices of Eurojust to facilitate investigations and prosecutions in domestic courts by the Ukrainian, Polish, and Lithuanian prosecutors' offices.³⁰⁷ The team was later joined by additional countries including the United States, and for the first time in history, the Office

and Tools, 24 *era forum* 163, 165 (2023) (Listing the legal instruments that under which such JIT's can be established) Council of Europe, *Guidelines on the Use of Joint Investigation Teams* 7-10, <https://rm.coe.int/16806f720a> (last visited Feb. 23, 2025) (Illustrating the steps required to establish a JIT between EU and non-EU Member States).

- 303 *Joint Investigation Teams*, Eurojust, <https://www.eurojust.europa.eu/judicial-cooperation/instruments/joint-investigation-teams> (last visited Oct. 30, 2025).
- 304 *Id.*; Cornelia Riehle, "20 Years of Joint Investigations Teams (JITs) in the EU": An Overview of Their Development, Actors and Tools, 24 *Era Forum* 163, 163 (2023) ("Through JITs, partners can directly exchange information and evidence, cooperate in real time and jointly carry out operations and allow for practitioners to be present during investigative measures on each other's territories").
- 305 Andrea Furger, *Can They Deliver? The Practice of Joint Investigation Teams (JITs) in Core International Crimes Investigations*, 22 *J. Int'l Crim. Just.* 43, 53 (2024) (Discussing the advantages and challenges of conducting an investigation in the presence of officials from multiple JIT member states alongside authorities from the territorial state). Karolina Aksamitowska, *War Crime Units: Legislative, Organisational and Technical Lessons from the Field* 36-37 (2021, Asser Inst., Justice & Soc'y, n.d.); Karolina Aksamitowska, *War Crimes Units: Legislative, Organisational and Technical Lessons* 36-37 (T.M.C. Asser Inst., 2021). (Illustrating the successes of JIT's in core international crimes investigations, such as the Germany-France JIT that led to the arrest of an alleged Syrian perpetrator). Yuliia Vasiuta, *Foreign Experience in Creating Joint Investigation Teams for the Investigation of Criminal Offenses*, 5 *Visegrad J. Hum. Rts.*, 137, 141-42 (2024) (Recognizing JIT's as the priority area in the investigation of crimes through international cooperation).
- 306 *See, e.g., Cooperation of Joint Investigation Team into Crimes Against Ezidi Victims in Syria and Iraq Leads to First Two Convictions*, Eurojust (Apr. 15, 2025), <https://www.eurojust.europa.eu/news/cooperation-joint-investigation-team-crimes-against-ezidi-victims-syria-and-iraq-leads-first> (Describing a Eurojust-supported JIT between Sweden, France, Belgium, and the Netherlands concerning crimes against Yezidi victims in Syria and Iraq and noting the first domestic convictions for genocide, crimes against humanity, and war crimes based on the jointly gathered evidence); Cornelia Riehle, *JIT Against Foreign Terrorist Fighters Leads to Convictions*, 20(1) *Eu crim* 16-17 (2025) <https://eu.crim.eu/news/jit-against-foreign-terrorist-fighters-leads-to-convictions/> (Reporting Dutch and Swedish convictions of foreign terrorist fighters for genocide, crimes against humanity, and war crimes on the basis of a shared JIT evidence file concerning crimes in Syria and Iraq); *Joint Investigation Team into Alleged Core International Crimes in Ukraine: One Year of International Collaboration*, Eurojust (Mar. 24, 2023), <https://www.eurojust.europa.eu/joint-investigation-team-alleged-crimes-committed-ukraine> (Detailing the multistate JIT on alleged core international crimes in Ukraine, the pooling of evidence in the Core International Crimes Evidence Database, and its use by national authorities and the ICC); Eurojust & jits network, *fifth joint investigation teams evaluation report* 27-30 (Publications Office of the European Union 2025), <https://www.eurojust.europa.eu/sites/default/files/assets/files/5th-jits-evaluation-report-web.pdf> (Highlighting, inter alia, the Western Balkans Criminal Justice Project and the use of JITs in the region to facilitate cross-border investigations and prosecutions through coordinated evidence-gathering and mutual admissibility).
- 307 *Lithuania's top prosecutor, Eurojust chief discuss probe on war crimes in Ukraine*, *Baltic Times* (Jan 9, 2023), https://www.baltictimes.com/lithuania_s_top_prosecutor_eurojust_chief_discuss_probe_on_war_crimes_in_ukraine/

of the Prosecutor of the ICC.³⁰⁸ Though not devoid of criticism,³⁰⁹ the JIT assists its affiliated governments, enabling direct communication, access to an evidence database, and financial and technical support.³¹⁰

Additionally, in support of the JIT, Eurojust established the Core International Crime Evidence Database (CICED), a centralized database intended to preserve, analyze, and store evidence of core international crimes, including in Ukraine, with an emphasis on identifying systematic elements behind individual offenses.³¹¹ The database currently holds hundreds of files submitted by various countries.³¹² Another related institution is the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA). ICPA is a judicial hub within Eurojust that supports national investigations of the crime of aggression.³¹³ Through ICPA, independent prosecutors work together, exchange evidence, make use of CICED, and establish a common prosecution strategy.

This integrated model, that combines investigatory and prosecutorial efforts, and focused evidentiary databases, offers a scalable framework that could support coordinated legal action in relation to the October 7th attacks, including efforts to investigate and prosecute systematic SGBC. Although different cooperation mechanisms already exist, Israel could draw inspiration from the diverse aspects of Ukrainian international cooperation and apply it to its own prosecutorial needs. It could consider entering into a JIT agreement with EU counterparts as a third state,³¹⁴ thereby taking advantage of existing institutions, expertise and resources. Additionally, the cooperation could be based on existing mechanisms, such as mutual legal assistance treaties (MLAT's) and other MLA frameworks.³¹⁵ Such cooperation could also take

308 Joint investigation team into alleged core international crimes committed in Ukraine – Milestones, Eurojust, <https://www.eurojust.europa.eu/sites/default/files/assets/joint-investigation-team-into-alleged-core-international-crimes-committed-in-ukraine-milestones.pdf> (last visited Dec. 2, 2025). *International Coalition Agrees on the Establishment of the Special Tribunal for the Crime of Aggression Against Ukraine*, European Commission (May 9, 2025), https://enlargement.ec.europa.eu/news/international-coalition-agrees-establishment-special-tribunal-crime-aggression-against-ukraine-2025-05-09_en.

309 See, e.g., Andrea Furger, *Can They Deliver? The Practice of Joint Investigation Teams (JITs) in Core International Crimes Investigations*, 22 j. int'l crim. just. 43, 54-57 (2024) (describing shortcomings of the ambitious mechanism. For example, the article criticized the alleged investigative independence of seconded JIT members as not fully independent, and the restraints on the sharing of information between states, concluding that “While JITs address certain challenges of the current international criminal justice environment, some of their most promising features have proven difficult to implement fully in practice or in fact already exist in traditional interstate cooperation and the ICC cooperation framework”).

310 Suhong Yang & Yudan Tan, *The Joint Investigation Team in Ukraine: Challenges and Opportunities for the International Criminal Court*, 8 Eur. Papers 1121, 1121–24 (2023).

311 *Core International Crimes Evidence Database (CICED)*, Eurojust, <https://www.eurojust.europa.eu/core-international-crimes-evidence-database> (last updated Dec. 11, 2023). See also Andrea Furger, *Can They Deliver? The Practice of Joint Investigation Teams (JITs) in Core International Crimes Investigations*, 22 j. int'l crim. just. 43, 49 (2024) (Describing the function of CICED as an organization that centralizes, analyses, and securely shares evidence to reveal systemic actions behind individual international crimes).

312 Michael j. Bazylar et al., *The Russo-Ukrainian War Law Handbook* 86 (2025), https://cap-press.com/pdf/The_Russo-Ukrainian_War_Law_Handbook.pdf.

313 *One Year On Since the Launch of the International Centre for the Prosecution of the Crime of Aggression Against Ukraine (ICPA)*, Eurojust (Jul. 3, 2024), <https://www.eurojust.europa.eu/news/one-year-launch-international-centre-prosecution-crime-aggression-against-ukraine-icpa>.

314 Cornelia Riehle, “20 Years of Joint Investigations Teams (JITs) in the EU”: *An Overview of Their Development, Actors and Tools*, 24 Era Forum 163, 164-5 (2023). An additional example of a multi-regional JIT is the team established pursuant to the downing of MH-17 flight, including Australia, Belgium, Malasia, Netherlands and Ukraine. Andrea Furger, *Can They Deliver? The Practice of Joint Investigation Teams (JITs) in Core International Crimes Investigations*, 22 j. int'l crim. just. 43, 49 (2024).

315 *Mutual Legal Assistance*, Government of Israel, Ministry of Justice (Jan. 31, 2019), <https://www.gov.il/en/pages/>

the form of a multi-state legal taskforce for the crimes of October 7th. The taskforce could, for instance, include an international case-building hub for prosecutors, assistance in structural and mirror investigations, a secure evidence preservation database, and victim-centered capacity-building that embeds trauma-informed practice across all relevant actors. The taskforce could be established by bilateral or multilateral agreements between the Government of Israel and states who may have a heightened interest in pursuing accountability, such as those whose nationals were amongst October 7th victims. These instruments are principal vehicles for states to request transnational assistance in criminal proceedings, as well as for civil cases that relate to a criminal case.³¹⁶

V. CAPACITY BUILDING, SKILL SHARING, AND TRAINING FOR THE INVESTIGATION AND PROSECUTION OF SGBC

Most domestic prosecutors have limited practical experience with atrocity crimes, as their caseloads typically involve “domestic” criminal offenses. This capacity gap is often addressed through structured exchanges of expertise and targeted skills’ transfer. Knowledge-sharing and capacity-building activities have proven to be significant in enhancing capabilities of national judges, prosecutors, defense counsels, and investigators of atrocity crimes, and particularly in the case of CRSV.³¹⁷

Comparative examples underscore why such capacity-building is indispensable. In some cases, when court officials lack specialized understanding of CRSV, there has been a reluctance to raise or hear cases of sexual violence.³¹⁸ At the ICC for example, concerns were raised that charges in cases where judges lacked background in SGBC were withdrawn or dismissed.³¹⁹ To address this gap, comprehensive training should be developed for Israeli judges, prosecutors, and defense attorneys, focusing on handling complex forms of evidence, applying trauma-informed approaches in interactions with victims, and recognizing patterns of CRSV.

[international-dep-legal-assistance](#).

- 316 Markus Funk, *Gathering Foreign Evidence Through Mutual Legal Assistance Treaties and Letters Rogatory*, The Federal Judicial Center – Handbook, 1, 5 (2024), <https://ssrn.com/abstract=4760858> or <http://dx.doi.org/10.2139/ssrn.4760858> (Noting that criminal proceedings use MLATs or letters rogatory for evidence, while civil proceedings rely solely on letters rogatory).
- 317 Michelle Jarvis, *Prosecuting Conflict-Related Sexual Violence Crimes: How Far Have We Progressed and Where Do We Go from Here?* in *Imagining Law: Essays in Conversation with Judith Gardam* 127 (Dale Stephens & Paul Babie eds., Univ. of Adelaide Press 2016). (Arguing that “National capacity-building efforts on transitional justice issues in general tend to suffer from a proliferation of *ad hoc* initiatives by a myriad of donors, often implemented in isolation from each other. The problem can be exacerbated in the context of sexual violence crimes, given the specific challenges associated with these cases, making coordinated approaches all the more important”). Theodor Meron, *Closing the Accountability Gap: Concrete Steps Toward Ending Impunity for Atrocity Crimes*, 112 *am. j. int’l l.* 433, 441 (2018) (Describing the popularity of ICTY and ICTR staff, as well as the Organization for Security and Cooperation in Europe, with trainings of legal professionals in the field of atrocity crimes). Fédération Internationale Pour Les Droits Humains (FIDH), *Unheard, Unaccounted: Towards Accountability for Sexual and Gender-Based Violence at the ICC and Beyond 30* (2018) (Arguing, with reference to ICC judges and staff, that expertise in SGBV “is instrumental in achieving accountability for these crimes”).
- 318 A.L.M. de Brouwer, *Conflict-Related Sexual Violence: Achievements and Challenges in International Criminal Law and the Role of the Military*, 108 *Militair rechtelijk Tijdschrift* 2, 60 (2015) (Describing a study that found that judges, prosecutors, investigators and members of the victim and witness units of the ICTY and the Bosnian War Crimes Court (BIH) were “uncomfortable when dealing with rape and sexual violence” as well as “a reluctance of court officials that comes with speaking and hearing of conflict-related sexual violence”).
- 319 Federation Internationale Pour Les Droits Humains (FIDH), *Unheard, Unaccounted: Towards Accountability for Sexual and Gender-Based Violence at the ICC and Beyond 30* (2018) (Bringing forth concerns of practitioners and experts, that judges’ conservative interpretations of core provisions and crimes lead to decisions to dismiss or withdraw SGBV charges).

In the context of accountability for the October 7th SGBC, targeted skill-sharing initiatives will be essential. Specialized trainings on investigating and prosecuting sexual violence as an international crime, working with survivor-witnesses, and understanding the evidentiary challenges in other conflicts can help ensure that domestic authorities are equipped to pursue these cases with the necessary legal precision, trauma-informed practices, and adherence to international standards.³²⁰ While there exists a large variety of international organizations and training frameworks that specialize in building such expertise,³²¹ this section highlights two effective capacity building platforms that were utilized by the Government of Ukraine and may be relevant in the Israeli context.

