

## The 2026 Israeli Death Penalty Law: Discrimination, Due Process, and Legal Concerns

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On 30 March 2026, the Israeli parliament, the Knesset passed a bill<sup>1</sup> reintroducing the death penalty in practice, with a majority of 62 members, granting the “State of Israel” the authority to execute Palestinian detainees for alleged acts of terrorism.

The law came following a long series of Inhumane acts committed by “Israel”: The genocide in Gaza<sup>2</sup>, the daily unlawful arrests in the west bank<sup>3</sup>, and many more.<sup>4</sup>

The law mandates death by hanging as the default punishment for Palestinians, while judges can opt for life imprisonment under vaguely defined “special circumstances,” the death penalty would otherwise be mandatory and be carried out by prison guards within 90 days of sentencing.<sup>5</sup>

As of March 2026, about 9,500 Palestinians are being held in inhumane conditions in Israeli prisons, roughly half of them under administrative detention or as “unlawful combatants,” without trial and with no ability to defend themselves.<sup>6</sup>

### Entry into force

According to Article 3 (a) of the law “the Minister of Defense shall direct the commander of the Israel forces in the Area to amend, within 30 days of the commencement of this law”. However, two separate petitions were filed by the **Association for Civil Rights in Israel** and **Adalah** before the Supreme Court,

<sup>1</sup> [Death Penalty Bill unofficial translation.pdf](#)

<sup>2</sup> [Israel has committed genocide in the Gaza Strip, UN Commission finds | OHCHR](#)

<sup>3</sup> [Administrative Detention | B'Tselem](#)

<sup>4</sup> [Desecration of Palestinian bodies by Israeli soldiers: another form of dehumanization | B'Tselem](#)

<sup>5</sup> [Knesset passes death penalty law for Palestinians convicted of deadly acts of terror | The Times of Israel](#)

<sup>6</sup> [Israel turning execution of Palestinians into official state policy | B'Tselem](#)

challenging its validity. The law's entry into force now depends on the Court's ruling.<sup>7</sup>

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### Discrimination and Racism:

The law will apply exclusively to **Palestinians**, within the jurisdiction of the military courts in the west bank excluding the illegally annexed east Jerusalem and Israel. Military courts in the west bank “**which have a conviction rate of over 99% for Palestinian defendants**” said **Erika Guevara-Rosas**, will be authorized to issue the death penalty against Palestinians convicted of deliberate killing in actions that are defined as terrorist acts under discriminatory counter-terrorism law. Note that only Palestinians are tried in military courts, while “Israeli” Citizens and Settlers are tried in Civilian courts.

Only under “special circumstances” that the bill fails to specify will courts be allowed to order a life sentence as its only alternative, as Amnesty stated.<sup>9</sup>

The threshold for imposing the death penalty would be lowered. Rather than a **unanimous decision by the judges**, only a **simple majority** would be required to issue the death penalty. The Judges will also no longer be required to hold the rank of lieutenant or colonel or higher.<sup>10</sup>

Although the law explicitly excludes “Israeli” citizens, a separate provision was made to impose the death penalty on **non-Jewish Israeli citizens**, as the provision would apply to those who “**intentionally cause the death of a person with the aim of denying the existence of the State of Israel**” a definition designed to **exclude Jewish terrorists**.<sup>11</sup>

We believe the separate provision is targeted at Israeli citizens of Arab (Palestinian) origin, known as **Arab 48**, who are mostly of Muslim or Christian religious background.

<sup>7</sup> [לבטל את חוק עונש מוות](#)

<sup>8</sup> [death\\_penalty\\_petition.pdf](#)

<sup>9</sup> [Israel/OPT: Newly adopted death penalty law must be repealed - Amnesty International](#)

<sup>10</sup> [The Death Penalty Law: Q&A | Association for Civil Rights in Israel](#)

<sup>11</sup> [Knesset passes death penalty law for Palestinians convicted of deadly acts of terror | The Times of Israel](#)

## Exclusion of Retroactivity:

The law would not apply retroactively to previous cases, including those related to October 7, only new cases will be subject to the law.

However, a separate bill being advanced through the Knesset which Under the legislation, the tribunal will be able to charge the Allegedly convicted of the actions of October the 7<sup>th</sup> with all relevant crimes, including “genocide” under the terms of Israel’s 1950 Law for the Prevention of Genocide, “harming Israeli sovereignty”, “causing war”, “assisting an enemy during a time of war”, and terror charges under Israel’s 2016 law for combatting terrorism. Those convicted of “genocide” charges would be liable to the **death penalty**.<sup>12</sup>

## Fall back

The last Official execution that was carried out by “Israel” was the “**Adolf Eichman**” case back in 1962,<sup>13</sup> and by adding the new amendment to “Israel’s” penal law, the “State of Israel” is publicly announcing cruel intention, discrimination and utter contempt for human rights.

The enactment of this cruel legislative amendment deepens the dual and discriminatory legal system based on ethnicity, deepening racial segregation within “Israel”. In addition, the military courts have a harsher system intended only for Palestinians, in which the death penalty is the default, with no right to a pardon; compare with the more lenient arrangement in civilian courts in Israel, where Jews are tried even if they live in the West Bank.

**The UN Human Rights Palestine**, posted on X, “Israel must immediately repeal the discriminatory death penalty law passed today by the Knesset, as it contravenes Israel’s obligations under international law. The United Nations opposes the death penalty under all circumstances. The implementation of this new law would violate international law’s prohibition of cruel, inhuman or degrading punishment. Additionally, this law further entrenches Israel’s violation of the prohibition of racial

<sup>12</sup> [October 7 terrorists to be tried in special military tribunal, Attorney General's Office agrees | The Times of Israel](#)

<sup>13</sup> [Eichmann's Trial in Jerusalem | www.yadvashem.org](http://www.yadvashem.org)

segregation and apartheid as it will exclusively apply to Palestinians in the occupied West Bank and Israel, who are often convicted after unfair trials.”<sup>14</sup>

### Sources:

- [Death Penalty Bill unofficial translation.pdf](#)
- [Israel has committed genocide in the Gaza Strip, UN Commission finds | OHCHR](#)
- [Administrative Detention | B'Tselem](#)
- [Desecration of Palestinian bodies by Israeli soldiers: another form of dehumanization | B'Tselem](#)
- [Knesset passes death penalty law for Palestinians convicted of deadly acts of terror | The Times of Israel](#)
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- [Eichmann's Trial in Jerusalem | www.yadvashem.org](#)
- [\(21\) UN Human Rights Palestine on X: "Israel must immediately repeal the discriminatory death penalty law passed today by the Knesset, as it contravenes Israel's obligations under international law. The United Nations opposes the death penalty under all circumstances. The implementation of this new law would violate" / X](#)

<sup>14</sup> [\(21\) UN Human Rights Palestine on X: "Israel must immediately repeal the discriminatory death penalty law passed today by the Knesset, as it contravenes Israel's obligations under international law. The United Nations opposes the death penalty under all circumstances. The implementation of this new law would violate" / X](#)