



March 26, 2026

The Death Penalty Bill – A Fundamental Breach of International Law Through Targeted Capital Punishment of Palestinians

Approved by Committee and Advancing Final Knesset Votes

Position of the Public Committee against Torture in Israel, Adalah – The Legal Center for Arab Minority Rights in Israel, Hamoked – Center for the Defense of the Individual, and Physicians for Human Rights Israel, regarding the Penal Law Bill (Amendment – Death Penalty for Terrorists). Having passed committee stage, the bill in its final form is now advanced to second and third readings in the Knesset plenary.

Death Penalty Legislation

Two bills currently advancing in the Israeli parliament (Knesset) seek to impose the death penalty exclusively on Palestinians, threatening to create a regime of racialized capital punishment. The bills are some of the most extreme and dangerous legislative measures ever proposed by Israel against Palestinians. **Any introduction of the death penalty against Palestinians through legal or military channels would constitute an arbitrary and unlawful deprivation of life and is strictly prohibited under international law.** The legislation runs counter to the prevailing international trend toward abolition of the death penalty, placing it in direct opposition to widely accepted international norms on capital punishment.

This position paper focuses on the bill formally titled *Penal Law (Amendment – Death Penalty for Terrorists) – 2025*, which has been approved by the Knesset National Security Committee and is **expected to pass its second and third (final) readings in the Knesset plenary as early as next week.**¹

¹ The second bill aimed at introducing the death penalty is the so-called *Tribunals Law* (“Prosecution of Participants in the October 7 Massacre Events Bill, 5786–2025”) in its version of December 18, 2025. The legislation proposes the establishment of a special tribunal with capital punishment provisions applicable to individuals indicted for participation in the October 7, 2023 attack on Israeli communities. It was also advanced on March 24 to the Knesset plenum for second and third readings.

The bill establishes a discriminatory punitive framework that departs from accepted legal norms by systematically denying Palestinians equal protection under the law, fair-trial guarantees, and protection from torture and inhuman treatment, rendering any resulting death sentence inherently unlawful. Its passage would further undermine the rule of law, threaten the rights of detainees and defendants, and add a lethal aspect to the expanding body of Israeli legislation specifically targeting Palestinians.

Background to the Bill

Although several provisions of existing Israeli law allow for the imposition of the death penalty, both in Israel and in the occupied West Bank, Israel has become a *de facto* abolitionist state with respect to formal capital punishment, having not carried out the death penalty since 1962. It has consistently voted in favor of, and even co-sponsored, UN resolutions calling for the establishment of a moratorium on executions with a view to abolishing the death penalty.

While similar legislation has been introduced in the past, the current bill — first tabled in early 2023 by the far-right government and consolidated with a similar proposal by opposition party Yisrael Beiteinu — is far more advanced in the legislative process and enjoys broad political support, including from several opposition parties. As a result, **when brought to a vote in the Knesset plenum next week, its passage is highly likely.**

Main Elements of the Bill

The latest version of the bill, introduced by Member of Knesset (MK) Limor Son Har-Melech of the Otzma Yehudit (Jewish Power) party, was approved by the Knesset National Security Committee on March 24, 2026. The committee rejected most of the reservations raised by opposition parties, and despite professional objections from government ministries to numerous provisions. The bill proposes multiple measures that primarily target Palestinians under both Israeli civilian and military law.

1. Application in the West Bank to sentence Palestinian residents to death; removal of basic procedural safeguards

The bill introduces a quasi-mandatory death penalty for residents of the West Bank convicted of intentionally causing a death in an act of terrorism, as defined under Israeli law, by amending the Order Regarding Security Provisions at the instruction of the Defense Minister. Israeli citizens or residents in the West Bank are explicitly excluded from its application. The bill establishes the death penalty as the default sentence, permitting courts to impose life imprisonment only in unspecified exceptional cases where judges formally record “special reasons.” By doing so, the bill significantly limits judicial and prosecutorial discretion and removes procedural safeguards: death sentences may be imposed by a simple

majority of judges, even if the prosecution did not request it. It also stipulates that the Military Commander in the West Bank may not commute or alter death sentences and requires that executions be carried out within 90 days of a final verdict (Chapter B).

2. Israeli civil courts directed to impose death penalty on persons convicted of intentional killing with aim of negating the existence of the State of Israel

Separately, the bill amends Israel's Penal Code, authorizing Israel's civil courts to impose the death penalty on persons convicted of intentionally causing death through an act of terrorism, as defined under the 2016 Counter-Terrorism Law (Section C), if the act was committed with the aim of "negating the existence of the State of Israel".