First, the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict has offered a unique multifaceted framework to assist national authorities in ensuring accountability for CRSV. The Ukraine framework agreement with the Special Representative of the Secretary-General on Sexual Violence in Conflict was signed on May 3, 2022, with the goal of “strengthening the rule of law and accountability for sexual violence crimes through support to the justice sector.”³²² It paved the way for the joint work of the Team of Experts on the Rule of Law and Sexual Violence in Conflict, with local prosecutors, judges, and law enforcement officers. The team provided mentorship to the specialized CRSV unit in the Office of the Prosecutor General and to the National Police; mapped the national protection framework for victims and witnesses; supported the inclusion of crimes against humanity in the Criminal Code; and developed a law on interim reparations to survivors of sexual violence³²³ under which interim reparations were allocated to hundreds of survivors of SGBC, with the support of states and civil society organizations.³²⁴

The Team of Experts works in cooperation with host-governments in countries contained in the annual report of the Secretary-General on CRSV,³²⁵ and as such, Israel is eligible to

320 UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, *Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual violence* 60-69 (Jun. 18, 2021), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/06/report/auto-draft/OSRSG-SVC-Model-Legislative-Provisions-ENG.pdf>.

321 See *Guidance and Training on Core International Crimes*, Eurojust, <https://www.eurojust.europa.eu/guidance-and-training-core-international-crimes> (last visited Dec. 2, 2025) (Listing training sessions organized by EUROJUST’s Genocide Network, including dedicated training sessions for JIT members investigating international crimes in Ukraine, with an emphasis on SGBC). Women’s Initiatives for Gender Justice, *Annual Report 2022* (Sept. 2023), <https://4genderjustice.org/files/uploads/2025/11/WIGJ-2022-Annual-Report-combined.pdf>, (Describing the Women’s Initiative for Gender Justice interactive online training series on CRSV, that drew participants from civil society and academics as well as Ukrainian parliamentarians, prosecutors and judicial authorities). See also Office of the Prosecutor General of Ukraine, *Strategic Plan: Implementation of the Powers of the Prosecutor’s Office in the Field of Criminal Prosecution for Conflict-Related Sexual Violence* (June 26, 2023), <https://docs.google.com/document/d/1XBgeD2vR9w78lzyLy07B8bkRIYvTpi4X/edit>, (According to which the special CRSV Unit will take part in training on investigations and the support of public prosecutions, engaging with external civil society organizations, international organizations and experts.).

322 un team of experts on the rule of law & sexual violence in conflict, technical assistance and capacity building for the government of Ukraine-developing and implementing interim reparative measures and reparations for survivors of conflict-related sexual violence (2023), https://mptf.undp.org/sites/default/files/documents/2025-07/final_report_crsv-mptf-toe_iom_ukraine.pdf.

323 Law of Ukraine of November 20, 2024 No. 4067-IX on the Legal and Social Protection of Survivors of Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and Providing Them with Urgent Interim Reparations (No. 10132).

324 Ukraine, Global Survivors Fund, <https://www.globalsurvivorsfund.org/our-work/ukraine/> (last visited Nov. 7, 2025).

325 The Team has been operational in the Central African Republic, Colombia and Iraq and Ukraine. See for e.g., U.N. Secretary-General, *Conflict-Related Sexual Violence* (annual report to the Security Council) U.N. Doc. S/2025/389 (2025), *supra* note 5. *Framework of Cooperation between the Government of Ukraine and the United Nations on*

receive support from the team.³²⁶ The Special Representative reportedly offered Israel to sign a framework agreement that would enable her office to initiate an investigation into the SGBC of October 7th, however, no such agreement has been concluded to date.³²⁷ A formal cooperation framework, akin to the Ukraine model, could provide the structure and international expertise necessary to advance justice, reparations, and survivor protection efforts in a systematic and coordinated manner.

An additional unique capacity-building framework established in the Ukrainian context is the Atrocity Crimes Advisory Group (ACA). The ACA was established in 2022 by the European Union, the United States, and the United Kingdom to support the Ukrainian Prosecutor General's office in its investigation and prosecution of atrocity crimes, including SGBC. It was described as an "unprecedented case of direct technical support by an international consortium to a national prosecuting office."³²⁸ The ACA consists of an advisory group of experienced war crimes prosecutors, investigators, and other specialists who provide expertise, mentoring, advice, and operational support, and "mobile justice teams" composed of both international and Ukrainian experts, which can be deployed to assist the Ukrainian WCU and regional investigators, as well as Ukraine's investigators on the ground.³²⁹ The experts bring experience in the investigation and prosecution of international crimes at domestic and international levels, military and crime scene analysis, forensics, evidence databasing, and functional knowledge on specific kinds of crimes. Its support includes trainings, legal analysis of international crimes, technical consultations, prosecutor-to-prosecutor mentoring and background resources and research.³³⁰

A similar international advisory model and other capacity-building models could be instrumental in strengthening Israel's prosecutorial capacity to address the October 7th SGBC, particularly in areas such as legal analysis, evidence preservation, trauma-informed approaches, and coordination across jurisdictions.

VI. COOPERATION WITH CIVIL SOCIETY

Civil society organizations (CSOs) play an increasing role in accountability for serious violations of human rights, adopting practices traditionally seen as belonging to law enforcement authorities. These include the collection of witness testimonies, serving as expert witnesses and making submissions to courts, and working with domestic courts and UN investigative bodies. Scholars have found that the growing number of successful universal jurisdiction prosecutions is significantly attributable to the collaboration between national prosecutors and specialized CSOs.³³¹

Prevention and Response to Conflict-Related Sexual Violence, reliefweb (May 4, 2022) <https://reliefweb.int/report/ukraine/framework-cooperation-between-government-ukraine-and-un-prevention-and-response>.

326 See U.N. Secretary-General, Conflict-Related Sexual Violence (annual report to the Security Council) U.N. Doc. S/2025/389 (2025), *supra* note 5.

327 Liza Rozovsky, *Israel is blocking the UN from investigating October 7th sexual crimes, to prevent attacks on Palestinians* (in Hebrew), Haaretz (Jan. 8, 2025), <https://www.haaretz.co.il/news/politics/2025-01-08/ty-article/premium/00000194-420e-d18c-a7bd-fe5e803c0000?fromLogin=success>.

328 Fabricio Guariglia, *Justice in Ukraine Requires Using All Tools in the Accountability Ecosystem*, Just Security (June 5, 2024) <https://www.justsecurity.org/96393/ukraine-accountability-ecosystem/>.

329 Q&A: *Justice Efforts in Ukraine*, Human Rights Watch (Mar. 29, 2023), <https://www.hrw.org/news/2023/03/29/qa-justice-efforts-ukraine/#canjudicial>.

330 Atrocity Crimes Advisory Group for Ukraine, <https://www.aca-ukraine.org/> (last visited Nov. 17, 2025).

331 Gabrielè Chlevickaitė, *Documenting Conflict-Related Crimes in Ukraine: Civil Society Innovations, Adaptations*

In Ukraine, almost immediately after the Russian attack, local civil society organizations formed coalitions with the stated mission of documenting conflict-related human rights violations and coordinating civil society response.³³² Several coalitions established databases of incidents, later sharing the information with law enforcement agencies and international investigative mechanisms.³³³ Others advance reforms on the protection of SGBV survivors' rights and free legal aid including representation by an attorney at both the pre-trial and trial phases.³³⁴ These efforts played a critical role in preserving evidence, supporting survivor testimony, and laying the groundwork for prosecutions.

In the case of Israel, a coordinated coalition of civil society actors, working in partnership with state authorities and international experts, could significantly enhance the documentation, preservation, and analysis of evidence related to October 7th SGBC. The Civil Commission could serve as an example for such efforts: through structured documentation, legal analysis, and victim-centered methodologies, informed by international experts and protocols, the Civil Commission has worked to build a comprehensive war crimes archive of evidence aligned with international standards that is intended to serve both national and international accountability processes. Other documentation initiatives include the extensive work of the National Library, the USC Shoah Foundation, Edut 710, and additional projects.³³⁵ Under agreed confidentiality and data-protection safeguards, such civil repositories of testimonies and documentation can provide an important evidentiary foundation for future investigations and prosecutions.

and Networks in the Accountability Ecosystem, J. Int. Crim. Just. 523, 523-4 (2025) (highlighting that CSOs shape national and international accountability through knowledge production and their position relative to other justice mechanisms). See also Federica D'alessandra et al., *Anchoring Accountability for Mass Atrocities – The Permanent Support Needed to Fulfil UN Investigative Mandates 20-21*(Oxford Institute for Ethics, Law and Armed Conflict 2022), <https://www.elac.ox.ac.uk/research/anchoring-accountability-for-mass-atrocities> (indicating a growing number of CSO's are involved in documentation of atrocity crimes, alongside survivor-centered methodologies, placing accountability as a high organizational priority).

332 See, e.g., the 5AM coalition, comprising of almost 50 civil society organizations, with the goal “to protect the victims of Russian armed aggression in Ukraine and to bring to justice the senior leadership of the Russian Federation and the direct perpetrators of war crimes and crimes against humanity.” *About the coalition*, Five in the Morning (5 AM), <https://www.5am.in.ua/en/about-coalition> (last visited Oct. 22, 2025).

333 Gabrielé Chlevickaitė, *Documenting Conflict-Related Crimes in Ukraine: Civil Society Innovations, Adaptations and Networks in the Accountability Ecosystem*, J. Int. Crim. Just. 523, 532-534, 538 (2025).

334 See, e.g., JURFEM, an organization that provides victims with legal advice and support at all stages of the proceedings; locates and funds lawyers in the victim's region; directs victims to medical and psychological aid; assist with security plans and information about shelters and local organizations. JURFEM website, support; <https://jurfem.com.ua/en/jurfem-support/> (last visited Jan. 6, 2026). *Specialization is critically important – Investigators and prosecutors handling CRSV cases should not simultaneously deal with other categories of war crimes*, EU AM Ukraine (June 10, 2025), <https://www.euam-ukraine.eu/news/specialisation-is-critically-important-investigators-and-prosecutors-handling-crsv-cases-should-not-simultaneously-deal-with-other-categories-of-war-crimes/>.

335 See *Methodology*.



D. ACCOUNTABILITY MECHANISMS FOR OCTOBER 7TH CRIMES WITH GENDER COMPETENT STANDARDS FOR SGBC

The mechanisms for international cooperation outlined in the previous section are grounded in best practices of existing institutions and legal frameworks. They offer concrete ways to advance the prospect of accountability for the SGBC committed on October 7th and in captivity. Progress on any of these avenues would represent a meaningful step toward justice for the victims of the atrocities, especially those subjected to SGBV. Nevertheless, given the wide range of victims' nationalities, the unique nature and scope of the crimes, as well as the growing pattern of their distortion and denial, the imperative of establishing a credible record that commands both domestic and global legitimacy warrants considering an internationalized accountability mechanism for the October 7th attacks.³³⁶

On the basis of the following analysis, this final section of the report proposes that Israel should give serious consideration to a model of prosecution for crimes committed on October 7th and in captivity that incorporates international features, including gender-competence requirements for judges, prosecutors, and investigators, and the possible establishment of a specialized chamber for sexual and gender-based crimes (SGBC).

This proposed internationalized prosecution model³³⁷ seeks to preserve the advantages of conducting trials in domestic proceedings, including the proximity to witnesses and evidence, as well as reliance on Israel's legal system. Infusing the process with international expertise in prosecuting sexual atrocities will strengthen the tribunal's effectiveness and credibility.³³⁸

336 Cochav Elkayam-Levy & Irwin Cotler, *Beyond National Borders: How Will Israel Find Legal Justice for the Atrocities of October 7?*, Jerusalem Post (Aug. 2, 2025), <https://www.jpost.com/opinion/article-862910>; Cochav Elkayam-Levy, *Global and National Dilemmas in the Prosecution of the October 7 Crimes*, Lecture delivered at the Leonard Davis Institute for International Relations, The Hebrew University of Jerusalem (Hebrew Univ. of Jerusalem, The Day After the War Roundtable, May 22, 2024).

337 The concept of an "internationalized" or "hybrid" accountability mechanism draws on a well-established body of scholarship and practice. See generally Laura Dickinson, *The Promise of Hybrid Courts*, 97 Am. J. Int'l L. 295 (2003) (Exploring the theoretical foundations and legitimacy benefits of hybrid tribunals); Cesare P. R. Romano, André Nollkaemper & Jann K. Kleffner (eds), *Internationalized Criminal Courts: Sierra Leone, East Timor, Kosovo, and Cambodia* (Oxford, 2004; online edn, Oxford Academic, Jan. 1, 2010) (Providing the foundational comparative analysis of hybrid models); William W. Burke-White, *A Community of Courts: Toward a System of International Criminal Law Enforcement*, 24 Mich. J. Int'l L. 1 (2002) (Analyzing the emerging architecture of internationalized criminal enforcement); Beth Van Schaack, *The Building Blocks of Hybrid Justice*, 44 Denv. J. Int'l L. & Pol'y 101 (2016). (Analyzing the accumulated experience with international, hybrid, and internationalized judicial institutions); Kirsten Ainley & Mark Kersten (eds), *Hybrid Justice: Innovation and Impact in the Prosecution of Atrocity Crimes* (Oxford, 2025; online edn, Oxford Academic, 23 Jan. 2025) (Focusing on the resilience of hybrid mechanisms to withstand political and other pressures, and the potential contribution of hybrids to the resilience of affected communities).

338 Cochav Elkayam-Levy, *Global and National Dilemmas in the Prosecution of the October 7 Crimes*, Lecture delivered at the Leonard Davis Institute for International Relations, The Hebrew University of Jerusalem (Hebrew Univ. of Jerusalem, The Day After the War Roundtable, May 22, 2024). This lecture marked the first public presentation of the proposal for an internationalized accountability mechanism for the October 7 atrocities; Cochav Elkayam-Levy & Irwin Cotler, *How Will Israel Find Legal Justice for the Atrocities of October 7?*, Jerusalem Post (Aug. 2, 2025), <https://www.jpost.com/opinion/article-862910>. For jurisprudence of hybrid courts recognizing SGBC as core international crimes, see, e.g., *Prosecutor v. Brima et al.*, SCSL-2004-16-A, Appeals Chamber Judgment (Special Court for Sierra Leone Feb. 22, 2008) (Recognizing forced marriage as a crime against humanity); *EAC, Prosecutor v. Habré*, Judgment (Extraordinary Afr. Chambers May 30, 2016) (Convicting a former head of state for rape and sexual slavery as crimes against humanity).

