

June 2026

The New Israeli Death Penalty Regime

Three Legal Instruments Targeting Palestinians

New legislation enacted between March and May 2026 marks a fundamental break with Israel's decades-long de facto abolition of the death penalty. Three measures - the "Death Penalty for Terrorists Law" (March 2026), its subsequent Military Order, and the October 7 Tribunals Law (May 2026) - constitute an extreme punitive regime targeting a specific, identifiable population: Palestinians in Israel and the oPt.

All three measures are characterized by similar deficiencies with respect to compliance with international law and due process guarantees: racial discrimination, arbitrary deprivation of life, denial of fair trial guarantees, and the possible use of torture-derived evidence. This new death penalty regime places Israel in direct violation of the ICCPR, the **Convention Against Torture**, and the **Fourth Geneva Convention** — and reverses its own stated commitment to the global abolition of capital punishment.



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Penal Law Amendment - "Death Penalty for Terrorists"

Enacted on March 30, 2026, this law introduces a new capital offence: terrorism-related intentional killing.

Racially discriminatory by design

Designed to apply exclusively to Palestinians: Under Israeli criminal law applies only if the killing was carried out with the aim of "negating the existence of Israel", a legal criterion that effectively excludes acts committed by Jewish Israelis. In the West Bank, the law explicitly excludes Israeli citizens and residents from its scope.

Quasi-mandatory application in West Bank, diminished judicial discretion, swift execution

Execution is the default sentence in the West Bank; the sentence may be mitigated to life imprisonment only if judges record 'special reasons.' Courts may impose death by a simple majority vote (down from unanimity under current military law), and even if the prosecution did not request it. Executions are to be carried out within 90 days (delay of max. 180 days possible) of a final verdict and commutation is practically impossible.

Imposed through Israeli military court system, an inherently unjust system

West Bank Palestinians are tried by military courts which have historically failed to meet fair trial guarantees, including denial of legal counsel, no translation rights, and widespread reliance on secret evidence. Any death sentence under these conditions is inherently arbitrary and unlawful under the ICCPR.

Evidence obtained by torture likely to underpin convictions

Detention conditions and interrogations of Palestinian detainees routinely involve starvation, denial of medical care, sleep deprivation, psychological pressure, and physical abuse including sexual violence. Convictions resting on confessions obtained under these conditions violate the absolute prohibition on torture, and executions may constitute a war crime.

Secretive execution regime with no accountability

Executioners' identities are concealed, all related information is classified, and individuals involved are exempt from personal liability.

A petition filed by Adalah, PCATI, HaMoked and others is currently pending before the Supreme Court. However, a request for an interim injunction was not granted by the Court, and the law remains fully operational.

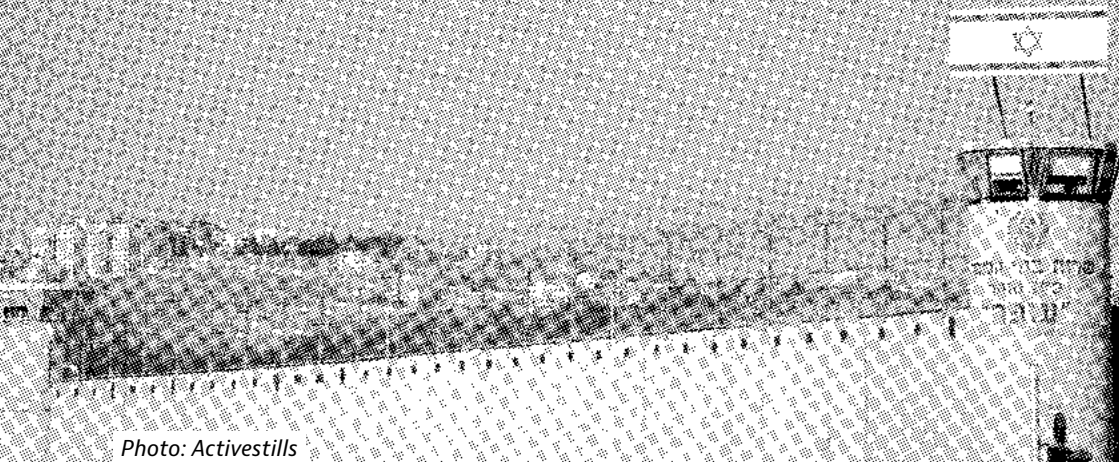


Photo: Activestills

Military Order - West Bank Death Penalty

Issued by the Military Commander in the West Bank on May 17, to implement the March 2026 Death Penalty Law within the West Bank military legal system. Goes significantly further than the law enacted in Israel.

Creating yet another new capital offense

The order expands death-penalty-eligible crimes to include killings aimed at 'negating the authority of the military commander' - a vague formulation absent from the Knesset law.

Reversed burden of proof in capital cases

If a weapon was used, or if the accused belongs to an 'unlawful association' as classified by Israel, the order presumes that the killing was committed for one of the specified purposes required for the imposition of the death penalty. This is extraordinary in any criminal law, let alone a capital one.

Unlawful application under IHL, including law of occupation

A military commander's authority derives from and is constrained by international humanitarian law and human rights law. The law of belligerent occupation does not permit importing Israeli domestic legislation into the oPt, and the extreme discriminatory penal mechanism established exceeds the commander's authority.

Oct 7th Tribunal Law - "Prosecution of Participants in the Oct. 7 Massacre Events"

Enacted on May 11, 2026. Establishes a special tribunal, empowered to impose the death penalty with no fair trial guarantees, to prosecute Palestinians suspected of participating in the October 7th, 2023 attacks on Israeli communities.

Special tribunal stripped of due process rights and judicial independence

A hybrid civilian–military body empowered by emergency regulations, designed specifically to prosecute approximately 300–400 Palestinian detainees from Gaza accused of participating in the October 7 attacks and subsequent hostage-taking. Judges are mainly appointed by the Army Chief of Staff, with other military and political officials playing a central role in the appointment process, operating under military administrative control – all irreconcilable with judicial independence standards under international law.

Explicit waiver of evidence and procedural rules

The law authorizes the tribunal to depart from standard evidentiary and procedural rules, inconsistent with ICCPR Articles 9 and 14, with efficiency cited as grounds for waiving fundamental procedural protections: *multiple defendants may be indicted in a single collective indictment, which would violate the principle of individual criminal responsibility; For most hearings, defendants will be denied physical presence and attend via video by default; death sentences are based on simple majority vote and capital appeals heard by three judges only (downsized from five); judges are permitted to deviate from normal rules regarding admissibility of evidence, thus risking convictions based on torture-derived confessions, which may constitute a war crime.*

Proceedings live-streamed - show trials before verdict

The law mandates the creation of a dedicated website to broadcast hearings in real time, publicly exposing suspects before guilt is established. This violates the presumption of innocence, the right to a fair trial, and the dignity of defendants.

Disclaimer: Some of the undersigned organisations receive most of their funding from non-Israeli state entities. Lists of supporters are detailed on the websites of each organization and on the website of the Israeli Non-profits Registrar.