3. Execution procedures

All **death sentences are to be carried out by hanging**, as will be formally ordered by the court. The bill establishes an exceptional execution regime characterized by secrecy and the lack of effective safeguards. It mandates concealing of the identities of those involved in carrying out executions, classifies all related information as confidential, exempts individuals involved from personal accountability, and stipulates that the State of Israel will bear no financial liability related to the execution. In addition, the bill imposes stricter isolation measures for death row prisoners and significantly restricts their procedural and substantive rights in the period preceding execution. Under Section D, Article 12, an execution may proceed even in the absence of designated officials, and solely in the presence of the prison warden if other officials fail to attend on time. The general provisions governing the implementation and execution of the death penalty also apply to existing criminal offences punishable by death, including treason, aiding the enemy, and genocide (Section D).

Fundamental Violations of International Law

The proposed legislation stands in clear violation of international human rights law, international humanitarian law, and fundamental principles of Israeli law.

1. Racially targeted legislation

The bill clearly targets Palestinians in all areas under Israeli control. Its discriminatory nature is evident from the legislative process, during which lawmakers have repeatedly stated that it is intended to apply to Palestinians as

punishment for the killing of Israelis,² in earlier versions of the bill that expressly noted its discriminatory intent, and in the mechanisms it stipulates.

In the West Bank track, Israeli residents and citizens are explicitly excluded, with the bill specifying that it shall not apply to them. The mechanism applicable in Israel is similarly discriminatory: the bill requires that the act be committed with the intent to negate the existence of the State of Israel. This ideological requirement, which is entirely unprecedented in Israeli criminal law, functions as a legal filter, targeting nationalistic motives attributed to Palestinians while effectively exempting Israeli citizens, whose acts of violence, even when racially motivated, are not legally categorized as a rejection of the state's existence.

The bill's racialized design is further evidenced by statements made by its sponsor, MK Son Har-Melech, who asserted at the first reading that "[there is no such thing as a Jewish terrorist](#)", and [more recently](#) that "the attempt to force symmetry between Arab nationalist terrorism, whose aim is the destruction of the Jewish state, and crimes committed by Jews is an illegitimate and dangerous attempt," and that the death penalty should not be applied to Jews. This racialized targeting violates the fundamental principle of equality before the law, the prohibition on racial discrimination, and the ban on arbitrary deprivation of life under international law.

As UN experts noted regarding the previous version of the bill, it entails unlawful discrimination, and "Discrimination in the application of the death penalty is contrary to articles 2(1), 6 and 26 of the ICCPR (Human Rights Committee, general comment No. 36, para. 44). Discrimination is also prohibited under international humanitarian law (ICRC Customary International Humanitarian Law, rule 88)."

2. Arbitrary violation of the rights to life and a fair trial

The bill violates the right to life as stipulated in the International Covenant on Civil and Political Rights (ICCPR) and associated General Comment No.36, as it (1) creates a new offence carrying the death penalty; (2) sets the death penalty as a quasi-mandatory punishment in the West Bank, while in Israel it applies based on

² Statements made by the bill's sponsors and supporters during the legislative process demonstrate that it was intended to apply specifically to Palestinian perpetrators. In the Knesset plenary debate during the bill's first reading, MKs repeatedly described the proposed death penalty in explicitly ethno-national terms, referring to "terrorists" who murder Jews "simply because they are Jews," asserting that "there are no Jewish terrorists," and calling for the death penalty to be employed against persons whose sole purpose is to murder Jews. Similar statements were made during committee deliberations, where the Chair of the National Security Committee stated that the bill's purpose was to sanctify and protect the lives of Jews in the State of Israel, clarifying that the death penalty would apply only to cases where a court finds a person guilty of murdering a Jew solely because they are Jewish. Taken together, these statements, along with many others, demonstrate that the bill was conceived, promoted, and justified as a measure that targets only those convicted of killing Jewish Israelis, revealing a discriminatory purpose despite its ostensibly neutral language.

the vaguely defined criminal provision of committing an act “with the aim to negate the State of Israel,” rendering its application arbitrary and unlawful³.

Furthermore, General Comment No. 36 of the ICCPR emphasizes that any violation of fair trial guarantees renders a subsequently imposed death sentence arbitrary and unlawful. **Military criminal procedure**, which applies to Palestinians from the occupied West Bank, already involves multiple fair trial violations, including harsher maximum punishments, reduced procedural safeguards compared to Israeli civilian courts, longer detention periods, denial of access to legal counsel, and overly broad definitions of offenses that violate the principle of legality. Military courts also frequently fail to guarantee essential rights, such as translation of evidentiary and investigatory materials and legal proceedings into the defendant’s mother tongue. As a system that is discriminatory, lacks fair trial safeguards, and often relies on secret evidence, any death sentence imposed under it would be inherently arbitrary and unlawful.

