



Q&A – FACTS AND LEGAL IMPLICATIONS EXPLAINED

Israel's Death Penalty for Palestinian Political Prisoners Law, 2026: What You Need to Know

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The **Law on the Death Penalty for Palestinian Political Prisoners, 2026** does not exist in isolation. The colonial Israeli regime has systematically used, disappearances, mass killings, genocide, coercion and cybersurveillance among others to squash resistance, the latest legislative escalation is in line with a broader system of extreme colonial violence against Palestinians. Nearly 100 Palestinian political prisoners have been killed by Israel in Israeli Occupation Forces (IOF) detention since October 2023, in a detention system extensively documented for torture, medical neglect, and summary abuse. The death penalty law adds a formalised, judicially sanctioned execution mechanism to this system.

Q 1. What did the Knesset just pass?

On 30 March 2026, the colonial Israeli Knesset passed the **Law on the Death Penalty for Palestinian Political Prisoners, 2026** (formally: Penal Law Amendment — Death Penalty for Terrorists). The bill, sponsored by MK Limor Son Har-Melech of the Otzma Yehudit (Jewish Power) party and MK Nissim Vaturi, was approved by the Knesset National Security Committee on 24 March 2026 and passed its second and third readings on 30 March 2026. *It is a merger of two bills: one first tabled in 2023 by the far-right government and one proposed by opposition party Yisrael Beitenu.*

Q 2. Is the Death Penalty new in Israeli law?

No, The Israeli colonial legal framework governing Palestinians today is a direct extension of a British colonial legacy that remains a fundamental and enduring element of Israeli legislation. Israel inherited the “Defense (Emergency) Regulations of 1945,” which were enacted by the British colonial administration during the colonial “Mandate” period, incorporated them into its domestic law after 1948, and then reproduced them in the West Bank and the Gaza Strip under the military orders system following the 1967 occupation.

In contrast, upon its establishment, the colonial state of Israel adopted the propaganda of a modern liberal state, which led it to cloak itself in the mantle of international humanitarian law standards, while reducing the use of the death penalty and abolishing it for most crimes to preserve the image of a “rational” state. However, this abolition was partial and selective; it retained a broad system of provisions allowing for the death penalty in contexts of war and emergencies, thereby maintaining the logic of exception at the core of the legal system.

The penalty also remained in place for cases that Israel classifies as crimes analogous to Nazism or crimes against humanity, pursuant to a law passed by the **Knesset** in 1950 under the name “Genocide Law of 1950,” which Israel relied upon in the execution of Adolf Eichmann following his abduction. In 1955, the



Military Justice Law reinforced this trend, adding crimes punishable by death, including high treason, collaboration with the enemy, and abandoning military positions to hostile forces.

Precedents of Execution in Israel

There are two precedents of internal execution in Israel, the first occurred during the months of the Nakba, when Meir Tubianski, an officer in the Israeli army, was accused of espionage and tried by a military court. He was executed by firing squad but was later posthumously acquitted. The second case is the trial of Adolf Eichmann (1961–1962), a German whom the Israeli court convicted of crimes against the Jewish people and humanity committed during the Holocaust; he was executed on May 31, 1962. Additionally, in the mid-1980s, Israel sentenced Ivan (John) Demjanjuk to death; he was also accused of collaborating with the Nazis, but the sentence was overturned on appeal due to doubts regarding his identity. Israel has not executed anyone since 1962 and has long positioned itself as a de facto abolitionist state, co-sponsoring UN resolutions calling for a moratorium on executions. This law reverses that position — specifically and exclusively in relation to Palestinians.

Q 3. Who does this law apply to — and who does it explicitly exclude?

