

06/05/2025

## **The Forum's Statement Concerning the State's Obligations Relating to ICRC Visits**

The Law Professors' Forum for Democracy calls on the state authorities to fulfill their legal obligations regarding the conditions of detention of security detainees. The Forum warns against the state's foot-dragging in addressing the petitions submitted to the High Court of Justice concerning visits by representatives of the International Committee of the Red Cross (ICRC) to security detention facilities. This conduct undermines a substantive legal examination of the legality of the state's refusal to allow such visits and, in itself, constitutes a violation of the rule of law.

The obligation to allow visits by Red Cross representatives is explicitly established in Israeli law. Regulations enacted by the Minister of Defense in 2002, under the authority granted by the Incarceration of Unlawful Combatants Law—passed by the Knesset in 2002—require such visits to be allowed and permit their denial only with respect to a specific detainee and for a period not exceeding three months, and only if the Minister of Defense is convinced that the visit would endanger state security.

International law, which binds Israel under the relevant circumstances, likewise imposes an obligation to allow such visits. It should be noted that the fact that the terrorist organization Hamas does not allow visits by Red Cross representatives to the Israeli hostages in its custody—an act of detention and denial of visits that constitutes a war crime and is absolutely prohibited—does not justify denying such visits to those held by Israel. The relevant legal frameworks are not based on reciprocity.

Furthermore, the Forum sharply criticizes the state's repeated foot-dragging, as evidenced by its recent *18th* request for an extension to submit its response to the High Court petition against the visit denial policy—a petition filed over a year ago. These repeated delays in presenting the state's legal position on the visit denials obstruct the Court's ability to review the policy's legality. In practice, these delays enable the continued implementation of the policy, despite the apparent ongoing legal obligation to permit the visits and despite reports of severe human rights violations occurring in the detention facilities.

It should also be noted that the Incarceration of Unlawful Combatants Law grants a right of visitation in detention facilities to specific officeholders in Israel. The Forum calls on these officeholders—including the chairs of two Knesset committees, Supreme Court justices and certain judges from other courts, the Attorney General, and the Military Advocate General—to exercise this right in order to maintain continuous oversight of conditions in these facilities. However, the existence of such state-appointed officeholders does not exempt the state from its legal obligation to allow visits by representatives of the International Committee of the Red Cross.

