



מדינת ישראל
משרד המשפטים
State of Israel
Ministry of Justice

Office of the Deputy Attorney General (International Law)

Date: May 23, 2024

To: Dr. Alice Jill Edwards, Special Rapporteur on Torture

Re: Call for Input - **Identifying, Documenting, Investigating and Prosecuting Crimes of Sexual Torture Committed during War and Armed Conflicts, and Rehabilitation for Victims and Survivors – Submission for the State of Israel**

The State of Israel submits its contribution in relation to the above-mentioned questionnaire. Hereinafter is the State's information as provided by the relevant authorities, pursuant to the questions listed by the Special Rapporteur.

During the attack on Israel on October 7, 2023, thousands of Hamas and other militants breached Israeli sovereign territory by sea, land and air, invading over 20 Israeli communities, military bases and the site of a music festival. What proceeded was the massacre, mutilation, rape and abduction of as many citizens as possible, including women and children. Some 1,200 people were butchered that day, thousands maimed, and 253 hostages abducted, including infants, women and entire families, many of whom have since been executed or left to perish without proper medical treatment. In captivity, many were tortured, sexually abused and starved, and to this day, 120 hostages remain held in Gaza, exposed to torture and other cruel, inhuman and degrading treatment.

Evidence shows that on October 7th, Hamas used acts of gender-based violence as a weapon. These acts of sexual violence have been widely documented, including by first-hand testimonies and the report of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC),¹ which stated that there are

¹ <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/03/report/mission-report-official-visit-of-the-office-of-the-srsg-svc-to-israel-and-the-occupied-west-bank-29-january-14-february-2024/20240304-Israel-oWB-CRSV-report.pdf>

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reasonable grounds to believe that conflict-related sexual violence occurred at several locations in southern Israel, including in the form of rape and gang rape, during the 7 October 2023 attacks. The SRSG-SVC mission team also found credible circumstantial information, which may be indicative of other forms of sexual violence, including genital mutilation, sexualized torture, or cruel, inhuman and degrading treatment.

As also appears in the report of the SRSG-SVC – sources described finding murdered individuals, mostly women, whose bodies were naked from their waist down, and some totally naked, tied with their hands behind their backs, or tied to structures, many of whom were shot in the head.

With regards to the hostages, the SRSG-SVC mission team found clear and convincing information that some hostages taken to Gaza have been subjected to various forms of conflict-related sexual violence and found reasonable grounds to believe that such violence may be ongoing.

The extensive nature of the attacks, which were perpetrated simultaneously in different physical locations, within a confined timeframe and with similar patterns, as well as numerous testimonies, point to the grave and heinous nature of the acts of sexual and gender-based violence, which may amount to war crimes and crimes against humanity.

Hamas celebrated these atrocities. They paraded captured women naked in the streets of Gaza as war trophies, while onlookers cheered. Frightfully, the testimonies of women and girls released from Hamas captivity in Gaza also raise harrowing accounts of sexual violence in captivity.

Following these horrific events, Israel's Ministry of Health rapidly developed responses to the various and unique needs identified among survivors of the October 7 massacre and hostages who were released in the context of a partial hostage deal or rescue operations, both through the creation of designated responses and the adaptation of existing ones to the specific needs arising. Particularly in the field of sexual violence, existing health and social services were required to provide an immediate response. A comprehensive sexual trauma-focused learning and training program for medical teams was introduced throughout the entire health care system, which also included online courses, workshops and group training. Additionally, specialized mental health clinics

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were rapidly established for victims of complex trauma, providing treatment sensitive to sexual trauma.

The preparation of the entirety of the health system, and particularly the mental health system, to provide trauma-focused treatment stemmed from the understanding that some victims might seek treatment without declaring that they had been sexually assaulted. Therefore, emphasis was given to the general development of relevant skills and knowledge of care givers throughout the entire health system, including hospitals and health maintenance organizations. Thus, a substantial budget was allocated by the Ministry of Health to hold training groups, workshops and lectures to both inform medical teams on trauma-sensitive medical care and to help health professionals to deal with the difficulty of providing such treatments themselves, in order to minimize their own possibility of exposure to secondary trauma.

There is a wide understanding that victims of sexual violence during armed conflict require greater involvement and investment of resources for both individual as well as group therapy. The treatment provided to victims of sexual violence is based on the Herman's Three Phase Trauma Model (Tri-Phasic treatment), which includes the initial establishment of safety, remembrance and mourning and reconnection with ordinary life. Additionally, treatment is integrated with tools of dialectical behavior therapy (DBT), cognitive behavioral therapy (CBT) and eye movement desensitization and reprocessing (EMDR).

Israeli public health authorities understood that the events of October 7 might pose emotional triggers to women who fell victim to violence and sexual abuse before October 7 and bring about the worsening of their condition. In order to address this concern, the Ministry of Health held an expert meeting on the treatment of domestic violence during wartime, as well as a meeting between victims and survivors of sexual violence and social workers in order for them to safely share their experiences and needs.

Since the events of October 7, and the emergence of somewhat new and particular needs, the mechanisms of intergovernmental cooperation were reinforced through the establishment of permanent round-tables by the Prime Minister's Office. Such round-tables gather on issues such as the treatment of victims of sexual violence, orphaned

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children, released hostages that were held by Hamas and other terrorist organizations in Gaza, and the needs of persons with disabilities. All relevant ministries continue to hold regular expert meetings regarding released hostages in order to map their particular needs and constantly improve the professional responses they receive.