I. BACKGROUND

Establishing an internationalized judicial institution to prosecute the commission of international crimes is not a novel concept. The history of internationalized mechanisms, special chambers or hybrid tribunals has yielded a range of models, from institutions that constitute independent legal personalities, to others that were integrated into or crafted onto the domestic legal system by accepting international staff or international norms,³³⁹ yet some elements are shared by the majority of these institutions.³⁴⁰

What makes internationalized mechanisms an attractive option in atrocity situations is their inherent flexibility.³⁴¹ Rather than following a particular template, each “is established in response to the particular needs of the context and may be “internationalized” in varying ways and to different degrees.”³⁴² The mandate, prosecutorial strategy, investigation tactics, international partnerships³⁴³ and the ranks of the accused³⁴⁴ can all be established to best fit the circumstances surrounding the atrocities.³⁴⁵ In the words of Judge Theodor Meron, former president of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals (MICT):

From Cambodia to Kosovo and from Senegal to Guatemala and, most recently, Colombia, this practice of establishing special chambers to adjudicate politically sensitive and international crimes can, where the work is undertaken with appropriate safeguards and the creation of special chambers is intended to facilitate principled accountability [...] serve as an important

339 Beth Van Schaack, *The Building Blocks of Hybrid Justice*, 44 *Denv. J. of Int'l L. & Pol'y* 101, 104 (2016) (describing how hybrid tribunals range from fully independent institutions to bodies integrated into or grafted onto domestic courts through mixed staffing or incorporation of international norms).

340 Laura Dickinson, *The Promise of Hybrid Courts*, 97 *Am. J. Int'l L.* 295, 295-310 (2003); Etelle R. Higonnet, *Restructuring Hybrid Courts: Local Empowerment and National Criminal Justice Reform*, 23 *Ariz. J. Int'l & Comp. L.* 347, 356 (2006) (“despite ambiguities in definitions of hybrid courts, some baseline characteristics emerge. Hybrids blend the international and the domestic with legal and organizational innovations that constitute important divergences from international *ad hoc* tribunals. In some cases they coexist with the local judiciary, operating in parallel, while in others, they have been grafted onto the local judicial system. But in all cases their nature is mixed. Usually, they are composed of international and local staff with foreign judges sitting alongside their domestic counterparts to try cases prosecuted and defended by teams of both local and foreign lawyers. Domestic law — reformed to include international standards — is typically applied alongside international law”). Erica Bussey, *Striking the Right Balance Impact of the Nationality of Judges/Staff on the Legitimacy of Recent Hybrid Tribunals*, in *Hybrid Justice: Innovation and Impact in the Prosecution of Atrocity Crimes* 177, 178 (Kirsten Ainley & Mark Kersten eds., Oxford Univ. Press 2025) (Explaining that there is no universally accepted definition for a hybrid tribunal, but these institutions generally consist of a mix of international and domestic elements, including norms, judges and personnel).

341 Sara Ochs, *A Renewed Call for Hybrid Tribunals* 52 *n.y.u.j. of Int'l L. and Pol.* 351, 396 (2020) (arguing that hybrid tribunals were designed as a flexible model blending international expertise with local legal systems, allowing them to adapt to context-specific accountability and transitional justice goals. The Hybrid Courts contain a much-needed flexibility that allows the tribunal “to model its approach to accountability in a way that is culturally compatible with the victims of the state it is designed to serve”).

342 Elena Naughton, *Committing to Justice for Serious Human Rights Violations: Lessons from Hybrid Tribunals* 5 (*Int'l Ctr. for Trans. J.*, Research Report, 2018).

343 Sara Ochs, *A Renewed Call for Hybrid Tribunals* 52 *n.y.u.j. Int'l L. & Pol.* 351, 396 (2020) (describing how hybrid tribunals span a continuum of institutional designs).

344 The majority of hybrid tribunals did not restrict themselves to seniority levels of the accused. While the statutes of the SCSL and the ECCC include seniority requirements, limiting jurisdiction to those who bear the greatest responsibility for the commission of the crimes, other tribunals, such as the SPS, IHT, WCC, did not require seniority and also prosecuted low-mid level perpetrators. See Sarah Williams, *Hybrid and Internationalized Criminal Tribunals: Jurisdictional Issues* 144-147 (Ph.D. thesis, Durham Univ., 2009).

345 Sara Ochs, *A Renewed Call for Hybrid Tribunals*, 52 *n.y.u.j. of Int'l L. & Pol.* 351, 396 (2020).

new model for how to address atrocity crimes within national courts.³⁴⁶

Between 2000 and 2007, six hybrid tribunals were established in East Timor,³⁴⁷ Sierra Leone,³⁴⁸ Cambodia,³⁴⁹ Bosnia and Herzegovina,³⁵⁰ Kosovo,³⁵¹ Iraq,³⁵² and Lebanon,³⁵³ each with varying degrees of international involvement. While initially promising, these early courts faced political interference, budgetary and staffing constraints, as well as procedural delays, slowing momentum for further tribunals. A second wave emerged from 2013 onward, including the Extraordinary African Chambers,³⁵⁴ the Kosovo Specialist Chambers,³⁵⁵ and the Special Criminal Court in the Central African Republic,³⁵⁶ which were generally more agile and locally grounded.³⁵⁷ Most recently, the international community established the Special Tribunal for

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- 346 Theodor Meron, *Closing the Accountability Gap: Concrete Steps Toward Ending Impunity for Atrocity Crimes*, 112 Am. J. Int'l L. 433, 444 (2018). On specialized judicial chambers, Meron notes as an example the assignment of international judges and prosecutors at the Courts of Kosovo (UNMIK) (*Id.*, at 440).
- 347 The Special Panels for Serious Crimes, East Timor (“SPSC”) was set up to prosecute serious crimes committed in East Timor in 1999. U.N. Transitional Admin. in E. Timor (UNTAET), Reg. No. 2000/15, On the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offenses, UNTAET/REG/2000/15 (June 6, 2000), <https://peacekeeping.un.org/sites/default/files/past/etimor/untaetR/Reg0015E.pdf>.
- 348 The Special Court for Sierra Leone (“SCSL”) was established to prosecute perpetrators of serious violations of IHL and Sierra Leonean law during the country’s civil war. Residual Special Court for Sierra Leone, <https://rscsl.org/the-rscsl/> (last visited Nov. 30, 2025).
- 349 The Extraordinary Chambers in the Courts of Cambodia (“ECCC”) was set up to prosecute international crimes committed during the Khmer Rouge era between 1975 and 1979. The Extraordinary Chambers in the Courts of Cambodia, <https://www.eccc.gov.kh/en> (last visited Nov. 30, 2025).
- 350 The War Crimes Chamber of the Court of Bosnia and Herzegovina (“WCC”) was set up to prosecute perpetrators of serious violations of IHL committed in former Yugoslavia, under both international and domestic law. Law on the Court of Bosnia and Herzegovina, consolidated text, Official Gazette of BiH, No. 49/09 (Bosn. & Herz.), Doc. 48, 49_09, https://www.tuzilastvobih.gov.ba/files/docs/Zakon_o_Drzavnoj_agenciji_za_istrage_i_zastitu_izmjene_49_09_ENG.pdf.
- 351 The Regulation 64 Panels in Kosovo was set up to prosecute international crimes that could not be handled by the ICTY due to resource constraints. U.N. Mission in Kosovo, On Assignment of International Judges/Prosecutors and/or Change of Venue, Reg. 2000/64, UNMIK/REG/2000/64 (Dec. 15, 2000), <https://www.legal-tools.org/doc/2f3c56/pdf> (last visited Nov. 11, 2025); Michael E. Hartmann, *International Judges and Prosecutors in Kosovo: A New Model for Post-Conflict Peacekeeping*, Special Report No. 112, U.S. Inst. of Peace (Oct. 2003).
- 352 The Iraqi Special Tribunal for Crimes Against Humanity was established primarily as a means of prosecuting Saddam Hussein and other members of the Ba’ath party but had jurisdiction to prosecute Iraqi nationals or residents accused of committing international crimes between 1968 and 2003. See Michael A. Newton, *The Iraqi High Criminal Court: Controversy and Contributions*, 88 Int’l Rev. of the Red Cross 399 (2006); Hybrid Justice, Iraqi High Tribunal, <https://hybridjustice.com/iraqi-high-tribunal/> (last visited Nov. 18, 2025).
- 353 The Special Tribunal for Lebanon (“STL”) was established to prosecute perpetrators of the 2005 bombing that killed Lebanon’s former prime minister, and related attacks. Statute of the Special Tribunal for Lebanon, S.C. Res. 1757, Annex, S/RES/1757 (May 30, 2007), <https://www.onlinelibrary.ihl.org/wp-content/uploads/2021/04/Statute-ICTL-EN.pdf>.
- 354 The Extraordinary African Chambers (“EAC”) was set up in 2013 to prosecute international crimes committed in Chad between 1982 and 1990, in accordance with Senegal’s international commitments. See Statute of the Extraordinary African Chambers within the Courts of Senegal Created to Prosecute International Crimes Committed in Chad between 7 June 1982 and 1 December 1990 (unofficial English translation by Human Rights Watch), Human Rights Watch (Sept. 2, 2013), <https://www.hrw.org/news/2013/09/02/statute-extraordinary-african-chambers>.
- 355 The Kosovo Specialist Chambers (“KSC”) was established in 2014 to investigate and prosecute allegations of inhuman treatment and illicit trafficking in human organs in Kosovo. See Kosovo Specialist Chambers & Specialist Prosecutor’s Office, Background, <https://www.scp-ks.org/en/background>; Council of Europe, Parl. Assembly, *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*, Doc. 12462 (Jan. 7, 2011), <https://www.refworld.org/reference/countryrep/coepace/2011/en/78267>.
- 356 The Special Criminal Court (“SCC”) in the Central African Republic (“CAR”) was set up in 2015 to prosecute international crimes committed in the CAR since 2003. United Nations, *CAR Special Criminal Court (SCC) Now Fully Operational* (June 9, 2021), <https://peacekeeping.un.org/en/car-special-criminal-court-scc-now-fully-operational>.
- 357 Juan-Pablo Pérez-León-Acevedo, *UN-Backed Hybrid Criminal Tribunals (HCTs): Viable Options in International Criminal Justice?* 22 Int’l Crim. L. Rev. 641, 647-648 (2022) (noting that HCTs are “operationally more agile” and

the Gambia (2025),³⁵⁸ and the Special Tribunal for the Crime of Aggression against Ukraine (2025).³⁵⁹

In most past cases, hybrid and internationalized tribunals have been established through agreements between the affected state and the United Nations or a regional organization.³⁶⁰ Yet different models such as the establishment of a court through an agreement with a number of states exist. Stephen Rapp, former US Ambassador at large for War Crimes, argued that in situations where the ICC or the United Nations cannot lead prosecution, “the answer is for a coalition of States to pool their jurisdiction and personnel . . . into an agreement-based court, as permitted by international law.”³⁶¹ This model was recently considered as a possible route through which to establish a Special Tribunal for the Crime of Aggression against Ukraine,³⁶² although in that case the special tribunal was ultimately established through an agreement with the Council of Europe.³⁶³

II. AN ISRAELI-BASED SPECIAL TRIBUNAL

The establishment of a prosecution mechanism, complimented by strong international elements, and that is institutionally structured to support SGBC cases, warrants careful consideration. As a preliminary matter, the seat of any such tribunal should be in Israel. Locating the tribunal where the crimes were committed is warranted for several reasons. First, Israel has a legal obligation to prosecute war crimes committed on its territory.³⁶⁴ Second, crimes are most effectively prosecuted in the jurisdiction where they were committed. This would guarantee the best access to evidence, victims, and their families.³⁶⁵ In addition, maintaining Israel’s lead in the process would be crucial for the communities that the tribunal is meant to serve, and would avoid challenges experienced by other tribunals that were perceived by

more deeply embedded in local communities and legal cultures, enhancing their procedural and cultural legitimacy).

358 Leiden University, *Special Tribunal for the Gambia* (Mar. 13, 2025), <https://www.universiteitleiden.nl/en/news/2025/03/special-tribunal-for-the-gambia>.

359 Though not labelled a hybrid tribunal, the Special Tribunal for the Crime of Aggression against Ukraine includes both international and domestic elements. European Commission, *Establishment of the Special Tribunal for the Crime of Aggression*, Press release IP/25/1169 (May 8 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1169.

360 Kirsten Ainley & Mark Kersten, *Conclusion: The Design, Function, and Evaluation of Hybrid Courts*, in *Hybrid Justice: Innovation and Impact in the Prosecution of Atrocity Crimes* 400 (Kirsten Ainley & Mark Kersten eds., Oxford Univ. Press 2025) (discussing how hybrid tribunals must be designed to reinforce legal legitimacy and ensure coordinated accountability among domestic, international, and hybrid justice mechanisms).

361 Stephen J. Rapp, *Achieving Accountability for Atrocity Crimes in an Era of Resistance to International Justice and Human Rights*, 21 Wash. U. Global Stud. L. Rev. 137, 150 (2022) (arguing that in light of widespread resistance to international tribunals, a coalition-based hybrid-court approach remains a viable and legitimate path for achieving accountability).

362 Patrick Butchard, *Conflict in Ukraine: A Special Tribunal on the Crime of Aggression* 13 (House of Commons Library Research Briefing, Aug. 27, 2024) (outlining proposals and legal obstacles for creating a special tribunal dedicated to prosecuting the crime of aggression against Ukraine).

