

United States Senate

WASHINGTON, DC 20510

December 11, 2023

His Excellency

Mr. Antonio Guterres

Secretary-General of the United Nations

760 United Nations Plaza

New York, NY 10017

Dear Secretary Guterres:

We write to express our profound disappointment with the United Nations' (UN) response to Hamas's widespread sexual violence, including rape and mutilation, as a weapon of war against women in Israel on October 7, 2023. As the international community observes the annual 16 Days of Activism against Gender-Based Violence intended to "call for the prevention and elimination of violence against women and girls"¹, we urge you to immediately launch an independent investigation into sexual violence committed by Hamas. We additionally urge you to hold UN Women, which is a leading UN organization dedicated to ending gender-based violence, accountable for its failure to immediately and unequivocally condemn Hamas's brutal use of sexual violence.

A growing body of evidence including the testimonies of survivors, witnesses, and first responders makes clear that as part of Hamas's terrorist attack that killed 1,200 men, women, and children on October 7, the terrorist organization intentionally used rape and sexual assault as weapons of war. Israeli police have gathered more than 1,500 testimonies from witnesses and medics, as well as forensic evidence demonstrating that rape and sexual assaults took place.² Testimonies include one witness who described an account of a gang rape that took place at the Nova music festival site² and footage showing mutilated bodies exhibiting signs of women being raped before they were executed.³

As multiple UN Security Council Resolutions affirm, the use of sexual violence is a war crime under international law. Hamas's premeditated campaign of systematic sexual violence on October 7 clearly meets this standard. Sexual violence, particularly on this scale and of this level

¹ <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/unite/16-days-of-activism>

² <https://www.reuters.com/world/middle-east/israel-police-open-investigation-into-sexual-violence-during-oct-7-attack-2023-11-14/>

³ <https://www.washingtonpost.com/world/2023/11/25/israel-hamas-rape-sexual-violence/>

⁴ <https://www.bbc.com/news/world-middle-east-67613153>

of brutality, must be condemned unequivocally and without qualification, which is why we were shocked that it took UN Women nearly two months to speak out against these atrocities. This came a week after the organization issued an initial statement condemning Hamas, only to delete the post and replace it with a halfhearted statement that dropped any mention of Hamas. Moreover, the organization has taken no meaningful steps to provide support to the Israeli survivors of sexual violence. UN Women's failure to publicly stand with Israeli women undermines its legitimacy and contributes to the outrageous effort by some to dismiss, downplay, or outright deny these atrocities.

While we note your November 30 statement calling for prosecution of Hamas for its abhorrent acts of sexual violence, we have serious concerns that the UN body tasked with investigating these crimes is the permanent Commission of Inquiry (COI) on the Israeli-Palestinian conflict. The COI includes an appointed Commissioner who has used antisemitic tropes and questioned the right of the State of Israel to be a member of the UN.⁴ Given that the COI has a history of bias and unfairly singling out Israel, we urge you to move swiftly to seek the establishment of an independent fact-finding effort through a separate mechanism, tasked with collecting testimonies from survivors and witnesses of Hamas's sexual violence. An independent investigation is a necessary step to hold perpetrators accountable, support survivors, and provide justice for victims.

The UN's delay in denouncing Hamas's sexual violence and rape on October 7 is a moral failure. Tasking the one-sided COI to investigate these atrocities undermines the effort's credibility, creates the strong potential for biased outcomes, and provides no measure of justice for the victims and survivors. In addition to holding UN Women's leadership accountable for their weeks-long failure to condemn sexual violence committed by Hamas, we call on you to immediately launch a full and independent investigation into Hamas' brutal campaign of sexual violence committed against Israeli women. We thank you for your attention to this matter and look forward to your response.

Sincerely,



Jacky Rosen
United States Senator



Joni K. Ernst
United States Senator



Kirsten Gillibrand
United States Senator



Susan M. Collins
United States Senator

⁵ <https://geneva.usmission.gov/2022/07/28/statement-on-antisemitic-remarks-by-a-commissioner-of-the-israel-coi/>

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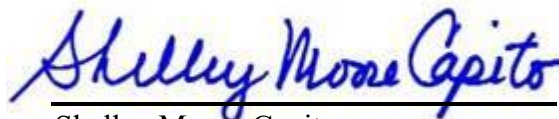
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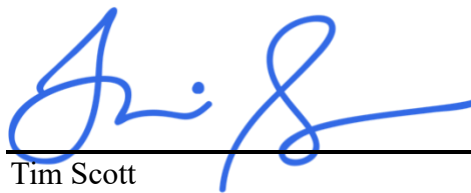
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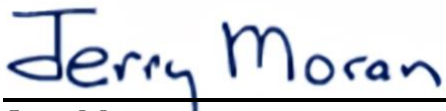
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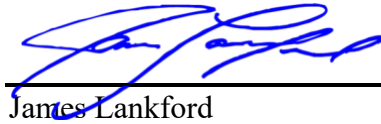
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