



# Report

## The Israeli Supreme Court: The

## Legal Patron of Occupation Crimes

July 2025



Since the outbreak of Israel's war on the Gaza Strip on October 7, 2023, the Israeli Supreme Court—the highest judicial authority in Israel—has emerged as a central tool in providing legal cover for grave and systematic violations of international humanitarian law and international human rights law against Palestinians. It rejected urgent legal petitions related to humanitarian aid, medical evacuation, enforced disappearance, and detainees, and deliberately delayed rulings, thereby enabling the continuation of these violations.

The Supreme Court played a decisive role in legitimizing genocide by providing legal justification for the use of starvation as a weapon of war, ignoring practices of arbitrary detention, enforced disappearance, torture, and refusing to reveal the locations of thousands of civilian detainees.

This report highlights the role of the Israeli Supreme Court not merely in failing to protect rights, but in enabling and reinforcing the occupation's structure by codifying violations and granting them internal legal legitimacy. We conclude that the complicity of this judicial institution is not merely circumstantial or limited to the recent war, but rather a continuation of a long-standing history of endorsing Israeli colonial policies and legitimizing the project of forced displacement, settlement expansion, and the mass execution of the Palestinian people.

## Rejection of Legal Petitions and Justification of Violations

### Humanitarian Conditions in Gaza

Following the blockade on humanitarian aid, food, and medicine into the Gaza Strip, human rights organizations submitted a petition to the Israeli Supreme Court in March 2024, demanding that humanitarian assistance be allowed into the Strip, particularly the northern areas.

Although the issue of humanitarian aid access was already under review before the International Court of Justice (ICJ) in the case of *South Africa v. Israel*, the Israeli Supreme Court refused to issue a decision—even by March 2025, a full year after the filing.

The ICJ had issued a ruling on January 26, 2024, mandating Israel to take immediate and effective measures to provide basic services and humanitarian aid. Later, on March 28, 2024, it issued a second order requiring Israel to take all necessary measures without delay in coordination with the United Nations, following South Africa's request for provisional measures in light of the worsening humanitarian crisis.

In contrast, the Israeli Supreme Court dismissed the petition outright. This decision ran counter to the legal reality established by international law, which recognizes Israel as the occupying power in Gaza. The Court claimed that “Israel is not considered a military force exercising effective control over the Gaza Strip” and fully endorsed the government’s narrative that it was “doing everything in its power to facilitate humanitarian support for the Strip.” (1)

This position by the Supreme Court reflects its direct complicity in the genocide of Palestinians in Gaza through the use of starvation as a weapon of war and the deprivation of the civilian population’s essential means of survival. While the Court stalled, Israel systematically cut off all humanitarian supplies and food to Gaza, exacerbating the genocide of its population.

### **Legal Responsibility**

The obstruction of humanitarian aid to the Gaza Strip constitutes a grave breach of Israel’s obligations under international humanitarian law as an occupying power, particularly under Articles 55 and 59 of the Fourth Geneva Convention.

The use of starvation as a method of warfare is expressly prohibited under Article 54 of Additional Protocol I to the Geneva Conventions of 1977, and constitutes a war crime under Article 8 of the Rome Statute of the International Criminal Court.

Accordingly, the conduct of the Israeli Supreme Court does not merely involve abstaining from legal protection, but rises to the level of active facilitation of war crimes and genocide by granting legal cover to starvation policies.

### **Medical Evacuation**

The issue of evacuating patients and the wounded in critical condition was also brought before the Supreme Court. In June 2024, following a petition, the government informed the Court that it had issued new medical evacuation procedures, conditional on the absence of a “security threat” posed by the individual.

The Court merely requested updates from the government regarding this mechanism and extended the procedural deadlines. It ultimately issued a ruling in March 2025 stating that it was no longer necessary to decide on the petition in light of changed facts on the ground and that the contested government policy had already been altered. (2)

As with other cases, the Court’s approach was consistent: either side with the government and endorse its grave violations, or stall the process to provide legal cover for ongoing abuses.

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[1] Israeli High Court of Justice, Case No. 2280/24

[2] Israeli High Court of Justice, Case No. 4621/24

## Legal Responsibility

The Israeli Supreme Court's handling of medical evacuation reflects dangerous judicial complicity in Israeli violations. The Court's refusal to compel the government to take immediate steps to guarantee the right to life and health constitutes a flagrant breach of international law.

In doing so, the Court directly contributed to the deprivation of thousands of patients and wounded individuals from receiving medical treatment—amounting to complicity in crimes against humanity.