With this process of consultations and the slowly accumulating experience of reception of released hostages, the Medical Division in the Ministry of Health, in cooperation with the National Social Work Service, has developed a detailed professional approach for the intake and treatment of released hostages. In this framework, the abovementioned Division formulated a Protocol for the provision of primary medical response to the released hostages. The Protocol is based on set principles of care, which include the management of care in a separate designated wing of a medical facility, with a quiet and respectful place for families, and the limitation of presence of unnecessary staff; the preference to place female staff members in various positions in contact with released hostages; to ensure the preservation of privacy and medical confidentiality; and the maintenance of continuity of care.

The Protocol which mainly refers to both the intake and treatment of released hostages, emphasizes the importance of listening to their wishes and adapting the process to their preferences, for example with regards to the presence of a family member during medical and psychosocial interventions. According to the Protocol, upon the arrival of a released hostage at a medical facility, an initial examination shall be performed, to rule out any medical conditions that would require immediate intervention. A second and comprehensive examination shall be performed only a significant time after discharge. Subsequently, a conversation with a social worker shall be held, in order to evaluate the intensity of any mental distress. If necessary, the social worker may request additional assistance of a mental health professional. The Protocol instructs to avoid direct questioning regarding the stay in captivity and to allow the released hostage to choose and control the content of the conversation and its pace. Finally, the Protocol emphasizes the importance of documenting any physical findings, which may indicate the commission of offences, including those that may amount to war crimes against those released, with the help of forensic doctors, gynecologists and pediatricians.

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Although social workers are experienced with psychosocial interventions related to mental and physical traumas, death and loss, the challenge of dealing with a relatively large number of civilians, including older persons, women and children, who were held hostage for a prolong period of time, was unprecedented for health professionals in Israel. Therefore, and considering the important role of social workers during the hospital intake of released hostages, the National Social Work Services issued a brief to hospital social workers. The brief underlines the professional principles of social work, including the treatment of released hostages while taking into consideration their families and communities; their empowerment by ensuring their freedom of choice; the focus on their strengths and health characteristics; and the restoration of trust in people and in public systems. According to the brief, social work teams must aspire to create spaces that "feel like home" for released hostages, that are safe and allow them to grieve who and what they have lost (since most of them have also lost family members and friends on October 7), and regain control. Interventions focused on the eradication of intense emotional responses experienced during captivity; the normalization of emotional and physiological reactions acquired during that time; the restoration of the sense of competence and self-confidence; and the beginning of processing the experience of being taken hostage and kept in captivity.

The brief regarded the possibility that groups of released hostages would include orphaned children and toddlers, or adults with compromised ability to give informed consent to medical intervention due to the traumas of captivity. The brief also emphasized the importance of preparations before the intake of released hostages, such as the gathering of any available information regarding both the physical and mental health's situation of the released persons before they were taken hostage and during captivity; information regarding the family and the challenges it faced; preparatory meetings with family members and their preparation to the arrival of a released hostage, including an explanation as to what is to be expected.

Annex

1. On the 5 December 2023, the BBC published a report in which it said it had seen and heard evidence of rape, sexual violence and mutilation of women during the 7 October Hamas attacks.²
2. On the 28 December, the New York Times published an article which documented seven locations where Israeli women and girls appeared to have been sexually assaulted or mutilated.³ There have also been a number of public testimonies from first responders, those who were appointed to identify victims' bodies⁴ and released hostages pointing to sexual violence both on and after October 7.⁵
3. On 21 February, the Association of Rape Crisis Centers in Israel published a report according to which Hamas attacks on October 7 included brutal sexual assaults carried out systemically and deliberately towards Israeli civilians.⁶ Numerous testimonies and pieces of disclosed and classified information throughout this report present a clear picture of identical patterns of action repeated in each of the attack zones – the Nova festival, private homes in Kibbutzim and IDF bases. It also found that there is a high likelihood that women and men taken hostage are still at risk of sexual abuse at any given moment.
4. According to the report, Hamas's attack included violent acts of rape, accompanied by threats with weapons, and in some cases targeted towards injured women. Many of the rapes were carried out as a group, with the participation of terrorists who exercised brutal violence as part of the rape. Often, the rape was perpetrated in front of an audience – partners, family, or friends – in a manner intended to increase the pain and humiliation. Hamas's terrorists hunted young women and men who fled the Nova festival, and according to testimonies, dragged them by their hair amid screams. In most cases, the victims were killed after or even during the act of rape.
5. On 26 March 2024, the New York Times published an interview with former Gaza hostage, Amit Soussana, who states that she was sexually assaulted at gunpoint and tortured during her 55 days in Hamas captivity in Gaza.

² <https://www.bbc.com/news/world-middle-east-67629181>

³ <https://www.nytimes.com/2023/12/28/world/middleeast/oct-7-attacks-hamas-israel-sexual-violence.html> - after having received comments on the publication, the NYT stated that it stands behind its inquiry, save one case.

⁴ <https://news.sky.com/video/7-october-attacks-shari-mendes-tells-yalda-hakim-about-sexual-violence-she-witnessed-13061095>

⁵ <https://www.timesofisrael.com/former-hostage-tells-lawmakers-fellow-captive-was-sexually-abused-by-guard/>

⁶ https://www.facebook.com/AssociationRapeCrisisCentersIsrael/posts/700506058910258?ref=embed_post

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6. On 23 May 2024, video footage was released depicting the horrific kidnapping of 5 female Israeli hostages, after witnessing the massacre of 15 of their friends. These young women have been held hostage by Hamas terrorists for 8 months.