363 See European Commission, “International coalition agrees on the establishment of the Special Tribunal for the Crime of Aggression against Ukraine” (May 9, 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1169.

364 ICRC, *Customary International Humanitarian Law* (Vol. I), *supra* note 11, Rule 158. Prosecution of War Crimes.

365 See Sara Ochs, *A Renewed Call for Hybrid Tribunals* 52 N.Y.U. J. Int’l L. & Pol. 351, 397 (2020) (Noting that “[t]he in-state location of hybrid courts permits greater efficiency and effectiveness in investigating and prosecuting mass crimes. Geographic proximity to evidence and the ability to obtain in-person witness statements present significant evidentiary advantages over both the ICC and *ad hoc* tribunals, thereby increasing hybrid tribunals’ potential for obtaining punitive accountability.”).

local communities as externally imposed or detached from the local context of the events adjudicated.³⁶⁶ Finally, a locally based institution would be better positioned to enhance accountability, as well as to secure meaningful compensation for victims.³⁶⁷

III. INVOLVEMENT OF INTERNATIONAL JUDGES AND STAFF

Applying the experience of past internationalized institutions, the proposed mechanism would benefit from the involvement of international judges, prosecutors and defense attorneys. Appointing international judges and staff has been recognized as a means of benefitting from specific expertise,³⁶⁸ alongside the enhancement of the perception of independence of the judiciary, contributing to the tribunal's international reputation of fairness and legitimacy. In line with the notion that "the design of hybrid courts should be internationalized only to the extent required to fill specific needs that cannot be met at the national level,"³⁶⁹ international participation in the proposed tribunal should augment Israel's legal system to meet the unique needs of the October 7th trials. In this respect, international experts could also provide crucial insights on the applicable standards for prosecuting international crimes in areas where Israeli legal professionals may naturally have limited experience.³⁷⁰ Additionally, inviting foreign diplomats and civil society to serve as monitors of the trials could increase global awareness of the trials, enhance transparency and build trust among international stakeholders.³⁷¹

366 Past experience demonstrates the challenges associated with tribunals perceived as excessively internationalized or detached from affected societies, such as the Kosovo Specialist Chambers (KSC) with the vast majority of its personnel being international. See Mirko Bagaric & Danijela Barić, *The Perils of Hybrid Justice: Lessons from the Kosovo Specialist Chambers*, 22 J. Int'l Crim. Just. 411, 415–17 (2024); Eleni Chaitidou, *The Kosovo Specialist Chambers and the Quest for Local Legitimacy*, 19 J. Int'l Crim. Just. 915, 919–23 (2021). Similarly, the Special Tribunal for Lebanon (STL) was criticized for detachment from Lebanese institutions and the broader public. It has been argued that the establishment of a Beirut-based STL office balanced the downfalls of situating the tribunal's headquarters in The Hague. Juan-Pablo Pérez-León-Acevedo, *UN-Backed Hybrid Criminal Tribunals (HCTs): Viable Options in International Criminal Justice?* 22 Int'l Crim. L. Rev. 641, 656 (2022) (noting that HCTs are "operationally more agile" and more deeply embedded in local communities and legal cultures, enhancing their procedural and cultural legitimacy). Research has found that generally, remoteness generates apathy and negativity towards a court. The geographic distance between local communities and the ICTY for instance, created suspicion of even amongst Bosnian judges and prosecutors who were generally supportive of the Court. Both the ICTY and ICTR received relatively little interest from local communities. Dennis R. Schmidt, *In Whose Name? Mapping the Constitutional Legitimacy of Hybrid International Criminal Courts*, in *Hybrid Justice: Innovation and Impact in the Prosecution of Atrocity Crimes* 25-26, (Kirsten Ainley & Mark Kersten eds., Oxford Univ. Press 2025).

367 Etelle R. Higonnet, *Restructuring Hybrid Courts: Local Empowerment and National Criminal Justice Reform*, 23 Ariz. J. Int'l & Comp. L. 347, 349 (2006) ("[H]ybrids can be structured to tap into domestic expertise, connect with local populations... They also avoid the staggering costs of purely international courts. By integrating local norms, hybrid courts can bring culturally adapted justice to the people that international courts purport to serve but cannot reach.").

368 Beth Van Schaack, *The Building Blocks of Hybrid Justice*, 44 Denv. J. of Int'l L. & Pol'y 101, 143 (2016) ("states emerging from periods of mass violence have created national institutions dedicated to prosecuting international crimes and invited the involvement of international experts in various capacities. Included within this community of courts are entities that are deeply ensconced within the relevant domestic system but that benefit from international support and expertise through seconded personnel and the provision of technical assistance.")

369 Stephen J. Rapp, *Foreword to Dakar Guidelines on the Establishment of Hybrid Courts* iv-v (K. Ainley & M. Kersten eds., LSE Press 2019).

370 *Id.*

371 OSCE, *Trial Monitoring: A reference manual for practitioners* (2012), at <https://www.osce.org/sites/default/files/f/documents/5/f/94216.pdf>, pg. 11 ("By increasing the transparency of the judicial process, trial monitoring is itself an exercise in support of the right to a public trial. The presence of monitors can lead tribunals to implement improved fair trial practices and build confidence in the judicial process").

IV. APPLICATION OF INTERNATIONAL CRIMES, NORMS, AND RULES OF PROCEDURE

It is essential that the atrocities of October 7th and in captivity, and particularly the SGBC, be situated within the broader framework of CIL and ICL governing the prosecution of war crimes, crimes against humanity, and genocide. The statutes of most hybrid tribunals, for instance, have incorporated core international crimes within their jurisdictional mandate.³⁷² While the Israeli Penal Code does not include the majority of these crimes, but rather certain elements and further prohibits retroactive criminalization,³⁷³ there is nevertheless a viable legal basis to apply these international crimes within the context of a special internationalized mechanism.³⁷⁴ In this regard, Israel could examine the possibility of establishing an internationalized tribunal through a founding instrument (for example, a Memorandum of Understanding (MoU) with international partners) paired with enabling legislation that: (1) vests the tribunal with subject-matter jurisdiction over war crimes, crimes against humanity, and genocide as customary international crimes applicable at the time of their commission; (2) includes a clause recognizing definitions drawn from customary international law; and (3) expressly aligns the tribunal's retroactivity rules with Article 15 (2) of the International Covenant on Civil and Political Rights, which permits prosecution of conduct criminal "according to the general principles of law recognized by the community of nations."³⁷⁵ The application of international crimes would be consistent, for

372 This was the case at the EAC, with jurisdiction over war crimes, crimes against humanity, genocide and torture, see: Statute of the Extraordinary African Chambers within the Courts of Senegal Created to Prosecute International Crimes Committed in Chad between 7 June 1982 and 1 December 1990, Annex, Agreement Between the Government of the Republic of Senegal and the African Union on the Establishment of Extraordinary African Chambers within the Senegalese Judicial System (Aug. 22, 2012), available at Oxford Public International Law, <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e3295.013.3295/law-mpeipro-e3295> (last visited Nov. 12, 2025). The Statute of the STL includes only domestic terrorism laws from the Lebanese Penal Code. S.C. Res. 1757, Annex, Art. 2 (May 30, 2007). The WCC, State courts in Bosnia-Herzegovina are purely domestic courts with international staff. These courts were established after an incorporation of international crimes into the domestic penal code, therefore relying strictly on domestic law, but enforcing international crimes. Law on the Court of Bosnia and Herzegovina, Official Gazette of Bosnia & Herzegovina No. 49/09 (June 22, 2009), (https://www.tuzilastvobih.gov.ba/files/docs/Zakon_o_Drzavnoj_agenciji_za_istrage_i_zastitu_izmjene_49_09_ENG.pdf) (last visited Nov. 12, 2025). The SCC in the Central African Republic and the IHT Statute reflected the crimes in the Rome Statute. Law of the Supreme Iraqi Criminal Tribunal, No. 4006 of 2005, Art. 17(2) (Rep. Of Iraq, Oct. 18, 2005), https://menarights.org/sites/default/files/2016-11/IRQ_Supreme%20Criminal%20Court%20Act_2005_EN.pdf (last visited Nov. 12, 2025). Loi organique n° 15-003 portant création, organisation et fonctionnement de la Cour Pénale Spéciale, art. 3 (Rép. Centrafricaine, 22 juil. 2015), <https://ihl-databases.icrc.org/en/national-practice/organic-law-no-15-003-creation-organisation-and-functioning-special-criminal> (last visited Nov. 12, 2025). Drawn from Beth Van Schaack, *The Building Blocks of Hybrid Justice*, 44 Denv. J. of Int'l L. & Pol'y 101, 177-181 (2016).

373 Nothing constitutes an offense and there is no penalty for it, unless it is so prescribed by Law or under it. Israel's Penal Law 5737-1977, Article 1.

374 See Avi Del, *The Prosecution of Terrorists in Israel through International Crimes* (in Hebrew), 41 Iyunei Mishpat Forum (Tel Aviv Univ., 2024), https://www.taulawreview.sites.tau.ac.il/post/_dell (last visited Nov. 13, 2025). (addressing the applicability of international norms not yet incorporated into Israeli law in prosecuting the October 7 crimes. Del argues that the October 7th attacks violated fundamental universal values embedded in customary international law. Consequently, the perpetrators would face significant difficulty claiming they lacked prior notice that their conduct constituted criminal acts).

375 Article 15(1) of the ICCPR prohibits the retroactive criminalization of conduct and ensures that individuals can only be prosecuted for acts that were criminal at the time they were committed. However, Article 15(2) contains the exception to the rule: prosecutions are permissible if the acts in question were criminal "under national or international law" at the time of their commission. See: International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976). Article 15 of the ICCPR reflects the Nuremberg legacy, as Nazis were convicted for atrocities under international law despite the absence of corresponding domestic German legislation. G. A. Res. 95(I), Principle II (Dec. 11, 1946) (stating that "criminal liability exists under international law even if domestic law does not punish an act which is an international crime"). For example, in ICTY, Prosecutor v. Tadić, the Trial Chamber held that common Article 3 of the Geneva Conventions is part of customary international law, and that applying it does not violate the prohibition of retroactive criminal law by imposing criminal responsibility even where domestic law was silent. ICTY, Prosecutor v. Tadić, IT-94-1, Decision on the Defense Motion on Jurisdiction,

example, with the precedent set in the Eichmann trial,³⁷⁶ where the judges applied international criminal norms due to the crimes' exceptional gravity, as well as with the conduct adopted by other tribunals that applied similar solutions when faced with the same issue of incomplete domestic codification of international crimes.³⁷⁷

V. PROCEDURAL GUARANTEES, DUE PROCESS, AND COMPLIANCE WITH INTERNATIONAL STANDARDS

The legitimacy and enduring authority of any internationalized tribunal rests upon the fairness and integrity of its proceedings.³⁷⁸ Due process and other procedural guarantees are central to the proposed tribunal's historical mission. Scholars have long observed that "tribunals bootstrap themselves into legitimacy by the quality of justice they deliver; their rightness depends on their fairness."³⁷⁹

¶ 72 (Int'l Crim. Trib. for the Former Yugoslavia Aug. 10, 1995). Similarly, the International Criminal Tribunal for Rwanda relied on existing treaty and customary norms to reject legality challenges, reasoning that perpetrators had sufficient notice under international law even where domestic codes were silent. See also, ICTR, Prosecutor v. Kayishema et al., ICTR-95-1-T, Judgment, ¶ 156 (May 21, 1999).

376 In the Eichmann case, the Israeli Supreme Court upheld the conviction of Adolf Eichmann under Israel's 1950 Nazis and Nazi Collaborators (Punishment) Law for crimes committed during the Holocaust, despite the fact that the law was enacted after the events. The Court reasoned that these offenses were already crimes under international law when committed. Amnesty Int'l, *Eichmann Supreme Court Judgment: 50 Years On, Its Significance Today*, at 14 (2012) <https://www.amnesty.org/en/documents/ior53/013/2012/en/>.

377 Practice by the SCSL, ECC, EAC and IHT on hybrid tribunals presents reliance on Article 15(2) if the ICCPR. Sierra Leone's domestic penal code did not define crimes against humanity or several war crimes when the atrocities occurred, and defendants challenged the Court's jurisdiction on retroactive criminality grounds. The SCSL Appeals Chamber rejected this argument, holding that the Court operated in an "international sphere" and could apply international norms directly. Michael P. Scharf, *The Special Court for Sierra Leone*, Am. Soc'y of Int'l L. 5(14) Insights, (Oct. 5, 2000), <https://www.asil.org/insights/volume/5/issue/14/special-court-sierra-leone>; *Prosecutor v. Kallon et al.*, SCSL-2004-15-AR72(E), Appeals Chamber, ¶¶ 80-82 (Mar. 13, 2004). Cambodia's penal code did not prohibit genocide or crimes against humanity at the Khmer Rouge period. To address this, the ECCC incorporated definitions from the 1948 Genocide Convention, the Geneva Conventions, and customary law, anchoring jurisdiction in norms already binding on Cambodia when the crimes were committed, and relying on article 15 of the ICCPR, see: G.A. Res. 57/228, ¶¶ 9, 12 (May 22, 2003). Senegal initially amended its domestic law in 2007–08 to prosecute former Chadian dictator Hissène Habré for crimes committed in the 1980s. However, the ECOWAS Court of Justice ruled in 2010 that prosecuting Habré under newly enacted Senegalese laws would breach the legality principle; instead, it held that a special tribunal based on international custom could lawfully try him because the crimes were already prohibited under international law when committed. See International Crimes Database, "Hissène Habré v. Republic of Senegal," Available at: <https://www.internationalcrimesdatabase.org/Case/220>. The Iraqi High Tribunal, prosecuted atrocities committed in a period when Iraq's domestic law lacked provisions on international crimes. The tribunal incorporated definitions from the international conventions that were in force for Iraq during that period, as well as customary law, invoking Article 15(2) ICCPR to reject retroactivity objections. See: Ian M. Ralby, *Joint Criminal Enterprise Liability in the Iraqi High Tribunal*, 28 b. u. int'l l. j. 281, 310 (2010). Also, See Hybrid Justice, "Iraq High Tribunal," <https://hybridjustice.com/iraqi-high-tribunal> (last visited Nov. 24, 2025).

