



Enforced Disappearances of Gaza Residents in Detention

Patterns, Legal Implications, and Oversight Gaps Since October 2023

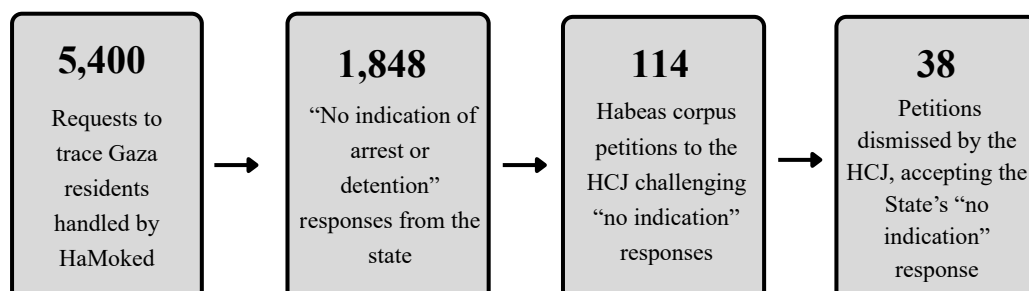
Factual background: Failures in Information Transfer and Lack of Oversight

Since October 2023, the Israeli military forces have launched mass-detention campaigns in Gaza, with the number of people arrested [estimated in the thousands](#). Many are still held by Israel - as of April 2026, there are [1,251](#) Palestinian residents of Gaza in Israeli detention. They are held under the [unlawful combatants law](#), a legal definition that does not exist under international law and allows prolonged arrest periods without judicial review. Beyond the thousands of unlawfully registered detainees, HaMoked and other human rights organizations have documented another deeply concerning pattern: **individuals from Gaza who went missing after being detained by Israeli forces, and have still not resurfaced.**

At the outset of the Gaza-Israel war, Israeli authorities barred the International Committee of the Red Cross (ICRC) and refused to provide it with information on Palestinian detainees, prompting HaMoked to seek alternative mechanisms to trace detainees. Only in May 2024, and following multiple petitions to the High Court of Justice (HCJ), did the State finally enable [HaMoked to trace detainees from Gaza](#). Since then, **HaMoked has handled requests to trace 5400 Gaza residents, making its database the largest available sample in which individual cases can be linked to potential disappearances of Gazan residents in Israeli custody.**

Of the 5,400 Gaza residents HaMoked was asked to locate, the organisation succeeded in determining the whereabouts of 3,632 individuals, the majority of the cases. **However, in 1,848 cases - approximately 29.2% - the authorities responded that there was “no indication” of the person's arrest or detention.** In many cases, this response was contrary to eyewitness testimonies confirming their arrest by Israeli forces.

In 114 cases, where eyewitnesses were able to provide a signed affidavit with their testimony, HaMoked filed habeas corpus petitions with the Israeli High Court of Justice (HCJ), seeking reexamination and disclosure of the detainees' whereabouts. **Of the 114 petitions filed, 38 were dismissed by the HCJ**, accepting the State's claim that there was no indication the individuals had been arrested. These cases account for one-third of all petitions. **To this day, the fate and whereabouts of these 38 individuals remain unknown.** In the remaining 76 cases, where detainees were ultimately located, the proceedings nonetheless exposed troubling inconsistencies in the State's handling of detainee information, at times with [severe consequences for their families](#).



Factual Background: Unidentified Bodies of Gaza Residents

[Recent media reports](#) estimate that approximately 1,700 Palestinian bodies are currently held in Israel, many of them unidentified, and the vast majority reportedly from Gaza. In addition, aid workers in Gaza have [testified](#) that **415 unidentified bodies** were transferred from Israel to the Gaza Strip between December 2023 and September 2024 and subsequently buried in mass graves.

These figures do not establish that any of the individuals whom HaMoked has been unable to trace are among the unidentified dead. They do, however, raise a grave possibility that cannot be excluded: **that some individuals reported missing after their arrest by Israeli forces may have died during or following their arrest or detention, without their deaths being properly documented or their remains identified and returned to their families.** Against this background, the State's continued inability to account for individuals last seen being taken into Israeli custody cannot be treated merely as a deficiency in record-keeping.

The Personal Cost of Enforced Disappearances - Frozen Grief

On May 24, 2024, a 75-year-old man was taken by Israeli forces to a military base in Jabalya. When the base was later evacuated, some detainees were arrested and others released, but he never returned.

On June 3, 2024, his family found his identity cards and other personal belongings inside the abandoned base. On August 1, 2024, HaMoked's petition on his behalf was dismissed on the grounds that according to the State, there was "no indication" he had been arrested or detained.