## **Enforced Disappearance in Gaza**

To date, there is no precise count of those forcibly disappeared from the Gaza Strip. Reports indicate that over 13,000 people in Gaza are missing. Some remain buried under the rubble, others have been interred in mass graves, and many have been forcibly disappeared in Israeli prisons, including the “Sde Teiman” military facility.

Israel detains Palestinians from Gaza under the legal pretext of the “Israeli Unlawful Combatants Law” of 2002. This law allows for detention without a warrant for up to 96 hours, continued detention for 14 days without appearing before a judge, and denial of access to legal counsel for 21 days.

In December 2023, the Knesset amended this law to allow detention of Palestinians for up to 45 days (instead of 96 hours), denial of appearance before a judge for up to 75 days (instead of 14), and denial of access to legal counsel for up to 180 days (instead of 21). (3)

In February 2024, human rights organizations filed a petition against this amendment before the Supreme Court, arguing that it constituted a serious violation of human rights and international humanitarian law. However, the Court chose to stall the case. It has yet to issue a ruling, instead scheduling multiple hearings and requesting updates from the government. The lapse of time is particularly important in this case, as the amendment was temporary and in effect for six months—followed by less severe modifications. (4)

This policy of delay enabled authorities to continue and escalate their violations without legal consequences.

In a similar pattern, regarding the “Sde Teiman” detention facility, a petition was submitted in May 2024 demanding an end to the use of this military site as a detention center for Gaza prisoners. Despite detailed reports of violations, poor detention conditions, intense media scrutiny, and confirmed deaths of 27 detainees, the Supreme Court delayed its decision for four months. Its eventual ruling merely stated that “the state must detain prisoners at Sde Teiman in accordance with the law and applicable regulations.” By the time the decision was issued, the facility had been emptied and detainees were transferred to other prisons. (5)

[3] Unlawful Combatants Imprisonment Law, Amendment No. 4, 24 March 2024

(4) The Israeli Judiciary Under the War of Genocide, Nariman Shaheda, The Arab Center for Applied Social Research

(5) Israeli Supreme Court, Case No. 4268/24

The Court also rejected petitions seeking disclosure of the whereabouts of journalists from Gaza detained at the Erez crossing, and of ten Palestinian workers who were arrested at the start of the war while inside the Green Line and holding valid work permits. Moreover, it dismissed a petition requesting information about 62 detainees from Gaza, and another about 568 additional detainees.

Thus, the Israeli judiciary—particularly the Supreme Court—has acted as a tool of occupation, refusing to take effective measures to halt grave violations of international humanitarian law and human rights law. Rather than ensuring accountability, the judiciary entrenches impunity and provides legal cover for war crimes, crimes against humanity, and genocide in Gaza.

The deliberate rejection of petitions and calculated delays in favor of Israeli authorities constitute a violation of judicial independence and fair trial guarantees. The role played by the Israeli judiciary, especially the Supreme Court, is central to the perpetuation of these grave crimes by legitimizing mass enforced disappearance and arbitrary detention, in blatant disregard of international legal standards. This demands urgent and effective international accountability under international law.

## **Prisoners**

Palestinian prisoners in Israeli jails have long been subjected to severe and systematic violations—stripped of their rights, confined in overcrowded spaces, denied healthcare and family visits, and more

At the start of the war, the situation deteriorated under a punitive policy led by National Security Minister Itamar Ben-Gvir, who declared a state of emergency in Israeli prisons. On October 25, 2023, the issue of prisoners was brought before the Israeli Supreme Court. The petition addressed the Israel Prison Service's policies, including denial of access to legal counsel, confiscation of personal belongings, and denial of healthcare

A month later, the Court dismissed the petition, denying some claims and justifying others on "security" grounds.<sup>(6)</sup> It held that the "changes" implemented by the prison service did not exceed its legal authority.

In February 2024, the Court received another petition regarding the Israeli government's refusal to provide the International Committee of the Red Cross (ICRC) with information on prisoners or allow its representatives to visit them.

To date, the Court has not ruled on this petition. It has only ordered the case to be brought before a judicial panel in July 2024 and continues to approve the state's repeated requests for postponement. The state's response was that it was considering establishing an alternative mechanism to the ICRC for monitoring prison conditions.<sup>(7)</sup>

(6) Israeli Supreme Court, Case No. 7753/23

(7) Israeli High Court of Justice, Case No. 1537/24

In April 2024, a further petition was submitted to stop the policy of starving Palestinian prisoners—manifested in the reduction of food portions and quality. The Court has yet to issue a ruling on this petition, despite the clear violation of prisoners' basic right to adequate nutrition for survival.