The law specifically applies to only Palestinians by design and with provisions to ensure it does not include Jewish people. The law operates on two tracks for that purpose. The first — and primary — track amends the military Order Regarding Security Provisions to impose a quasi-mandatory death penalty in West Bank military courts historically with a 96% **conviction rate** on Palestinians convicted of intentionally causing death in an act of “terrorism”. The second track amends Israel's Penal Code to authorise Israeli civil courts to impose the death penalty on persons convicted of intentionally causing death through an act of “terrorism” — as defined under the 2016 Counter-Terrorism Law — where the act was committed with the aim of "negating the existence of the State of Israel." This second track applies inside colonial Israel 48 and Jerusalem. Both tracks are discriminatory by design, as shown in the comparison below.

<p>TRACK 1: West Bank — IOF Military Courts</p> <p>Legal mechanism:</p> <ul style="list-style-type: none"> • Amends Order Regarding Security Provisions (Section 3 of this law) • Applies to Palestinian "residents of the area" • Quasi-mandatory death penalty: death is the default sentence • Life sentence permitted only with formally recorded "special reasons" • Prosecution need not request the sentence • Non-unanimous verdict permitted • Execution by hanging within 90 days of final judgment • Military commander CANNOT commute, mitigate, or pardon (Section 3(f)) 	<p>TRACK 2: In the Israeli system and Jerusalem— Israeli Civil Courts</p> <p>Legal mechanism:</p> <ul style="list-style-type: none"> • Amends Penal Code Section 301A (Section 6 of this law) • Applies inside colonial Israel 48 and Jerusalem • Requires: intentional killing + terrorism (Counter-Terrorism Law, 2016) • PLUS: act must be committed with aim of "negating the existence of the State of Israel" • This ideological intent threshold is unprecedented in Israeli criminal law • Standard prosecution discretion applies; sentence is not mandatory
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- Condemned prisoner held in isolation immediately upon sentencing

Discriminatory by design:

- Explicitly excludes "an Israeli citizen or resident of Israel" (Section 3)
- Applied solely on the basis of national/residency status — not the act itself
- Military courts already lack fair trial guarantees: coerced confessions, no translation, secret evidence
- Strips the military commander of discretionary authority over Palestinian lives

- Presidential pardon authority unchanged

Discriminatory by design:

- The "negating the state" filter targets Palestinian national motivation by design
- Israeli settler violence — even racially motivated — is not legally categorized as seeking to negate the state
- The law's sponsor stated: "there is no such thing as a Jewish terrorist"
- Israeli citizens and colonial settlers who commit violence are effectively excluded from capital punishment under this track
- The Adalah briefing describes this as "an ideological requirement that functions as a legal filter"

Key exclusion: Section 3 of the law explicitly states that the West Bank death penalty applies to "a resident of the area" and then carves out: *"except for an Israeli citizen or resident of Israel."* The same offence committed by an Israeli colonial settler carries an entirely different legal outcome.

Gaza: The current law do not apply to Gaza, on 24 March the Knesset advanced for a second and third readings of a "Tribunals' Law" ("Prosecution of Participants in October 7 Massacre events") bill, which mandates the establishment of an ad hoc tribunal, effectively acting as a military court, to try individuals charged with participating in the 7 October operation. The bill authorizes the tribunal to impose the death penalty on those convicted and allows it to significantly deviate from standard procedural rules and evidentiary laws if it is "deemed necessary for the clarification of the truth and performance of justice".

Q 4. Why is this law discriminatory?

The discriminatory design is explicit in the law's text and confirmed by statements from its sponsor. MK Son Har-Melech has publicly stated that "there is no such thing as a Jewish terrorist" and that the death penalty should not apply to Jews. During committee deliberations, the National Security Committee chair stated the law's purpose was to protect Jewish lives, and that it would apply only to those convicted of murdering a Jew solely because they are Jewish.

For the civil court track (inside the Green Line in the Israeli system), the law requires that the act be committed *"with the aim of negating the existence of the State of Israel."* This ideological filter has no precedent in Israeli criminal law and is designed to capture acts attributed to Palestinian national motivation while making prosecution of settlers for racially motivated violence legally inapplicable.