To this day, his family does not know what happened to him, or even whether he is alive. **Like many families of the disappeared, they remain suspended between hope and grief, unable to mourn, find closure, or move forward.**

Legal Analysis: The Crime of Enforced Disappearance during the Israel-Gaza War

The crime of enforced disappearance, as codified in the [International Convention for the Protection of All Persons from Enforced Disappearance \(ICPPED\)](#), is defined as an "arrest, detention, abduction or any other form of deprivation of liberty" followed by "a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person". **The Convention also requires the State to prevent enforced disappearances** by establishing effective procedural safeguards, including maintaining adequate arrest records, ensuring access to detainee information, and investigating reasonable suspicions of such acts.

While Israel is not a party to this convention, the obligation to prevent enforced disappearance and the corresponding obligation to investigate such cases are recognized as a rule of [customary IHL](#) and have even attained the status of a [peremptory norm \(jus cogens\)](#). This status reflects its violation of many fundamental human rights, including the right to life, recognition before the law, the prohibition of torture, and protection against arbitrary detention.

HaMoked's data indicates that Israel has violated three crucial obligations of the convention: **It kept insufficient arrest documentation; failed to provide access to detainee information; and refused to investigate credible suspicions of enforced disappearances.**

1. Insufficient Arrest Documentation:

One-third of all habeas corpus petitions filed by HaMoked remain unresolved, despite eyewitness testimonies confirming the arrest, a fact which raises serious suspicions of inadequate arrest documentation, especially by military units in the combat zone. Consequently, HaMoked has filed two [principled complaints](#) with the Military Advocate General (MAG), on 06.11.2024 and 01.10.2025, requesting a review of the military's arrest documentation practices and the establishment of an orderly, systematic registration mechanism. HaMoked called for a systematic review of both the arresting forces on the ground and the Incarceration Control Center, the body responsible for gathering, managing, and disseminating information on Gaza detainees, followed by the necessary reforms. **Neither complaint has received a response or prompted action.**

Adequate registration of detainees is required under international law (Customary IHL Rule 123; GC IV, Arts. 106, 136–140) and constitutes a key safeguard against enforced disappearance (ICPPED, Art. 17(3)). **The available indications of deficiencies in registration, coupled with the military's refusal to act, suggest a failure to implement the measures necessary to prevent enforced disappearances.**

2. Failure to provide adequate access to detainee information:

The lack of cooperation with the ICRC, mandated under international law as the official channel for detainee information, blocked the central mechanism for notifying families of their relatives' arrests. As a result, families were left without basic information about their relatives' whereabouts. A petition against the ICRC ban is still pending at the Supreme Court, two years and two months since its filing.

Seven months after the ICRC ban and following multiple petitions, the State agreed to establish an alternative mechanism—but only an [indirect and limited one](#) that often requires legal action to obtain information. **The state's conduct reflects an ongoing reluctance to meet its obligation to provide detainee information in a systematic and reliable manner.** These inconsistencies in information transfer create conditions in which enforced disappearances can occur without accountability.

The ban on the ICRC also contravenes Articles 136–141 of the Geneva Conventions and Rule 123 of customary IHL, which designate the ICRC as the central body responsible for collecting and transmitting information on detainees in situations of armed conflict. Chapter 37 of customary IHL and Article 18 of the IEECPD emphasize the importance of an orderly transmission of information to prevent enforced disappearances.

3. Failure to investigate reasonable suspicions:

Despite 114 petitions submitted to the HCJ by HaMoked alone, each supported by eyewitness testimonies which contradicted the state's initial response, **the Court has not instructed the security forces to initiate a systematic investigation into suspected enforced disappearances.** Instead, it repeatedly accepted the State's response, which amounted to little more than an additional check of official records, without examining the evidence submitted. The [two principled complaints](#) filed by Hamoked to the MAG, the body responsible for investigating and prosecuting alleged misconduct in the army, have also remained unanswered.

While judicial intervention in administrative decision-making is ordinarily limited, the circumstances here warranted at least minimal intervention. The number of cases in which the State's initial responses failed to correspond with evidence on the ground, combined with the absence of meaningful efforts to provide information on detainees or ensure proper registration, gave rise to a pattern that should have triggered closer scrutiny.

As reflected in Article 12 of the ICPPED and Rule 98 of customary IHL, the investigation of suspected enforced disappearances is a key safeguard against the practice. **The failure of both military and civil courts to require such an investigation resulted in a lack of meaningful external oversight, undermining efforts to prevent enforced disappearances and deter perpetrators.**

Conclusion

The accumulation of indicators presented in this paper—deficiencies in detainee registration, inconsistent information transfer, and the failure to initiate a formal investigation—**indicates that Israel has forsaken its basic obligation under international law to prevent the practice of enforced disappearances.** This conduct places families of the disappeared in a state of perpetual anxiety and grief, depriving them of any real possibility of closure or reconciliation, and must therefore be reversed.

Jerusalem, August 2026