These violations, especially systematic starvation, constitute a form of collective punishment prohibited under Article 33 of the Fourth Geneva Convention and amount to a war crime under Article 8 of the Rome Statute.

The exclusion of the ICRC from prisons also constitutes a blatant violation of its recognized role under Article 143 of the Fourth Geneva Convention and is evidence of an attempt to conceal systematic abuses, possibly rising to the level of crimes against humanity—especially as the denial of access to potential victims persists over extended periods.

Accordingly, the treatment of Palestinian prisoners by the occupying power reveals an institutional system of oppression and abuse, systematically protected by the Israeli judiciary. This situation must be addressed through international criminal investigations before the International Criminal Court, and urgent international measures must be taken to ensure the protection of prisoners and an end to impunity.

## Isolated Conduct or Institutionalized Policy?

The Israeli Supreme Court's role in shielding state violations did not begin with the recent war on Gaza. For decades, the Court has served as a judicial arm of the Israeli settler-colonial regime, by legitimizing governmental policies and enabling violations against Palestinians in all areas of their presence.

### **Settlement Expansion**

One of the most striking examples of this role is the Court's judicial endorsement of ethnic cleansing and illegal settlement expansion. The Court previously approved home demolitions and the destruction of Palestinian villages.

In 2018, the Court ruled in favor of demolishing the entire village of Khan al-Ahmar in the occupied West Bank to make way for Israeli settlements. In 2022, it approved the demolition of nine villages in the Masafer Yatta area of the occupied West Bank, resulting in the forced displacement of 1,150 Palestinian residents.

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(8) Amnesty International, *Between Defending Sovereignty and Enforcing an Apartheid Regime: The Israeli Judiciary and Its Double Standards*, last accessed on 13 September 2023

## Arbitrary Detention

The Court has consistently upheld the policy of administrative detention, which allows for the imprisonment of Palestinians for indefinite periods without charge or fair trial—contrary to Articles 9 and 14 of the International Covenant on Civil and Political Rights.

It also approved the force-feeding law applied to hunger-striking detainees, a serious violation of human will. Moreover, the Court endorsed the withholding of Palestinian bodies to use as political leverage or negotiating tools—an act condemned by Amnesty International. (8)

## Conclusion

This historical trajectory demonstrates that the Israeli Supreme Court is not a monitoring body on executive or military power, but an integral part of the Israeli occupation and settler-colonial apparatus. It provides legal justification to systematically undermine Palestinian rights and reinforces policies of apartheid, forced displacement, and institutional discrimination.

Thus, the Court's complicity in the Gaza war since 2023 is not a coincidental or isolated event but the logical continuation of a long-standing role in legitimizing gross violations and entrenching impunity. This necessitates a reassessment of the Court's legitimacy and its accountability under international law as a participant in Israel's regime of genocide and settler-colonial domination.





## Recommendations

In light of the above, the **Palestinian Association for Human Rights (Witness)** calls for the following:

- **Criminal Investigation by the ICC:** The Israeli Supreme Court's complicity must be subject to international criminal investigations before the International Criminal Court for its direct role as a partner in international crimes.
- **Rejection of the Exhaustion of Domestic Remedies Principle:** Given the lack of judicial independence in Israel and the Court's clear complicity in human rights violations, Palestinian victims should no longer be required to exhaust Israeli legal avenues before resorting to international justice mechanisms.
- **Boycott of Complicit Legal Institutions:** Legal professionals, bar associations, law faculties, and research centers must reassess their relationships with Israeli legal and judicial institutions—particularly the Supreme Court—which are involved in human rights violations.
- **Protection of Prisoners and Support for the ICRC:** The ICRC must remain the primary body overseeing prisoner affairs. Any attempt to replace it with an Israeli mechanism exposes prisoners to further danger and facilitates the concealment of abuses.
- **Enhancement of International Legal Protection for Palestinians:** The international community, including States Parties to the Geneva Conventions, must take practical and immediate steps to protect Palestinians, enforce international humanitarian law, and deploy international monitoring missions to ensure the unimpeded and safe entry of humanitarian aid.

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For further inquiries concerning this paper kindly contact:

Mrs. *Eman Sabaayoun*, Legal Researcher [eman.sabaayoun@pahrw.org](mailto:eman.sabaayoun@pahrw.org) .