

INTERNATIONAL • ISRAEL-HAMAS WAR

Israel documents sexual violence committed during Hamas attack

Since October 7, women have stepped forward to share their stories, but the chaotic nature of the massacre makes the investigation of sexual crimes difficult.

By Samuel Forey (Jerusalem, correspondent)

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Lawyer Yael Vias Gvirsman, who represents 56 victims of the October 7 Hamas attack, in Tel Aviv on December 7 LUCIEN LUNG/RIVA PRESS FOR LE MONDE

When the mostly naked body of Shani Louk, a 23-year-old German-Israeli attending the Nova electronic music festival, was loaded onto the back of a pick-up truck and paraded through the streets of Gaza, the act was filmed and broadcast in the early moments of Hamas's attack on Israel on October 7. It was perhaps, without Hamas yet realizing it, one of the first pieces of documentation attesting to the sexual violence committed that day. Louk's mother confirmed the young woman's death on October 30.

Louk's relatives are among the 56 families of victims and hostages represented by Israeli lawyer Yael Vias Gvirsman before the French and German courts and the International Criminal Court (ICC). The atrocities of October 7, she said, constitute a "systematic and deliberate attack against a civilian population, with acts of murder, torture and mutilation against vulnerable people, the elderly, young children and babies."

The lawyer has filed a report with the ICC for sexual violence against Louk. "For the other victims, it's still too early. We know that living witnesses are emerging and will continue to do so. I'm getting indications from soldiers who want to talk about what they know, including rapes," she added.

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Such complaints could become part of the ICC's years-long efforts to gain a better understanding of the phenomenon of sexual violence in wartime, which is not limited to rape. "It's crucial to understand all forms of sexual violence, such as forced nudity. We are cataloging all the cases that could be dealt with by the ICC. As for documenting them, it's difficult. For one known case, there may be 10 unknown ones, or even more," said Alix Vuillemin, executive director of the organization Women's Initiatives for Gender Justice (WIGJ). Sexual violence in wartime has not yet been fully defined, but it can include acts such as genital mutilation, humiliation, the desecration of corpses and photos distributed without consent.

'Completely broken pelvis'

Israeli organizations set up in the aftermath of the October 7 attack, other NGOs, and the Israeli government are trying to gather as much information on such crimes as possible. It is a difficult task. The scale of the attack, the ensuing fighting, and the hasty collection and burial of bodies have prevented proper documentation of the violence committed by Hamas. In several cases, forensic analysis could not be carried out due to the condition of the corpses, many of which were burnt.

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But clues are emerging. In a Knesset hearing organized on December 4 by the Committee for the Advancement of Women & Gender Equality, Shlomit Landes, a deputy commissioner in the Israeli police, said: "Women have been sexually assaulted. We saw bodies hit on the head, in the center of the face and in sensitive places." Rami Shmuel, one of the Nova festival organizers, was quoted in a [report](#) by the Israeli organization Physicians for Human Rights, saying: "We found naked women, they were stripped, and their legs spread wide open."

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Another deputy commissioner, Shelly Harush, from the Lahav 433 criminal police unit, which collects evidence on the subject, gave the testimony of a Nova festival survivor: "There were bodies of girls who had been raped so brutally that their pelvis was completely broken." They also spoke of "targeted shots to men's genitals." One survivor – known as "S" – whose account was given by the police at a press conference, told of seeing a woman being raped by several men: "They held her by the hair. One man shot her in the head as he raped her," she said. Pnina Tamano-Shata, president of the parliamentary committee, said: "Many women, after being mutilated, were murdered in cold blood. But others have survived and stayed alive and need long-term treatment and rehabilitation."

At the Shura rabbinical military base, where most of the bodies from the attack were brought, Captain Maayan (who did not wish to give her surname), in an interview with *Le Monde* on October 18, spoke of the violence: "There were bodies marked by gunfire, deep cuts, hematomas, broken skulls. Pathologists helped us understand that they had been victims of rape."

