

First Case in Which Racist New Death Penalty Law Could be Applied

Briefing Note by the Public Committee Against Torture in Israel (PCATI)

September 22, 2026

Following the killing of an Israeli citizen in the West Bank on Sunday, Sept. 20, Minister of National Security Itamar Ben Gvir called for the [Death Penalty for Terrorists Law, 5786–2026](#) to be applied to the arrested suspect, stating that "it is a mandatory sentence."

Unfortunately, under the terms of a racist and draconian law passed in March 2026 - he could be right. **This case presents the first real test of the law and of Israel's threat to deviate from its 64-year moratorium on the death penalty.**

Adalah, PCATI, HaMoked, Physicians for Human Rights Israel, and Gisha have petitioned Israel's High Court of Justice to have that law struck down. The Court has so far declined to issue an interim injunction, holding that no concrete case made the matter urgent. That may no longer be true. A **hearing is scheduled for January 18, 2027.**

Background

In March 2026, Israel's Knesset passed a racist law — the Amendment to the Penal Law (Death Penalty for Terrorists) — mandating death for Palestinians convicted of killing Israelis for nationalistic reasons. A military order was subsequently issued to implement the law in the occupied West Bank. Israel has not executed anyone since 1962, and as recently as 2024 voted in favor of a global moratorium on the death penalty at the UN General Assembly. Separately, Israel also passed a Special Tribunal Law ([The Prosecution of Participants in the October 7 Massacre Events Bill \(5786–2026\)](#)), raising its own grave concerns for the rule of law, due process, and the application of the death penalty against Palestinians.

The death penalty is inherently cruel and inhuman punishment and violates the right to life. When implemented in a discriminatory manner — as this law is designed to be, applying as a mandatory sentence in the West Bank only where the victim is Israeli — it also violates the prohibition on arbitrary deprivation of life. The new death penalty laws violate Israel's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture (UNCAT) and represent a fundamental breach of international law through the targeted, discriminatory application of capital punishment to Palestinians.

Instituting the death penalty in Israel-Palestine would threaten the global trend toward abolition of this barbaric punishment. Last year, just 17 countries conducted executions, and 145 countries have abolished the death penalty, either by law or by practice. PCATI urges the international community to press Israel to sign the upcoming UN General Assembly resolution on a moratorium on the use of the death penalty and take concrete action to oppose applying the death penalty in this specific case and in every other case.

Further reading:

- [Analysis of the Death Penalty for Terrorists Bill](#) by PCATI and other NGOs.
- Overview of [Israel's new death penalty regime](#) (June 2026):
- [Comparison of Israeli Death Penalty law](#) with other death penalty legislations worldwide