This concern is echoed at the international level. On 18 March 2026, the Parliamentary Assembly of the Council of Europe’s Committee on Legal Affairs and Human Rights [expressed “deep concern”](#) over the Knesset’s advancement of legislation expanding the death penalty, warning that it runs counter to the global trend toward abolition and presents serious risks of discriminatory application. This assessment reinforces the analysis here: the bill not only contravenes fundamental international legal standards, but also risks entrenching the unequal and targeted use of capital punishment against Palestinians.

3. Violation of the right to be free from torture and ill-treatment

International human rights experts have recognized the death penalty itself as cruel, inhuman, and in violation of the absolute prohibition on torture and ill-treatment.⁴ The UN Committee Against Torture has expressed specific concern regarding hanging as a method of execution, noting in 2022 that it “exacerbates the cruelty” of the death penalty.⁵

Moreover, any conviction and subsequent death penalty sentence based on information obtained by torture or other forms of ill-treatment violates the

³ In its 2025 concluding observations on Israel’s compliance with the Convention Against Torture, the UN Committee Against Torture explicitly noted with regard to the bill that “mandatory imposition of the death penalty, without consideration of the defendant’s personal circumstances or the particular circumstances of the offence, constitutes an arbitrary deprivation of life.” See UN Committee Against Torture, *Concluding Observations on the Fourth Periodic Report of Israel*, para. 51, 2025, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=fGAUPoLQzCI94WttFXKQTzb%2FRrw7z21ow27PPsNqz79%2F5EMZ2qUB2IQjAdrSA7WpbqVRkuW7Q%2BrQ841G6n5ug%3D%3D>

⁴ See, e.g., *Al-Saadoon v. United Kingdom*, ECtHR, App. No. 61498/08, para. 115 (2010); *Öcalan v. Turkey*, ECtHR. See also Juan E. Méndez, *The Death Penalty and the Absolute Prohibition of Torture and Cruel, Inhuman, and Degrading Treatment or Punishment*, at the time of publication United Nations Special Rapporteur on Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, <https://www.corteidh.or.cr/tablas/r27394.pdf>

⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2FC%2FBWA%2FCO%2F1&Lang=en, para. 23

prohibition on torture. In Israel, it is commonplace and legally sanctioned for Palestinians suspected of committing offenses classified by Israel as “security offenses” to be subjected to interrogation by the Israeli Security Agency, which routinely involve physical violence, sleep deprivation, humiliation, threats and other forms of psychological pressure designed to extract information. It is therefore likely that death sentences would be handed down on the basis of confessions or information obtained through torture.

4. Violation of international humanitarian law

The legislation also violates international humanitarian law governing penal procedures and the imposition of capital punishment on residents of an occupied territory. Moreover, imposing the death penalty on Palestinians in the occupied Palestinian territory without fair trial guarantees, as required by the Fourth Geneva Convention, may amount to a war crime.⁶ Notably, the application of this bill in the occupied Palestinian territory constitutes a gross violation of international humanitarian law as the Knesset has no authority to apply Israeli law extraterritorially in occupied territory, which is instead governed by the laws of belligerent occupation.

Conclusion

More than 70 percent of states worldwide — including the vast majority of democratic states and all EU member states — have abolished capital punishment in law or practice. The proposed legislation therefore diverges sharply from the prevailing international trend toward abolition, as well as from Israel’s own long-standing position in UN human rights bodies supporting the restriction and eventual abolishment of the death penalty.

The bill undermines Israel’s commitments in international forums, as well as the core principles of equality before the law and due process, establishing a system that is racially discriminatory by design, applying the death penalty exclusively to Palestinian defendants, removing judicial discretion, and eroding fundamental fair-trial guarantees.

If enacted, the bill would extend Israel’s broader policy of unlawful lethal state violence, which includes extrajudicial killings carried out with impunity and an abusive and at times deadly incarceration system responsible for [nearly 100 documented Palestinian deaths in custody since October 7, 2023](#). By codifying execution under these conditions, the legislation would entrench and exacerbate an already lethal system, exposing Palestinians to a severe and racially targeted threat to their lives.

⁶ Volker Türk, UN High Commissioner for Human Rights, January 2, 2026, <https://www.ohchr.org/en/press-releases/2026/01/israel-turk-says-draft-proposals-death-penalty-palestinians-must-be-dropped>