

The Death Penalty Bill in Israel – Summary (updated 26.2.2026)

Background: The “Death Penalty for Terrorists Bill” is one of two bills currently advancing in Knesset, seeking to impose capital punishment exclusively on Palestinians. The bill establishes a deadly, discriminatory regime targeting Palestinian lives. Its passage would mark **Israel's abandonment of its decades-long status as a de facto abolitionist state**. Urgent international opposition through all available means is essential.

Status: The bill passed its first reading in the Knesset and has been subject to repeated amendments during National Security Committee discussions — the final legislative stage before plenary votes. If brought to the floor, passage is highly likely given broad political support across both coalition and opposition parties.

Key Provisions: The current version, last amended on February 26th, 2026, implements the death penalty both in the occupied Palestinian territory (oPt) and in Israeli penal law

Application in the West Bank	<ul style="list-style-type: none"> • Jurisdiction explicitly excludes Israeli settlers in West Bank • Mandatory death penalty for intentional killing, with an option to sentence to life imprisonment for special circumstances • Execution within 90 days of final verdict • No commutation permitted by Military Commander • Death sentences imposed by a simple majority of judges, even without prosecution request • Requirement of seniority of judges removed • Minister of Defense shall determine the location for the prosecution
Israeli Penal Law	<ul style="list-style-type: none"> • Applies for intentionally killing through an act of “terrorism” with the aim of negating the existence of the State of Israel • Death penalty or life sentence are the only sentencing options • Sentence not contingent on prosecution's request
Execution Procedures	<ul style="list-style-type: none"> • Execution within 90 days, Prime Minister may delay up to 180 days • Execution method: hanging • Carried out by appointed prison officer • Convicted to be held in isolation; • Family members excluded from visiting detainee and attending execution
Secrecy Provisions (elimination of transparency)	<ul style="list-style-type: none"> • Identity of executors and relevant implementation procedures, information of imprisonment conditions and execution details are classified • Any other information may be classified by the Minister and Knesset Committee of National Security

PCATI's Assessment

Fundamental Violations of International Law

- **Racial Discrimination:** Bill discriminates as it excludes Israeli settlers as potential perpetrators in the oPt as well as state aligned terror, in practice targeting Palestinians.
- **Arbitrary deprivation of life:** The requirement **that the perpetrator acted with the aim of** harming the State of Israel is a vaguely defined criminal provisions is rendering the deprivation of life arbitrary. Also, the possibility that the perpetrator may be **tried in a military court** in the occupied West Bank, which **systematically deny Palestinians fair trial rights**, makes any death sentence imposed through this discriminatory **system inherently arbitrary and unlawful**.
- Violates the international **prohibition against expanding capital punishment** to new categories of offenses
- Cruel, inhuman or degrading form of punishment, violating the **right to be free from torture**
- **Violation of Due Process rights:** Secrecy provisions systematically violate rights to fair trial, life, effective **remedy**, and the transparency requirements under international humanitarian law.
- **Violation of IHL:** Application of Israeli domestic law in occupied territory violates the laws of belligerent occupation.
- **War Crimes:** Implementation of death penalty in oPt **may amount to a war crime**

Recommended Actions

- **Bilateral Engagement:** Consistently raise and oppose the legislation in all meetings with Israeli officials at every level
- **Parliamentary Outreach:** Proactively engage with Knesset Members, particularly opposition, to encourage opposing the bill and voting against it
- **Public Condemnation:** Emphasize that death penalty abolition is a cornerstone of EU law and international human rights standards, making this legislation fundamentally incompatible with EU values
- **EU Association Agreement:** Consider implications for EU-Israel cooperation under Article 2 given the systematic pattern of human rights violations

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