378 Sareta Ashraph, *Valuing the Defence: A Comparative Analysis of the Hybrid Tribunals' Stumbling Efforts Towards Giving Meaning to Defence Rights*, in *Hybrid Justice: Innovation and Impact in the Prosecution of Atrocity Crimes* 125, 126-128 (Kirsten Ainley and Mark Kersten, ed., 2025) (arguing that the assertion that justice motivates trials is founded on the commitment that the accused is granted a fair trial. Absent this principle, the very legitimacy of the court and the trial may be undermined. As articulated by Associate Justice Jackson of the International Military Tribunal (IMT) in Nuremberg, "fair hearings for the accused are, of course, required to make sure that we punish only the right men and for the right reasons." See U.S. Department of State, 'Report of Robert H. Jackson, United States Representative to the International Conference on Military Trials' (1945) Publication 3080, section III, para 2 <https://avalon.law.yale.edu/imt/jack08.asp>. See also Harry M. Rhea, *The Nuremberg Effect on Contemporary International Criminal Justice*, 21 Crim. J. Stud. 366, 367 (2008) (demonstrating the fairness of the Nuremberg trials by the fact that only 12 of the 22 defendants were hanged, due to Justice Jackson's conviction that any invalidation of the proceedings would be detrimental to the field of international law).

379 David J. Luban, *Fairness to Rightness: Jurisdiction, Legality, and the Legitimacy of International Criminal Law* 1–3 (Georgetown Univ. Law Ctr. Faculty Working Paper, 2008) (Supporting the proposition that international tribunals derive their legitimacy not simply from formal authority but from the fairness and quality of justice they deliver;

Procedurally, the mandate should be designed to incorporate internationally recognized due-process guarantees and best-practice evidentiary rules through a dedicated section on rules of procedure and evidence. To that end, the proposed tribunal should eschew practices inconsistent with international fair-trial principles. The experience of the United States Military Commissions, established in the aftermath of September 11 to try detainees accused of terrorism, offers a cautionary tale. Intended to provide efficient justice, those proceedings have instead been marked by protracted delays, limited convictions, and enduring controversy over due-process deficiencies.³⁸⁰

The tribunal must guarantee the right of the accused to competent and independent counsel, which may include the appointment of international defense attorneys or specially cleared Israeli lawyers, modeled on the practices of other similar mechanisms.³⁸¹ Establishing an independent Defense Office, as adopted in the Special Tribunal for Lebanon (STL) and the Extraordinary Chambers in the Courts of Cambodia (ECCC),³⁸² would both ensure the accused's rights to receive appropriate representation and enhance the perceived fairness of proceedings, which in turn also strengthen the legal, historical, and moral authority of the judgments.³⁸³

The question of sentencing further implicates the tribunal's compliance with international standards. The option to impose the death penalty strictly conflicts with such norms³⁸⁴ and

Luban argues that tribunals must “bootstrap” themselves into legitimacy by demonstrating procedural integrity and principled adjudication); Kirsten Ainley & Mark Kersten, *Conclusion: The Design, Function, and Evaluation of Hybrid Courts*, in *Hybrid Justice: Innovation and Impact in the Prosecution of Atrocity Crimes* 403 (2025) (Emphasizing that the legitimacy and effectiveness of hybrid or internationalized courts depend on designing institutions that maximize fairness, independence, and resilience).

380 To date, the military commissions have resulted in nine convictions, the majority achieved through plea agreements. Several of these convictions have been partially or entirely overturned on appeal, primarily by U.S. federal courts. Only one conviction remains final. See: Center for Victims of Torture, *The Failed Military Commissions* (May 15, 2024), <https://www.cvt.org/what-we-do/advocating-for-change/legacy-of-us-torture/the-failed-military-commissions/> (Documenting that nearly all Guantánamo military commission convictions were obtained through plea agreements and that several were later overturned on appeal, demonstrating how tribunals lacking strong procedural protections struggle to produce durable, legitimate results); Shai Farber & Ofek Efraim Alaluf, *Legal Frameworks for Mass Terrorism: The October 7th Attack and Implications for Security Law*, 30 *J. Conflict & Security L.* 287, 305 (2025) (Noting that Iraqi terrorism courts were criticized for “over-broad, vague and not always fully fair” proceedings, illustrating how some national terrorism courts fall short of international due-process expectations, which supports the text’s comparison to procedurally deficient forums); Beth Van Schaack, *National Courts Step Up: Syrian Cases Proceeding in Domestic Courts*, ssrn 12–13 (Feb. 2, 2019) (Explaining that domestic terrorism prosecutions often rely on expansive terrorism offenses, constrained evidentiary frameworks, and streamlined procedures that may compromise fairness, reinforcing the text’s broader point that national terrorism courts can produce outcomes perceived as insufficiently protective of defendants’ rights).

381 Avishai Greenzeig, *First Publication: Public Defender’s Office Not Willing to Represent Hamas Terrorists*, *Kan* (Nov. 8, 2023), <https://www.kan.org.il/content/kan-news/local/600871/>.

382 At the ECCC a defense support section was established to provide the accused with a list of defense lawyers, as well as assistance to lawyers that were assigned to cases. See: Elena Naughton, *Committing to Justice for Serious Human Rights Violations: Lessons from Hybrid Tribunals* 72 (*Int’l Ctr. for Trans. J.*, Research Report, 2018).

383 Yuval Shany, *Assessing the Effectiveness of International Courts: A Goal-Based Approach*, 106 *Am. J. Int’l L.* 225, 266 (2012). (Arguing that an international court’s “capital of source legitimacy” may be affected by its procedural legitimacy – the ongoing evaluation of the court’s fairness, efficiency and justice, as well as the court’s actual judicial processes); Theodor Meron, *Closing the Accountability Gap: Concrete Steps Toward Ending Impunity for Atrocity Crimes*, 112 *Am. J. Int’l L.* 433, 439 (2018) (Arguing that “while calling an accused to account for atrocity crimes in a domestic court may appear to be an important step in the fight to end impunity, such a step is meaningless, if not outright problematic, if the trial and all related activities are not conducted in accordance with fundamental principles of fairness and internationally recognized human rights guarantees. Indeed, atrocity crime trials conducted with inadequate attention to fair trial requirements and trials conducted in violation of basic and commonly recognized principles of criminal law (such as *in dubio pro reo*) may do far more damage than good when it comes to broader accountability aims.”).

384 Steven Freeland, *No longer acceptable: The Exclusion of the Death Penalty under International Criminal Law*, 15 *Aus.*



Photo by the Civil Commission | Nir Oz, June 19, 2024

is likely to deter the support of most international stakeholders. As reflected in the *Dakar Guidelines on the Establishment of Hybrid Courts*, “the overwhelming consensus in international criminal law mitigates strongly against the use of the death penalty. Support from the UN or other relevant international organizations with a human rights commitment will almost certainly be denied if the death penalty is permitted in sentencing.”³⁸⁵

In practice, international crimes are often applied in tandem with domestic offences (such as murder, sexual violence, torture, and terrorism), as well as domestic rules of criminal procedure.³⁸⁶ Notably, in cases where hybrid tribunals based their substantive law or rules of procedure on

J. of Hum. Rts. 1, 27-28 (2010) (Establishing that for almost 25 years now, no international criminal justice mechanism was established with the authority to impose the death penalty, despite the jurisdiction of these institutions over the worst atrocity crimes. These include the STL and the SCSL whose statutes did not include the death penalty, despite its appearance in their national criminal codes).

385 Kirsten Ainley & Mark Kersten, *Dakar Guidelines on the Establishment of Hybrid Courts* 47 (LSE Press, 2019).

386 Suhong Yang, *Can Hybrid Courts Overcome Legitimacy Challenges?: Analyzing the Extraordinary African Chambers in Senegal*, 11(1) *Geo. Mason Int'l L.J.*, 45, 51 (2020) (Referring to hybrid criminal courts and describing that ‘hybridity’ refers to institutions combining national and international elements in personnel, participation, and applicable law); András Hárs, *Avenues for Establishing Criminal Responsibility for International Crimes Committed During the Russo-Ukrainian Armed Conflict*, 39 *População e Sociedade* 1, 12 (2023) (Highlighting that hybrid courts can be tailored to national needs, expand their jurisdiction beyond international crimes, and strengthen local judicial capacity through close cooperation).

domestic legislation, their statutes typically include a caveat that some aspects of the domestic law have been modified to ensure consistency with international law, including *inter alia* the exclusion of the death penalty.³⁸⁷

“None of the existing hybrids permit the death penalty.”³⁸⁸ Additionally, the likelihood that democratic states or international institutions will extradite suspects to Israel will be significantly reduced if those individuals face a potential death penalty upon conviction.

Rejecting the death penalty is also based in strong doctrinal and moral objections.³⁸⁹ In Israel’s own legal system it is an exceptional anomaly: only one individual, Adolf Eichmann, has ever been executed under Israeli law.³⁹⁰ Among democracies, capital punishment persists only in Japan and certain states within the United States.³⁹¹ Additionally, Israel must consider that the inclusion of the death penalty³⁹² may carry dire implications for the victims, and profound strategic costs. The execution of convicted perpetrators would almost certainly draw widespread condemnation from democratic states and international partners, in a way that would overshadow the prosecution’s legal achievements and undermine its credibility. Rather than delivering justice, such an outcome would risk transforming the proceedings into a global controversy. It would further divert attention from the victims’ suffering and from the unparalleled cruelty of the crimes themselves, with an outcome far from creating a strong historical record. Lastly, it can be expected that the prospect of capital punishment to convicted perpetrators will have a chilling effect on states’ openness to international cooperation with Israel, including through extradition of suspects. In keeping with this “fundamental characteristic of international criminal justice,”³⁹³ the Civil Commission maintains that alignment with contemporary international standards requires that any Israeli judicial body prosecuting October 7th perpetrators, categorically exclude capital punishment from its sentencing regime.

387 Such was the case in the Statute of the Special Tribunal for Lebanon (“STL”). The Statute was based exclusively on the Lebanese Penal Code, yet its rules of procedure departed from local laws to avoid inconsistencies with international principles, such as in the exclusion of the death penalty and the prohibition of forced labor. S.C. Res. 1757, Annex, Art. 24 (May 30, 2007). See: Beth Van Schaack, *The Building Blocks of Hybrid Justice*, 44 Den. J. of Int’l L. & Pol’y 101, 178, 195 (2016).

388 Kirsten Ainley & Mark Kersten, *Dakar Guidelines on the Establishment of Hybrid Courts* 47 (LSE Press, 2019).

389 See Tal Steiner, *Show trials for the perpetrators of October 7 will not deliver justice. Quite the opposite*, Haaretz Opinions (in Hebrew) (Oct. 22, 2025) <https://www.haaretz.co.il/opinions/2025-10-22/ty-article-opinion/premium/0000019a-0b4d-dfc6-a3bf-fb6daf930000> (Arguing that broadening the scope of the death penalty would further alienate Israel among its democratic allies). See also Yael Vias Gvirsman, *The Death Penalty Will Not Bring Justice – It Will Destroy Us from Within*, The Times of Israel: Blogposts (in Hebrew) (Dec. 16, 2025), <https://www.zman.co.il/647646/> (Referring to the application of compulsory capital punishment to October 7th perpetrators, as devastating in three spheres: on the moral level, it strips democracy of its core foundations; on the social level, it withholds due process and full recognition from the victims; and on the legal level, it denies judges’ discretion, turning the trial into an empty instrument).

390 Yaron Unger, *The Death Penalty, Legal analysis*, Knesset Legal Department, (Nov. 25, 2013). (<https://main.knesset.gov.il/Activity/Info/LegalDepartmentSurveys/Survey251113.pdf>) (in Hebrew).

391 Yuval Shany et al., *Death Penalty to Terrorists Law is unconstitutional and will cause serious diplomatic harm*, (Feb. 24, 2023), ISRAEL Democracy Institute, (<https://www.idi.org.il/knesset-committees/48045>) (arguing that the death penalty has received harsh criticism within the US and even harsher criticism within the democratic world outside the US).

392 Though the legislative process is ongoing at the time of this report’s publication, the current proposed Bill does not exclude the death penalty. The Bill on the Imprisonment and Prosecution of Participants in the Events of October 7 (5785–2024). See the Knesset’s Law, Constitution and Justice Committee, at <https://main.knesset.gov.il/activity/legislation/laws/pages/lawbill.aspx?t=lawsuggestionssearch&lawitemid=2222852>.

393 Steven Freeland, *No longer acceptable: The Exclusion of the Death Penalty under International Criminal Law*, 15 Aus. J. of Hum. Rts. 1, 15 (2010).