"This law institutionalizes the state-sanctioned, cold-blooded killing of individuals who pose no threat whatsoever. By design, this legislation exclusively targets Palestinians, violating the fundamental principle of equality and prohibition on racial discrimination." — **Dr. Suhad Bishara, Legal Director, Adalah**



Q 5. Does this law apply retroactively to Palestinians already detained or convicted?

No. The law applies only from the date of its publication onwards. Under foundational principles of criminal law — recognised in Israeli domestic law and required by international human rights standards — criminal punishment cannot be imposed for conduct that predated the law. Palestinians currently in IOF detention, regardless of when their alleged acts occurred or what charges they face, cannot be subjected to the death penalty under this law for past conduct.

This also means the law creates a prospective execution regime: the first death sentences under it, if imposed, would arise from incidents occurring **after 29 March 2026**.

Q 6. Is the death penalty mandatory?

It is quasi-mandatory. Death is the default sentence for any West Bank Palestinian resident convicted of intentionally causing death in an act of terrorism as defined by Israeli law. Life imprisonment is only permitted as an exception — and only if judges formally record "special reasons" for it. No such threshold exists in comparable criminal law.

Critically, the law also removes three international standard procedural safeguards: **(1)** the prosecution does not need to request the death sentence — a court can impose it on its own initiative; **(2)** the verdict does not need to be unanimous; **(3)** judges are not required to hold a minimum rank. The military commander in the West Bank is also explicitly prohibited from commuting or pardoning a death sentence.

Q 7. What happens after sentencing — how would an execution proceed?

Execution must be carried out within 90 days of a final judgment, by hanging, by the Israeli Prison Service. The Prime Minister — not a court — may apply to delay execution, but only for a total of up to 180 days.

Isolation begins immediately upon sentencing. Section 53 of the amended Prisons Ordinance mandates that a prisoner sentenced to death "shall be held, as far as possible, separately from all other prisoners" and explicitly states that they "shall not be held in the same cell as a prisoner not sentenced to death." This total isolation takes effect from the moment the sentence is imposed and lasts until execution.

Note: Solitary confinement is a commonly used tactic in Israeli prisons against Palestinian political prisoners in violation of customary international law.

The only permitted visitors for a condemned prisoner are; a prison guard; an approved religious leader (only if requested by the prisoner); an official inspector; a maximum of two lawyers; and a physician. Family members are not listed among permitted contacts. An execution may proceed even in the absence of designated oversight officials if their absence would cause delay.

The law also mandates full confidentiality for executing officers, classifies all related procedures as secret, and allows "representatives of the victims' families" to attend the execution — while the condemned person's own family has no guaranteed access.



Q 8. What international laws does this violate?

The law violates multiple bodies of international law:

Right to life (ICCPR Art. 6)

A quasi-mandatory death penalty with no individual assessment of circumstances violates the ICCPR's requirement that capital punishment only be imposed for the most serious crimes following a strictly individualised process. The UN Committee Against Torture has explicitly noted that "mandatory imposition of the death penalty, without consideration of the defendant's personal circumstances, constitutes an arbitrary deprivation of life." (CAT Concluding Observations on Israel, 2025)

Prohibition on racial discrimination (ICCPR Art. 26, ICERD Art. 5)

Discrimination in application of the death penalty is prohibited under ICCPR Arts. 2(1), 6, and 26, as affirmed by the Human Rights Committee in General Comment No. 36. It is also prohibited under customary international humanitarian law (ICRC, Rule 88).

Fair trial rights

Military courts applied to Palestinians already violate fair trial standards: harsher sentences, longer detention, limited access to counsel, proceedings not translated into the defendant's language, and frequent reliance on secret evidence. Any death sentence issued under this system is inherently arbitrary and unlawful.

Prohibition on torture (CAT)

The UN Committee Against Torture has expressed specific concern about hanging as a method of execution, finding that it "exacerbates the cruelty" of capital punishment (2022). Palestinian detainees are routinely subjected to torture and coerced confessions — making it likely death sentences will rest on evidence obtained through torture.

