



Israeli Supreme Court Orders State to Justify Amendments to Law Holding Gaza Residents without Charge

Yesterday, the Israeli High Court of Justice issued an *order nisi* in a petition challenging amendments to the Unlawful Combatants Law, requiring the State to justify provisions delaying judicial review of the detention of thousands of Palestinians from Gaza, currently including four children.

The petition was filed in February 2024 by the Public Committee Against Torture in Israel (PCATI), Physicians for Human Rights Israel (PHRI), HaMoked: Center for the Defence of the Individual, Gisha, and Adalah. PCATI submitted the petition on behalf of the organizations at the outset of the large-scale wave of arrests in Gaza following the 7 October 2023 massacre and the Knesset's enactment (18 December 2023) of a draconian temporary order concerning detainees, as an amendment to the Unlawful Combatants Law, which authorizes indefinite detention without charge.

The temporary order has since been repeatedly extended, and its provisions have been amended from time to time. It significantly lengthens the maximum periods allowed before the issuance of a formal detention order, before a detainee receives initial judicial review, and before detainees held under the law are permitted their first meeting with lawyers.

During the two and a half years since these restrictions were enacted, they have been applied to more than 6,000 detainees, primarily residents of Gaza, more than 40% of whom were ultimately released without charge.

As part of the proceedings, the Court required the State to provide periodic updates regarding the number of detainees held under the Unlawful Combatants Law, the scope of the violations of their rights, the mechanisms in place to oversee such infringements, and the State's intentions regarding the continuation of this policy.

In its most recent update, submitted on 2 June 2026, the State argued that there had been a "deterioration in the security situation" and therefore halted the process of shortening these periods of rights restrictions, a process that was ultimately intended to lead to their repeal. The *order nisi* issued by the Court yesterday, requiring a formal affidavit justifying governmental actions, came in response to that update, and it's an indication that the court is not satisfied with the State's explanations thus far.

The latest amendments to the temporary order (Nos. 6 and 7) permit detention for up to 40 days before judicial review in the case of adults, and up to 30 days in the case of children.

As of the end of April 2026, a total of 1,358 detainees were being held under the law. Of these, military authorities were holding 62, including 14 under temporary detention orders that lacked even basic arguments justifying their arrest. Israel's Prison Service was holding an additional 1,296 people, including 12 under temporary detention orders). Among them were two children held by the military and two children held by the Israel Prison Service.

The update did not specify how many detainees had, or had not, been brought before a judge. However, the available data indicates that as of the end of April 2026, at least 50 individuals detained under the Unlawful Combatants Law had not yet undergone any form of judicial review.

According to Adv. Meirav Ben Zeev, Director of the Legal Department at PCATI:

"The High Court's decision last night, which follows its decision from last week concerning the denial of Red Cross visits, underscores the urgent need to fully repeal the temporary order that enables the prolonged detention of thousands of security prisoners without charge, justification, or judicial review, and without any opportunity to meet with legal counsel. The absence of contact with the outside world and the lack of judicial oversight place detainees' physical and mental well-being—and in many cases their lives—at grave risk. This is reflected in the shocking figure of more than one hundred Palestinian detainees who have died in the custody of Israel's security authorities since October 2023.

If the State does not repeal these draconian provisions itself, the High Court should make the order absolute and strike them down."

Additional information about the petition, including the *order nisi* (Hebrew) can be found [here](#).