VI. VICTIM PARTICIPATION

The formal participation of victims and survivors is essential to the judicial process.³⁹⁴ Comparative experience across hybrid and international tribunals, from the ECCC, SCSL and the ICC, demonstrates that victims' participation and engagement in proceedings not only advances individual psychological recovery, but also enhances the evidentiary depth and legitimacy of the process itself.³⁹⁵

Consistent with international standards, victims should be guaranteed rights to information, participation, and representation throughout the judicial process, as well as to appropriate and comprehensive protective measures.³⁹⁶ Accordingly, the statute of the proposed prosecution mechanism should incorporate explicit provisions ensuring meaningful and safe victim participation, particularly for survivors and witnesses of SGBC. This should include, for example, the involvement of the newly established Victims' Protection Commission at the Israeli Ministry of Justice,³⁹⁷ the appointment of legal representatives for victims, the investigation and testimony collection, and mechanisms allowing victims to express their views at key procedural stages, including sentencing and reparations.³⁹⁸ Such measures would align with Israel's current protective laws and with contemporary international standards, reinforce the process's legitimacy among affected communities, and contribute to its broader restorative function. It would also empower victims to reclaim agency over their narratives and experiences, and would make them active participants in the process.³⁹⁹

394 Susana SáCouto, *Victim Participation at the International Criminal Court and the Extraordinary Chambers in the Courts of Cambodia: A Feminist Project*, 18 *Mich. J. Gender & L.* 297, 314-17 (2012) (Arguing from the shift in international justice thinking, which led to allowing victims to participate in international criminal proceedings, reflects a broader movement over recent decades toward restorative justice rather than purely retributive approaches); Kelly D. Askin, *Prosecuting Wartime Rape and Other Gender-Related Crimes Under International Law: Extraordinary Advances, Enduring Obstacles*, 21 *Berkeley J. Int'l L.* 288, 347 (2003) (Arguing that meaningful prevention requires more than punishment, and that confronting sexual crimes demands both understanding their root causes and dismantling the stereotypes and practices that marginalize women and normalize indifference to such violence.).

395 Rome Statute, *supra* note 3, art. 68(3), defines victim participation as follows: “[w]here the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence.”; See also Max Planck Encyclopedia of International Procedural Law, *Victim Participation in International Criminal Proceedings* (Oxford University Press, updated entry, April 2019) (explaining the rationales and forms of victim participation across international and hybrid courts); Statute of the Special Court for Sierra Leone, art. 15(4), 16(4), Jan. 16, 2002 (requiring expertise in gender-related crimes and establishing a Victims and Witnesses Unit to provide protective measures, security, counselling, and trauma-informed assistance, especially for SGBV victims).

396 Rome Statute, *supra* note 3, art. 68 (requiring international courts to protect victims and witnesses and to permit victim input when appropriate); Max Planck Encyclopedia of International Procedural Law, *Victim Participation in International Criminal Proceedings* (Oxford University Press, updated entry, April 2019) (explaining the rationales and forms of victim participation across international and hybrid courts); See also, *Bringing Justice: the Special Court for Sierra Leone Accomplishments, Shortcomings, and Needed Support*, 16(8A) *Human Rights Watch* (2004) (evaluating the Witnesses and Victims Support Unit and emphasizing heightened needs of child witnesses and victims of gender-based crimes), <https://www.hrw.org/reports/2004/sierraleone0904/sierraleone0904.pdf>.

397 Government of Israel, Government Resolution No. 1523 (Mar. 17, 2024), <https://www.gov.il/he/pages/dec1523-2024> (establishing the Victims' Protection Commission and confirming the official creation of the state-level victim-protection mechanism following October 7).

398 See generally Max Planck Encyclopedia of International Procedural Law, *Victim Participation in International Criminal Proceedings* (Oxford University Press, updated entry, April 2019) (providing a comprehensive overview of the forms, purposes, and procedural models of victim participation across international and hybrid tribunals).

399 See generally Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass*

VII. A SPECIALIZED CHAMBER FOR SGBC AND AN OVERARCHING GENDER STRATEGY

Scholars have long observed that general prosecutorial frameworks within international tribunals may fail to accord SGBC the focused attention they warrant, which results in their marginalization within broader charges of other international crimes.⁴⁰⁰ Embedding gender expertise and gender-sensitive approaches within the institutional design of justice mechanisms is not simply a matter of representational value but of evidentiary integrity and procedural fairness.⁴⁰¹ It creates an environment attuned to the evidentiary and psychological complexities that uniquely characterize the prosecution of sexual and gender-based violence in conflict.⁴⁰²

The function of any prosecution mechanism should be guided by a comprehensive gender strategy, which has been characterized in leading scholarship as an imperative, with its absence characterized as "an absurdity, bordering on a grant of impunity for conduct that is criminal."⁴⁰³

Violence 91-118 (Beacon Press 1998) (discussing the limitations of retributive justice and the necessity of victim-centered, restorative approaches after mass atrocity); Linda M. Keller, *Seeking Justice at the International Criminal Court: Victims' Reparations*, 29 Thomas Jefferson L. Rev. 189, 189-92 (2007) (explaining that the ICC recognizes victims as participants in proceedings and recipients of reparations, and that reparations aim to relieve suffering and rebuild society); Diane Orentlicher, *Victim Participation and Social Impact: Contemporary Lessons of the Eichmann Trial*, 31 Minn. J. Int'l L. 35, 44-47 (2022) (drawing on the Eichmann trial to show that victim participation shapes collective memory, enhances legitimacy, and fosters societal reckoning); See also Laurel E. Fletcher, *Refracted Justice: The Imagined Victim and the International Criminal Court*, 47 Loy. L.A. Int'l & Comp. L. Rev. 97, 102-07 (2023) (analyzing how international courts construct "the victim" as a legal and symbolic figure, demonstrating the need for tribunals to adopt nuanced, trauma-informed frameworks when engaging with victims in proceedings).

- 400 See, e.g.: Susana SáCouto & Katherine Cleary, *The Importance of Effective Investigation of Sexual Violence and Gender-Based Crimes at the International Criminal Court*, 17 Am. U. J. Gender Soc. Pol'y & L. 337, 349 (2009) (arguing that ineffective or gender-insensitive investigations, particularly failures to identify, document, and contextualize SGBC from the outset, seriously undermine the likelihood of successful prosecutions); Susana SáCouto, *Gaps in Gender-Based Violence Jurisprudence of International and Hybrid Criminal Courts: Can Human Rights Law Help, in Strengthening the Protection of Sexual and Reproductive Health and Rights in the African Region Through Human Rights* 305, 315-18 (Charles Ngwenya & Ebenezer Durojaye eds., Pretoria Univ. Law Press 2014) (identifying persistent gaps in the jurisprudence on conflict-related sexual violence, including inconsistent charging, evidentiary hurdles, and limited gender expertise, and proposing that human-rights principles of non-discrimination and equal access to justice be used to close those gaps); Patricia Viseur Sellers, *Gender Strategy Is Not a Luxury for International Courts: Prosecuting Sexual and Gender-Based Crimes Before Internationalized Criminal Courts*, 17 Am. U. J. Gender Soc. Pol'y & L. 301, 327-35 (2009) (contending that embedding gender strategy, through gender expertise in staffing, investigation, case selection, and charging, is indispensable rather than optional, and that its absence risks de facto impunity for gender-based crimes); Kim Thuy Seelinger, *Close to Home: A Short History, and Rough Typology, of National Courts Prosecuting Wartime Sexual Violence*, 18 J. Int'l Crim. Just. 219, 236 (2020) (explaining that national courts have increasingly assumed responsibility for prosecuting wartime sexual violence, including through specialized evidentiary approaches and gender-sensitive procedures); Catharine A. MacKinnon, *Genocide's Sexuality*, 46 *nomos: American Society for Political and Legal Philosophy* 313, 314-16 (2005) (arguing that rape and other forms of sexual violence can constitute genocidal acts intended to destroy targeted groups through domination and collapse of communal identity); ICC, *2023 Gender Policy*, *supra* note 217 (setting out the ICC Prosecutor's commitment to integrate a gender perspective "at every stage" of situation and case selection, investigation, charging, trial practice, and reparations, and prescribing a survivor-centered, intersectional and trauma-informed approach to SGBC).
- 401 See Susana SáCouto & Katherine Cleary, *The Importance of Effective Investigation of Sexual Violence and Gender-Based Crimes at the International Criminal Court*, 17 Am. U. J. Gender Soc. Pol'y & L. 337, 351-54 (2009) (explaining that investigators frequently fail to capture the contextual elements necessary to prosecute SGBC as crimes against humanity or genocide, and stressing that specialized methods are needed to properly document coercion, targeting, command responsibility, and survivor trauma.).
- 402 Dianne Otto, *Is International Criminal Law Particularly Impervious to Feminist Reconstruction? Legally Authorized Resistances to Feminist Judging*, in *Gender and International Criminal Law* 396-97 (Indira Rosenthal, Valerie Oosterveld & Susana SáCouto eds., Oxford Univ. Press 2022) (critiquing the ways institutional structures and doctrinal frameworks within international criminal law resist feminist interventions.).
- 403 Patricia Viseur Sellers, *Gender Strategy Is Not a Luxury for International Courts: Prosecuting Sexual and Gender-Based Crimes Before Internationalized Criminal Courts*, 17 Am. U. J. Gender Soc. Pol'y & L. 327, 335 (2009) (underscoring that gender strategy is indispensable to the effective prosecution of SGBC, and warning that without institutionalized gender expertise courts risk perpetuating impunity). For further discussion on the importance of

Inspiration could be drawn from the ICC Office of the Prosecutor's 2023 *Policy on Gender-Based Crimes*, that underscores the necessity of embedding gender perspectives at every stage of investigation and adjudication.⁴⁰⁴ Its policy articulates a comprehensive survivor-centered prosecution process and evidence collection, with particular attention to SGBC.⁴⁰⁵ It offers tools that enable investigators and prosecutors to identify, charge, and litigate SGBC in their full contextual and structural dimensions, including identification of patterns of coercion and control that may not involve physical force or traditional evidentiary markers of sexual assault.⁴⁰⁶ Such protective measures have been viewed to carry a profound influence on witnesses' and survivors' well-being throughout the process, enabling the testimony to become a site of restoration and rehabilitation, rather than of renewed harm.⁴⁰⁷ Ensuring a justice process in which witnesses and survivors are treated with such care can be transformative.

Additionally, engaging with evidence of sexual violence can have a deep impact on legal professionals tasked with reviewing, investigating, and analyzing such crimes.⁴⁰⁸ Handling materials that document October 7th CRSV requires institutionalized emotional support for all involved.

Against this background, the Civil Commission further recommends serious consideration of the establishment of a dedicated special chamber for SGBC, consisting of a specialized panel of judges, within the design of any accountability mechanism addressing the October 7th attack. Such a chamber should not operate in isolation, but rather be fully embedded within the broader prosecutorial and adjudicative framework, reflecting the well-established understanding that sexual and gender-based crimes are integral to, and legally connected with, the overall criminal objectives of the attack. Properly designed, a specialized chamber has the potential to respond to longstanding substantive and structural challenges in the prosecution of SGBC, and fully reflect their gravity as well as their distinct impact on victims, families, communities, and society

gender-competent frameworks and the ways in which they reshape issue-framing, evidence strategy, and charging issues, See Emma Palmer, *Gender and Forced Displacement at the International Criminal Court: The Potential for a Gender-Competent Approach in the ICC's Bangladesh/Myanmar Situation*, 21 J. Int'l Crim. Just. 603, 609–12, 626–31 (2023).

404 Office of the Prosecutor, International Criminal Court, Policy on Gender-Based Crimes (Dec. 2023), <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>.

405 *Id.* (detailing operational obligations for trauma-informed evidence collection, including protection measures, confidentiality protocols, and adapted interview techniques for survivors of SGBC); Yvonne Dutton & Milena Sterio, *Beyond Policy: Overcoming Challenges in Prosecuting Gender Persecution at the International Criminal Court*, 19 *fiu l. rev* 521, 528–531 (2025) (Explanations regarding the necessity of obtaining statements from vulnerable population groups and how they can be given special protection in this process).

406 Office of the Prosecutor, International Criminal Court, Policy on Gender-Based Crimes 10, 12–13 (Dec. 2023), <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf> (confirming that charges must reflect the full scope of gendered harms, including coercive environments and patterns of abuse, and directing prosecutors to rely on disaggregated evidence of SGBC).

407 See generally, International Criminal Tribunal for Rwanda, Best Practices Manual for the Investigation and Prosecution of Sexual Violence Crimes in Post-Conflict Regions: Lessons Learned from the Office of the Prosecutor for the ICTR 18, 35 (Jan. 30, 2014) (documenting that trauma-informed procedural accommodations, such as dedicated support units, protected interview environments, and confidentiality protocols, significantly improve survivors' willingness and ability to testify). See also International Criminal Tribunal for Rwanda, Office of the Prosecutor, Reducing the Risk of Re-Traumatization of Sexual Violence Survivors in Court 7–11, 16–18, 24 (James J. Arguin ed., 2017), <https://unictr.irmct.org/sites/unictr.org/files/publications/compendium-documents/i-reducing-risk-of-retraumatization-survivors-witnesses-arguin.pdf> (identifying practical measures to reduce survivor re-traumatization during testimony, including protected identity, secure testimony environments, limits on aggressive cross-examination, and specialized psychosocial support).

408 *Id.*



as a whole. Moreover, such a chamber composed of judges, prosecutors, investigators, and staff trained in trauma-informed methods, with special expertise in gender-based violence and survivor-centered approaches, could enhance protection for victims and strengthen the system's capacity to expose these crimes. It could ensure that victims' experiences are heard, understood, and adjudicated with the expertise they warrant.⁴⁰⁹ Other scholars similarly observe that "a specialized chamber for sexual violence should be implemented in all *ad hoc* criminal tribunals that are built as justice mechanisms post-conflict."⁴¹⁰

In this way, specialization would serve not to fragment accountability, but to ensure that sexual and gender-based crimes are adjudicated as an integral component of the broader attack, with the institutional competence and sensitivity they require.

409 Office of the Prosecutor, International Criminal Court, *Policy on Gender-Based Crimes* 30–31 (Dec. 2023), <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf> (setting out a trauma-informed, survivor-centered approach across prosecutorial functions); On the importance of integrating trauma-informed and victim-centered approaches, See also Melanie Randall & Lori Haskell, *Trauma-Informed Approaches to Law: Why Restorative Justice Must Understand Trauma and Psychological Coping*, 36 *Dalhousie L.J.* 501, 506–15 (2013) (explaining that legal processes must account for trauma to avoid re-victimization, reinforcing the need for trauma-responsive design). In comparison, the ICTR faced criticisms for lacking proper victim representation and a victim-centered approach, See Jean-Marie Kamatali, *The Challenges of Linking International Criminal Justice and National Reconciliation: The Case of the ICTR*, 16 *Leiden J. Int'l L.* 115, 131–32 (2003) (critiquing the ICTR for insufficient victim representation and a lack of a survivor-centered approach, included to contrast challenges in earlier tribunals).