'Justice on the backs of the survivors'

Despite these clues, Israeli authorities, and in particular the police, are refusing to disclose the number of complaints filed. Orit Sulitzeanu, the director of an association gathering nine rape crisis centers, explained: "Under normal circumstances, 10% of those who have suffered this type of abuse file a complaint in Israel. But why should they? They're traumatized, ashamed, embarrassed. The best thing they can do is see a therapist and recover. All I can say is that the scale of sexual violence is very large: in army bases, on kibbutzim, at rave parties, in Gaza [against hostages]."

Galit Desheh, a professor at Reichman University in Tel Aviv, is helping with a student project to collect testimonies. But for this feminist activist, this presents a dilemma: "Either we say nothing to protect the victims, or we talk about it and pay a very heavy price. Israel is a very small country. Everyone knows everyone else. Women and men returning from captivity will be stigmatized as victims of sexual violence. You can't get justice on the backs of the survivors. They've suffered enough as it is."

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Many Israeli feminist activists, including Sulitzeanu and Desheh, have criticized the delayed reaction from major international organizations, first and foremost the United Nations and its UN Women arm, which is dedicated to gender equality and women's empowerment. "There was no need for witnesses to give evidence. There were videos, bodies. But the UN didn't want to know. We send delegations wherever there are violations of women's rights. And when it happens to us, nobody cares. We've been betrayed, abandoned," said Desheh.

First Israeli Prime Minister Benjamin Netanyahu, then United States President Joe Biden relayed this anger, supported by an Israel-led campaign appealing to the UN and to US public opinion. "I say to women's rights organizations, human rights organizations, you've heard about the rape of Israeli women, the horrific atrocities, the sexual mutilation – where the hell are you?" said Netanyahu on Tuesday, while the US president described reports of sexual violence as "appalling."

The challenge of legal qualification

On December 1, UN Women [issued a statement](#) saying it "unequivocally" condemns "the brutal attacks by Hamas on Israel on 7 October" and calling for "all accounts of gender-based violence to be duly investigated and prosecuted."

"We take the allegations extremely seriously," UN High Commissioner for Human Rights Volker Türk said in Geneva on Wednesday. "You need to go into quite some detailed examination of whether it's premeditated, whether it was widespread, systematic. I am not in a position to confirm this," he said, adding that he had "asked the Israeli authorities (...) to deploy [his] team to (...) investigate." This request has so far gone unanswered.

Establishing the scale and details of these attacks will take months. Another obstacle is their legal qualification. Hadas Ziv, director of policy and ethics at Physicians for Human Rights Israel, said: "What we know for sure is that this is more than one case and that it was on a large scale, in that it happened in several places and on several occasions. What we don't know and what the police are investigating is whether it was ordered and whether it was systematic."

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In a statement issued on Wednesday, the Palestinian Islamist group denied the accusations: "We strongly condemn the dissemination by President Biden of false Zionist claims accusing Palestinian resistance fighters of sexual violence and rape during Operation Al-Aqsa Flood on October 7."

On October 10, Saleh al-Arouri, the group's second-in-command, insisted that the attacks on Israeli civilians had been carried out by "civilians from Gaza." This allegation is contradicted by videos gathered from surveillance equipment, on-board cameras and images taken by the militants' own equipment. And as the political and military authority in the enclave that organized the attack, Hamas is held responsible for violations of international humanitarian law by its armed forces, but also by individuals and groups acting under its control – violations punishable as war crimes.

Laetitia Bucaille, a professor of sociology at France's National Institute of Oriental Languages and Civilisations, believes that if investigations show that the Palestinian movement did order and plan these acts of sexual violence, it would set a precedent for Hamas, which has never before deployed such practices: "If this change in modus operandi is proven, it would be a question of a desire to punish and humiliate."

If this were the case, Hamas would be liable to prosecution for crimes against humanity, or even genocide, if committed because of membership of a group, with the intention of eliminating all or part of that group. Hamas's attack on October 7, the deadliest in Israel's history, and the massive Israeli reprisals which are continuing, have already changed the magnitude of the Israeli-Palestinian conflict forever.

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