



26 March, 2026

## Targeted Capital Punishment of Palestinians, in Breach of International Law

### Urgent Briefing Ahead of Imminent Final Votes

The Public Committee Against Torture in Israel (PCATI), Adalah, HaMoked – Center for the Defense of the Individual, and Physicians for Human Rights Israel hereby issue an urgent warning regarding the Penal Law (Amendment – Death Penalty for Terrorists) Bill (2025), which has now completed the committee stage and is expected to be brought for second and third readings in the Knesset plenary as early as next week.

In parallel, a separate death penalty bill has been approved by a Knesset committee and may be brought to a vote at the same time. The so-called Tribunals Law (“Prosecution of Participants in the October 7 Massacre Events Bill, 5786–2025”) would establish a special military tribunal empowered to impose capital punishment (among other measures) on individuals indicted for participation in the October 7, 2023 attack on Israeli communities. On March 24, it was advanced to the Knesset plenum for its second and third readings.

Given the current political landscape, the passage of both bills is highly likely. This creates an extremely narrow window for intervention. If enacted, the legislation would establish a system of discriminatory capital punishment designed to apply exclusively to Palestinians, in grave breach of international law, with immediate, irreversible consequences.

### Imminent Timeline: A Closing Window for Action

The Penal Law (Amendment – Death Penalty for Terrorists) Bill has reached a critical stage: **on 24 March 2026, it was approved by the Knesset National Security Committee and has since been consolidated into its final form** with broad political support. It is expected to proceed to second and third readings in the plenary on Monday, March 30, with a high likelihood of adoption without significant external pressure.

Unlike previous proposals, this bill is no longer theoretical. It is on the verge of becoming law, making immediate and concrete diplomatic engagement essential.

## Key Elements of the Bill

The bill establishes a discriminatory legal framework that enables capital punishment under diluted safeguards, operating across both military and civilian systems. It creates two separate tracks: **in the occupied West Bank, it introduces a quasi-mandatory death penalty for Palestinians convicted of killings classified as acts of terrorism, as defined under Israeli law, allowing courts to order life imprisonment only in unspecified exceptional cases where “special reasons” are found. It effectively removes judicial discretion, allows sentencing by a simple majority of judges – even without a prosecutorial request – prohibits commutation, and mandates execution within an accelerated timeframe of 90 days. Israeli citizens and residents are explicitly excluded from this provision.**

In parallel, the bill expands the authority of Israeli civilian courts in Israel to impose the death penalty on individuals convicted of intentionally causing death through acts of terrorism, as defined under Israeli law, when committed with the aim of “negating the existence of the State of Israel.” It also establishes an exceptional execution regime in both territories, one that is characterized by secrecy and a lack of oversight. It mandates execution by hanging, restricts access to legal counsel, limits external supervision, and grants immunity to those involved in carrying out executions. Taken together, these provisions create a coercive and exceptional system that departs fundamentally from basic legal protections.

## A Discriminatory System by Design

The bill’s design ensures that the death penalty will be applied along racial and national lines:

- In the West Bank, Israeli settlers are excluded from the law’s application. Military jurisdiction applies exclusively to Palestinians, while Israeli settlers are tried in civilian courts; the bill explicitly shields Israeli residents and citizens from executions under this legal track.
- Civil provisions rely on an ideological requirement – committing an act with the aim of “negating the existence of the State of Israel” – which is entirely unprecedented in Israeli criminal law, and designed to target nationalistic motives attributed to Palestinians while effectively exempting Israeli citizens, whose acts of violence, even when racially motivated, are not legally categorized as negating the state’s existence.
- “Terrorism” designations are disproportionately applied to Palestinians.
- Public statements by lawmakers indicate that the law is not intended to apply to Jewish perpetrators, with proponents of the bill explicitly noting, for instance, that [“there is no such thing as a Jewish terrorist.”](#)

This amounts to institutionalized discrimination, in violation of the prohibition on racial discrimination and the basic principle of equality before the law.

## Violations of International Law

The bill is incompatible with core principles of international human rights and humanitarian law. Its quasi-mandatory and discriminatory nature renders any resulting deprivation of life arbitrary and unlawful. This conclusion is reinforced by the structural deficiencies of the military court system, which fails to meet international fair trial standards due to reduced procedural safeguards, heavy reliance on secret evidence, and barriers to effective legal representation. Under international law, the imposition of the death penalty in such conditions is unlawful per se.

The risk is compounded by the broader context of interrogation practices in security-related cases, where coercive methods and ill-treatment are widely documented. This creates a real likelihood that death sentences will be based on evidence obtained through torture, in direct violation of absolute prohibitions under international law.

The application of this legislation to Palestinians in occupied territory further violates international humanitarian law, including the Fourth Geneva Convention, and may amount to a war crime where capital punishment is imposed without adequate safeguards.

### **Departure from Global and Israeli Practice**

The proposed legislation marks a sharp reversal of established norms. More than 70 percent of states worldwide have abolished the death penalty in law or practice, and Israel has been a de facto abolitionist state since 1962. It has consistently supported international efforts for a moratorium on executions.

The enactment of this legislation would place Israel in direct opposition to these commitments and to the prevailing global consensus.

This concern is echoed internationally. In a [statement from March 24, the EEAS](#) emphasized that “Approving this bill would represent a grave step backward from this important practice and from positions Israel has itself expressed in the past”. 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 advancement of legislation to expand the death penalty, warning that it runs counter to the global trend toward abolition and poses a serious risk of discriminatory application. In a [decision dated March 25](#), the Council of Europe’s Committee of Ministers confirmed this statement, reiterating its grave concern over the legislation. These assessments underscore the grave legal and human rights implications of the bill.

### **An Immediate and Irreversible Risk**

The significance of this bill lies not only in its legal design, but also in its timing and context. It would introduce a formal execution mechanism into an already coercive and discriminatory system, in which patterns of torture and deaths in custody have been [widely documented](#) since October 2023.

In this context, the law creates a real and imminent risk of unlawful and racially targeted state-sanctioned executions. Once implemented, its consequences would be irreversible.

### **Urgent Call for Action**

With final votes expected within days, immediate and decisive action from the international community is essential.

**States and international actors should voice their public and unequivocal opposition to the legislation, engage directly with Israeli decision-makers to halt its enactment, clearly communicate its incompatibility with international law, and assess its implications for bilateral relations where respect for human rights is a foundational component.**