410 Kathleen Killian, *Healing with Accountability: Improving Methods of Prosecuting Sexual Violence Post-Conflict*, 35 *Temple Int'l & Comp. L.J.* 259, 260–64 (2021) (arguing that existing international tribunals frequently fail survivors of conflict-related rape due to weak accountability outcomes and recommending the creation of specialized trauma-informed SGBV chambers with distinct procedures to increase convictions).

APPENDIX

THE CIVIL COMMISSION ARCHIVE

The Civil Commission Archive is the living evidentiary foundation for the Commission's research, reporting, and advocacy. It preserves digital materials documenting the crimes committed by Hamas on October 7, during captivity, and the ongoing consequences for victims and affected families.

A central focus is documenting sexual and gender-based violence, as well as harms to families including loss, captivity, and long-term trauma. These experiences are often disclosed over time and require focused ethical care and attention.

By safeguarding testimonies and documentation with professional rigor and ethical care, the archive ensures that these critical records remain available for historical memory, research, and the pursuit of international justice.

A MULTIDIMENSIONAL REPOSITORY: OSINT & CSD

The Civil Commission Archive comprises two primary evidentiary pillars:

- **Open-Source Data (OSD):** Digital artifacts secured through dedicated Open-Source Intelligence (OSINT) operations, capturing real-time digital records of the events.
- **Closed-Source Data (CSD):** Targeted deposits from first responders, specialized documentation partners, and institutional sources including original witness and survivor testimonies recorded directly by the Commission.

The archive contains filmed testimonies, photographs, videos, and other primary source materials captured by survivors and first responders, circulated online by perpetrators or affiliated channels, or identified through open-source research. Materials are organized by location, victim or witness, type of event, and evidentiary context. This allows patterns to be examined without abstracting individual accounts from the lived experiences they document.

PROFESSIONAL METHODOLOGY: EDM & ARCHIVAL STABILIZATION

The archive emerged under extreme urgency. In the immediate aftermath of October 7, the priority was to secure material before it could disappear. This initial phase emphasized collection over structure, reflecting the realities of documenting mass atrocities as they unfold.

As the archive has developed, the Commission has strengthened its documentation systems with reference to the Electronic Discovery Reference Model (EDRM), an internationally recognized framework for managing digital information so that it can serve as reliable legal evidence over time. EDRM provides structured stages for identifying, preserving, collecting, processing, reviewing, and analyzing materials, supporting their integrity, traceability, and long-term use.

The Commission applies EDRM-informed practices in a manner appropriate to a human rights documentation project, strengthening metadata, review processes, and evidentiary documentation while continuing to collect new materials. This approach distinguishes the archive from rapid field collections by supporting both immediate documentation needs and future legal and scholarly use.

ETHICAL STEWARDSHIP AND SURVIVOR-CENTERED PRACTICES

All archival work is governed by the Commission's Code of Ethics and Practice and is overseen by an independent academic committee. The Commission conducts its own video testimonies using trauma-informed methodology grounded in both oral history ethics and legal evidentiary standards. Unlike rapid documentation efforts, this approach prioritizes narrator agency, ongoing consent, and the pace at which survivors and witnesses choose to share.

- **Survivor Agency:** Testifiers retain full control over their stories, including rights to anonymity, confidentiality periods, and withdrawal of consent.
- **Violations of Bodily Integrity:** The archive contains visual documentation depicting extreme physical trauma. These materials are handled with profound ethical responsibility, respecting both victims and the deceased.

ACCESS POLICY

The Civil Commission Archive is not a public database. Access is limited to authorized staff and expert reviewers, with plans for selective access for legal and academic professionals over time.



THE CIVIL COMMISSION'S CODE OF ETHICS AND PRACTICE

INTRODUCTION

The Civil Commission on October 7th Crimes by Hamas Against Women and Children (hereinafter: “**the Civil Commission**”) is an independent, nongovernmental organization. It was founded to document, research, and raise international awareness of the war crimes and gender-based violence committed by Hamas and their collaborators against women, children, and families during their brutal attack on Israel on October 7th. Led by Dr. Cochav Elkayam-Levy, a 2024 Israel Prize laureate and expert in human rights and international law, the Commission documents, researches, and advocates for victims, giving them a voice and challenging the denial of these atrocities. Its archive serves both as a memorial and a vital historical record.

With a team of experts, including researchers, lawyers, and trauma experts and supported by leaders like Sheryl Sandberg and Prof. Irwin Cotler, and other prominent figures on our advisory board, the Civil Commission is raising international awareness and forging global partnerships to highlight these atrocities and pursue justice for the victims.

OVERVIEW

The Civil Commission has adopted two foundational frameworks to guide its operations: the **Code of Ethics** and the **Code of Practice**. Together, these frameworks establish the Commission’s commitment to the highest standards of ethical, professional, and legal conduct in its work documenting, preserving, and advocating for the victims of the atrocities committed on October 7th, 2023.

- **The Code of Ethics** outlines the core principles and values that underpin the Commission’s approach. It emphasizes the protection of victims’ dignity, privacy, and security, and is rooted in a “Do No Harm” philosophy. It provides detailed ethical guidelines for interacting with survivors and witnesses, with a focus on trauma-informed documentation, respect, integrity, and the avoidance of re-traumatization.
- **The Code of Practice** sets forth practical and procedural standards for the management, storage, and use of the materials collected. It covers digital archiving, authentication, data protection, consent protocols, the handling of testimonies and access to the Commission’s archives for research and legal purposes. It ensures that the documentation process meets international legal, technological, and ethical standards, with special attention to the needs of vulnerable populations.

Both documents are designed to work together: the **Code of Ethics** governs the **values and victim-centered approach**, while the **Code of Practice** ensures **professional execution and operational integrity** in every aspect of the Commission’s work. This dual structure ensures that the Civil Commission remains steadfast in its mission to honor and protect the survivors, preserve historical memory, and pursue justice.

The code was drafted by the Civil Commission team including Adv. Irit Gazit, Dr. Cochav Elkayam-Levy, Adv Merav Israeli-Amarant and Adv. Elinor Kroitoru.

The ethical code of the Commission is based on the foundational framework and methodology developed by Dr. Elkayam-Levy, in close consultation with leading academic experts in international law, trauma, war crimes documentation and documentation ethics over several months. This original methodology—unique to the Civil Commission—was designed to combine trauma-informed care with legal rigor, ensuring that testimony collection serves both as a resource for future academic and legal accountability, and as a victim-centered, restorative process for those giving testimony.

The Commission's methodology is uniquely designed to serve two interwoven goals:

1. To establish a secure and legally structured archive, designed for advanced research and analysis, that would preserve the testimonies in a format that meets rigorous academic and legal standards—ensuring these voices can contribute to future research and promote legal accountability for the atrocities committed by Hamas and other actors on and after October 7, 2023.
2. To ensure trauma-informed, victim-centered documentation that recognizes the emotional and psychological impact of testimony-giving and implements protective measures throughout the process. Testifiers are given full agency, including for example, through full informed consent, the option to remain anonymous or choose confidentiality periods, and testimonies are conducted in audio or video format according to their preference. Testimonies are collected in the testifier's native language to preserve their authenticity and emotional accuracy. Testimonies are collected through in-depth, semi-structured narrative testimonies, conducted by experts in trauma and legal documentation, with a testimony model that supports both open expression and thematic consistency.

This methodology reflects the Commission's commitment to preserving the historical truth, amplifying the voices of survivors and victims, and promoting justice and accountability through ethical, rigorous, and survivor-centered practices.

The ethical framework was reviewed and approved by an independent academic committee established specifically for this purpose, composed of:

Prof. Barak Medina. Landecker-Ferencz chair in the study of Protection of Minorities and Vulnerable Groups at the faculty of law of the Hebrew University of Jerusalem former Dean of the Law Faculty and Rector (Provost) of the Hebrew University.

Prof. Yuval Shany Hersch Lauterpacht Chair in International Law and former Dean of the Law Faculty of the Hebrew University

Dr. Tehilla Shwartz Altshuler, Senior Fellow at the Israel Democracy Institute,

Prof. Ruth Pat-Horenczyk, the School of Social Work and Social Welfare at the Hebrew University of Jerusalem

Prof. Michelle Greenberg-Kobrin, Director of the Filmmakers Legal Clinic, Cardozo School of Law

Dr. Haim Gertner, Director of the Resource and Partnership Development Division, Yad Vashem, former Director of the Yad Vashem Archives and Fred Hillman Chair for Holocaust Documentation

Maya Gan-Zvi - Project Leader - National Library of Israel

Special thanks to Sharon Rapaport for her invaluable contribution to the development of the ethical code and documentation process. Her sensitive work with victims and her deep expertise in trauma have shaped every stage of this effort. Sharon's presence, professionalism, and compassion have made all the difference in ensuring that our work remains grounded in care, dignity, and respect for those who have entrusted us with their stories.

CODE OF ETHICS

The Commission's **Code of Ethics** is a voluntary code, aligned with established international standards for the ethical and secure collection and use of information and testimonies on crimes committed by Hamas against women, children, and families during and after the events of October 7th, 2023. The Code applies to all of the Commission's work and its respective units, including the documentation and archiving system.

The Code is grounded in international norms and standards and aims to the basic human rights of victims, including the rights to dignity, privacy, security and access to justice, among others. As such, the Code reflects global standards designed to create a victims-centered approach focused on victims, their families, eyewitnesses, and first responders (hereinafter: **the testifiers**). The Code draws from established frameworks such as the "Murad Code" (the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence) and the Guidelines for Civil Society Organizations on Documenting International Crimes and Human Rights Violations for Criminal Accountability Purposes, published by Eurojust and the International Criminal Court.

DO NO HARM

First and foremost, the Commission strives to adhere to the overarching principle of "Do no harm," which mandates that every effort be made to prevent or minimize any unintended negative impact that documentation may have on others or those conducting the documentation. Therefore, we will strive to act in the best interests of the individuals providing the information, the intermediaries, the local communities, and any other persons involved in the documentation process.

We will prioritize their safety, physical and psychological well-being, and privacy throughout the process. The primary concern is the risk of re-traumatization (i.e., a reliving of the trauma) for the testifiers.

The documenters will therefore be required to undergo specialized training for this type of documentation. It is also crucial to take into account the fact that we are still in a period of ongoing war, with many of the target population trapped in cycles of trauma at the collective, community, and/or personal level.

Documenting a traumatized individual may inflict further psychological harm on them; therefore, we will carefully select documenters with appropriate training or provide comprehensive training that includes guidelines for trauma-informed documentation and appropriate coping mechanisms.

RESTORATIVE NARRATIVES

The events of October 7th created a profound personal and narrative rupture for many victims, dividing their lived experiences into their world “before” and their world “after.” Providing testimony offers testifiers a personal platform to recount the events they experienced in their own words. It serves as part of their rehabilitation and healing process, allowing them to process their memories and weave them into a cohesive narrative that bridges the fracture between the “before” and “after.” It also helps them restore, even in a small way, a sense of control over their story and their lives. They receive a form of validation and personal and social recognition of their feelings, experiences, and trauma. Moreover, in line with the principles of narrative therapy – which focuses on the story one tells about oneself to oneself and others – healing from trauma can occur through the act of sharing experiences with someone who is perceived as capable of understanding.

THE COMMISSION STAFF AND DOCUMENTERS

At the same time, we are aware of the potential emotional toll on the Commission staff and documenters due to their exposure to distressing material, which can lead to secondary trauma and compassion fatigue. To address this, we will ensure that they receive appropriate emotional support and professional guidance.

Recognizing the challenges posed by prolonged exposure to distressing content, we have developed practices to mitigate its effects. These include limiting the hours of exposure, viewing the content in pairs, restricting content viewing mainly to morning working hours within the Commission’s offices, and other supportive practices.

DIGITAL INFORMATION

The digital information received (photos, videos, social media posts, media files, or emails) will be saved and cataloged with utmost care, including preventing alteration of original digital data after ingest. We will ensure that all relevant information is preserved.

All documentation will be stored on secure systems, protected and backed up, in organized folders to ensure easy retrieval.

We are committed to relying only on credible information, which we do by adhering to strict and consistent verification procedures while documenting limitations where verification is not possible. These include cross-checking data, review by multiple independent parties, elimination, ruling out alternative scenarios, and consultation with experts from the fields of artificial intelligence, forensics, data analysis, audio analysis, and more.¹

1 e.g. Berkeley Protocol on Digital Open Source Investigations (2022), https://www.ohchr.org/sites/default/files/2024-01/OHCHR_BerkeleyProtocol.pdf.

RESPECT AND INTEGRITY

- 1.1 **Respect:** We will treat the testifiers with respect, humanity, kindness, appreciation, and as individuals who are entitled to make their own choices and decisions.
- 1.2 **Avoiding stigmatization:** We will acknowledge the limitations of our own understanding of the perspectives and experiences of the testifiers. This includes our own biases, fears, trauma, triggers, stances, prejudices, and assumptions about violence, sexual violence, and survivors. We will ensure that our tone, words, body language, or any other actions do not convey blame, shame, disrespect, judgment, condescension, belittlement, or scorn. Furthermore, we will not present or disclose any information that could harm or stigmatize them in any way.
- 1.3 **Accuracy:** All information received and collected will be presented faithfully, honoring the person providing it without misrepresentation or presumptions.
- 1.4 **Avoiding exploitation:** We will not exploit the testifiers; there will be no exploitative, offensive, or intrusive use of them or their information. We will actively take steps to prevent and address any form of re-traumatization, sexual exploitation, or abuse.
- 1.5 **Trustworthiness:** We will avoid making promises that we cannot keep, acknowledging that breaches of trust — such as violations of privacy or confidentiality — can have serious repercussions on the mental health and well-being of the testifiers. Such breaches may diminish their trust in others and create barriers to receiving support.
- 1.6 **Prevention of damage to potential physical evidence:** Every effort will be made to maintain the integrity and preservation of these materials.
- 1.7 **Responsibility:** We will operate with full transparency and uphold the commitments outlined in this Code. We recognize the potential harm that may be caused to the testifiers, their families, and their communities if we fail to meet these obligations. We remain open to feedback to continuously improve our work.
- 1.8 **Vulnerable populations — including minors, people with disabilities, the elderly, and those in trauma situations:** As a guiding principle, we recognize the victims' right to participate in the documentation efforts, but we will do our best to take extra care regarding the involvement of individuals from vulnerable populations to fulfill the mandate given to the Commission.

TESTIFIERS' AUTONOMY

- 2.1 **The conditions in which the testimony is conducted:** We will tailor the testimony conditions, to the best of our ability and means, to meet the specific needs and preferences of testifiers. This includes respecting their preferences regarding the composition of the team, the gender of the documenters, the need for an interpreter, and the presence of another person accompanying them, among other things. We will not make assumptions about their preferences in advance and will ensure that their right to choose is upheld at all times.
- 2.2 **Awareness:** We will be mindful and considerate of any limitations and/or unique factors related to the testifier's gender, age, culture, societal background, traditions, community, and more.
- 2.3 **Alignment of expectations:** We will align expectations with the testifiers prior to the testimony in order to outline its purpose (whether for historical documentation, academic research, or, if possible and necessary, as evidence for legal proceedings, such as local and international tribunals).
- 2.4 **The documenter:** Our team is composed of documenters with therapeutic backgrounds and expertise in trauma, legal professionals with specialized experience in victim representation, and experts in war crimes documentation with relevant experience. All documenters are trained in trauma-informed documentation and are equipped to minimize the risk of re-traumatization for testifiers. Minors and people with disabilities will be interviewed by a specialized documenter with relevant experience.
- 2.4 **Language:** Testifiers will be encouraged to use their own language and describe the events as they choose, free from judgment and with minimal interference.
- 2.5 **Consent of the testifiers:** We will respect the testifiers' right to stipulate conditions for the delivery of their testimonies or to withdraw their consent to give their testimony and/or to have the testimony and its content used, even after the testimony has been provided. When legally required, we will ensure to obtain consent from the testifier's guardian and/or the assistance of a decision-making supporter.

PREPARATION AND INFRASTRUCTURE:

- 3.1 **Advance planning and organizational infrastructure:** The Commission maintains a comprehensive and professional organizational infrastructure. Before any testimonies are collected, we conduct thorough planning and risk assessments. We ensure that the necessary knowledge, capacity, staff, policies, and procedures are in place before we begin collecting information or initiating any contact with the testifiers. This preliminary preparation is critical in respecting the rights of the testifiers and for obtaining ethical and effective results.
- 3.2 **Flexibility for testifiers' choices:** We have developed a methodology and team committed to being as flexible as possible to support the testifiers' preferences regarding the delivery of their testimony, including how, where, and with whom (gender, age, affiliation, etc.) they wish to communicate.
- 3.3 **Risk assessment and mitigation:** We will diligently identify and assess all potential risks to everyone involved, including the testifiers, their families, and their communities. We will not

proceed if we cannot ensure the mitigation of these risks to the greatest extent possible. This risk assessment and the implementation of measures to reduce risks will govern every aspect of our work. We are committed to regularly reexamining and reevaluating our approach as necessary.

- 3.4 **Available support:** We will make every effort to locate appropriate support services for the testifiers, and in particular for the survivors among them, including medical care, psychosocial support, defense, and other legal services. We will refer the testifiers to these services as needed. If existing support services are insufficient or unavailable, we will ensure that our efforts are supported by the services of an appropriate organization. The commission has collaborated for this purpose with 'Amcha', an esteemed long-time member of the Israel Trauma Coalition, which specializes in the treatment of trauma and anxiety. If necessary, we will direct them to the helpline of Natal, the Israel Trauma and Resilience Center, which specializes in treating those suffering from war and terrorism-related post-trauma, and to the resilience centers and clinics providing psychological support to individuals affected by terrorism.
- 3.5 **Coordination and cooperation:** We recognize the importance of multi-sector coordination and cooperation to prevent further harm or re-traumatization of the testifiers. To this end, we will collaborate as much as possible with other relevant parties, including official bodies, civil society organizations, and community-based organizations, to seek ways to mitigate risks and ensure the well-being of the testifiers.
- 3.6 **Ongoing communication:** We recognize that maintaining contact between testifiers and documenters is critical for addressing any concerns that may arise for the testifier, handling the possibility of the withdrawal or renewal of consent to providing their testimony, and other related matters. We will strive to establish an efficient and secure method of communication with the testifiers. Should this not be feasible, we will explain the reasons to the testifiers. Additionally, for testifiers who are minors, we will take specific steps to ensure their well-being throughout the process.
- 3.7 **Briefing of staff and partners:** We will thoroughly brief and supervise our staff and those acting on our behalf (including our partners) regarding the preparations required to ensure safe, ethical, and efficient practices that meet with the standards outlined in this Code.

CONTEXTUAL AWARENESS

- 4.1 **Understanding the context:** We will ensure that our team conducts its work with a thorough understanding of the context in which the events that are the subject of the testimony took place, and of the testifier's immediate environment.
- 4.2 **Cultural understanding:** We will take into account relevant cultural and social norms, traditions, customs, and perspectives, as well as those related to minors providing testimony.
- 4.3 **Gender:** We will acknowledge gender-based dynamics, violence, and inequality, and understand how they contribute to the risk of re-victimization. We will also identify the barriers survivors face in accessing support and exercising other rights.
- 4.4 **Stigma towards testifiers:** We will identify and assess risks related to stigmas, and work to reduce misconceptions, assumptions, and harmful attitudes and behaviors, particularly

toward survivors of sexual violence. Special care will be given to the treatment of testifiers who survived sexual violence or other forms of abuse.

- 4.6 **Personal and collective impact:** We will assess potential harm that testimonies may cause to individuals and groups, such as families and communities, and consider how such harm may be amplified by various forms of discrimination. Accordingly, we will make every effort to connect testifiers with appropriate resources, including psychosocial support, medical care, defense, and other legal services.
- 4.7 **Laws and legal practices:** We will clarify any relevant formal or informal laws and practices that may harm the testifiers, discriminate or perpetuate discrimination against them, incriminate them in connection to the events being documented, or prevent them from being recognized as survivors or victims of a crime. Additionally, we will consider legal requirements that might obligate us to pass on information about the crimes to the authorities. We maintain cooperation with other research bodies and experts on the documentation of war crimes. We will discuss these legal issues with the testifiers before the testimony, allowing them to make informed decisions about whether and how to proceed.
- 4.8 **Appropriate communication and interaction:** We will strive to understand the significance and impact of all our forms of communication and interaction in the contexts of gender, age, disability, cultural sensitivity, and other factors. We will use non-harmful forms of communication that reflect the testifiers' moral values and respect their social norms and practices.

MAINTAINING A SAFE AND RESPECTFUL ATMOSPHERE

- 5.1 **Attentiveness and receptiveness:** We recognize that working with victims and survivors requires an open-minded, non-judgmental approach. We will listen without letting our reactions influence the course of the testimony, allowing testifiers full control over how they share their story.
- 5.2 **Adapting to time needs:** We will ensure that the testifiers are able to provide their testimony at their own pace and in their preferred manner. We recognize that the testimonies should not be rushed and/or prolonged to avoid causing additional stress or discomfort, especially for minors.
- 5.3 **Supportive environment:** We will create a supportive, physically and psychologically safe environment that is accessible and sensitive to gender, age, disability, and social and cultural contexts. This is a fundamental element in building a relationship of trust with the testifiers, enabling them to share their experiences and information.
- 5.4 **Privacy:** We are committed to conducting the testimonies in a private, discreet, accessible, and safe space for the testifiers, and to minimizing the risk of their being seen (including when arriving or leaving the location). We will uphold the testifiers' right to privacy both during the testimonies and before and after each meeting.
- 5.5 **Individuals present at the testimony:** We will strive to limit the number of people present during the testimony. We will discuss in advance with the testifiers who they would like to be present and who our team is comprised of. If we are unable to honor their preferences, such as the presence of a companion, guardian, or legal representative on their behalf,

we will explain the reasons and respect their decision should they choose not to proceed with the testimony.

- 5.6 **Prioritizing safety and quality over quantity:** The physical and emotional well-being of the testifier is our highest priority, even if it compromises our documentation efforts. This includes limiting the number of testimonies and/or the collection of materials.
- 5.7 **Delay or partialness in the sharing of information:** We recognize and respect that the ability and decision of the testifiers to share information depends on trust, time, and healing, and therefore may occur gradually, in stages, and over multiple meetings. We recognize that inconsistencies in reports may naturally arise due to factors like trauma, memory, stigma, fear, stress, culture, the framing of questions, interpretation, and the listener's perception of what was said. We will not make assumptions about truthfulness based on inconsistencies or delays.

CODE OF PRACTICE

GENERAL PROVISIONS

This **Code of Practice** is based on guidelines for creating and managing digital files and documents collected by the Commission during its operations. These materials form the foundation of a digital archive, subject to rigorous international technological, legal, and ethical standards. The archive will serve as a broad research repository for scholars from various disciplines in Israel and worldwide, recognizing the unprecedented severity and long-term impact of these crimes. This archive will be a key pillar in preserving the historical memory of the events and combating their denial.

The **Code of Practice** reflects international ethical standards in the field of archival science, such as the ICOM Code of Ethics for Museums, the Archives Regulations (Public Access to Deposited Archival Material), 2010, and international ethical codes for documenting trauma victims, including the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence (Murad Code) and the Ethical Code for Research on Victims of Crime by the Israeli Victimology Association. It aligns with principles of international law and the fundamental rights of victims, including the right to dignity, privacy, security, and the prevention of re-traumatization.

The Commission's work is based on the fundamental principle of "Do no harm", meaning that efforts must be made to prevent or minimize unintended negative consequences of documentation and research activities. Therefore, the welfare of individuals providing information, intermediaries, local communities, and all others involved in the documentation process is a primary concern. The security, physical and psychological well-being, and privacy of these individuals will be prioritized throughout the documentation process. A key concern is the risk of re-traumatization (i.e., reliving trauma) for testifiers, necessitating documenter training for handling such sensitive documentation.

SCOPE OF APPLICATION

This **Code of Practice** applies to all aspects of data collection and archiving within the Commission.

1. Digital Archiving

- 1.1 The digital information received (including photos, videos, social media posts, media files, and emails) will be stored and cataloged in a manner that ensures fidelity to the original and prevents any modifications to the digital data. All relevant accompanying information will be preserved, including documentation on the date the information was received and, where possible, the informed consent of the provider.
- 1.2 Documentation will be stored in secure, protected, and regularly backed-up systems, organized in structured folders to facilitate retrieval.
- 1.3 Items will be cataloged and archived in a dedicated system according to recognized professional standards. This includes full identification and description of each item, its origin, condition, and other relevant details, in accordance with the item cataloging procedure.
- 1.4 The archive is not currently open for direct or general access. Due to the sensitive nature of the materials and the ongoing process of organization and preservation, any access will be carefully reviewed by the Commission and, where appropriate, limited and curated materials may be shared. A formal access framework is under development and will define conditions for broader research and legal access over time.
- 1.5 Materials serving as the basis for commission reports and/or academic research will be published in accordance with a defined research methodology.

2. Copyright and Usage Rights

Copyright and usage rights of documentation items will be determined by applicable law.

3. Special Populations

- 3.1. Representation of Special Populations – Recognizing the importance of amplifying the voices of children, people with disabilities, people experiencing trauma, and others as part of shaping the narrative and preserving memory, and taking their needs into account, a proactive and active outreach effort will be made to these populations. This will include the dissemination of an accessible and adapted call for participation.
- 3.2. The procedures for delivering documentation and/or conducting testimonies will be adapted for special populations, including linguistic accommodations, accessibility, and procedural adjustments. A documentation team experienced in working with special populations will be assigned, and group documentation may be used. Additionally, support from uninvolved companions will be permitted during the documentation process, and testimony conditions will be adjusted in terms of location, duration, and scheduling.
- 3.3. Consent for providing documentation and/or testimony will be obtained both from the individual giving the testimony and, where required by law, from their legal guardian.
- 3.4. As stated, publications will be subject to the signed consent form, in accordance with legal requirements, and with consideration of the circumstances of the case.

LIFE IS SHORT
BRAKE THE RULES
FORGIVE QUICKLY
KISS SLOWLY
TRULY LOVE
LAUGH WILDLY
NEVER REGRET
WHAT MADE YOU
YOU
SMILE



Cover illustration by Ira Ginzburg

Deeply impacted and horrified by the atrocities of October 7th, the artist created this illustration in response to the cries of women and girls who were murdered twice.

First, when their bodies and souls were brutally defiled, and a second time, when they took their last breaths.

Now, we are facing a third potential murder of these women, with an influx of voices around the world denying these horrific acts, staying silent, and dismissing these victims in their exclusionary fight for women's rights. They are dismissing women who faced some of the most horrific war crimes seen in this day and age.

This illustration is an expression of the pure beauty and strong spirit of these women, whose screams of agony are being ruthlessly silenced all around the world. We refuse to stay silent.



THE CIVIL COMMISSION ON
OCTOBER 7TH CRIMES BY HAMAS
AGAINST WOMEN AND CHILDREN

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