International humanitarian law (Fourth Geneva Convention)

The Knesset has no authority to apply Israeli domestic criminal law extraterritorially to the occupied Palestinian population. This is a fundamental violation of the laws of belligerent occupation. UN High Commissioner Volker Türk warned on 2 January 2026 that such proposals must be dropped.

Q 9. Could executing Palestinians under this law constitute a war crime under international law?

Yes. Imposing the death penalty on Palestinian civilians in occupied territory without fair trial guarantees, as required by the Fourth Geneva Convention, may amount to a grave breach of international humanitarian law — the legal threshold for a war crime.

A joint briefing paper by Adalah, the Public Committee against Torture in Israel (PCATI), Physicians for Human Rights Israel (PHRI), and HaMoked states that "imposing the death penalty on Palestinians in the occupied Palestinian territory without fair trial guarantees... may amount to a war crime." This is particularly significant in the context of the near-100 documented Palestinian deaths in IOF custody since October 2023.

Q 10. Does international law recognise Palestinians' right to resist occupation? And can Israel require Palestinians to accept its authority?



Under international law, peoples under colonial occupation have a recognised right to self-determination, including the right to resist occupation. UN General Assembly Resolution 37/43 (1982) explicitly reaffirms "the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle." This principle has been repeatedly reaffirmed in UN resolutions.

The death penalty law criminalises acts defined as "terrorism" under Israeli law. That definition, anchored in the 2016 Counter-Terrorism Law, is broad enough to encompass ordinary acts of resistance to military occupation — including acts directed at IOF soldiers and military infrastructure. Imposing the death penalty for resistance to military occupation is a profound violation of the rights of an occupied people.

The civil court track compounds this further. It requires that the act be committed "*with the aim of negating the existence of the State of Israel.*" This amounts to a legal demand that Palestinians accept the permanence and legitimacy of the state that occupies them. There is no basis in international humanitarian law for requiring an occupied population to swear allegiance to — or recognise the authority of — an occupying power. The Fourth Geneva Convention protects the rights of civilians under occupation unconditionally, regardless of their political views toward the occupying state.

Q 11. How does this law connect to Israel's annexation of the West Bank — and what is the significance of stripping the military commander of his powers?

Section 3(f) of the law explicitly states: "The Commander of the IDF forces in the Area shall not be authorized to mitigate or commute a death sentence imposed on a terrorist convicted as stated in subsection (d), nor shall he be authorized to pardon him." This provision is not procedural housekeeping. It is a deliberate structural shift — and it fits a systematic pattern of annexation already underway.

Under the laws of belligerent occupation, the military commander holds sovereign-level authority over the occupied population. That authority has historically included discretionary powers — commutation, pardon, sentence reduction — that reflect the fundamental principle that the occupied population remains under military governance, not civilian Israeli state law. By removing these powers and transferring execution to the Israeli Prison Service operating under Israeli domestic law, this provision treats Palestinian residents of the West Bank as if they are subject to full Israeli sovereign authority.

This is consistent with structural changes already documented in the occupied West Bank. In February 2023, Finance Minister Bezalel Smotrich was appointed as a "second minister" inside the Israeli Ministry of Defense, transferring authority over settler affairs and Area C lands from the military to a civilian settler minister. " By early 2024, the rate of land seizure through "state land" declarations had increased by 1,000 percent compared to the previous year. In March 2024, a settler — Hillel Roth — began serving as deputy head of the Civil Administration, placing Israeli settler interests in direct control of the occupation bureaucracy.

The death penalty law advances the same logic: stripping the military commander of his control over Palestinian life and death, and replacing it with Israeli civilian prison law, treats the occupied West Bank as sovereign Israeli territory. The military commander is being sidelined — not as an acknowledgment of Palestinian rights, but as a step toward permanent annexation.



Q 12. What legal challenges are expected?

Adalah has submitted a petition to the Israeli Supreme Court against the law "as a matter of utmost urgency." Adalah, PCATI, PHRI, and HaMoked — are actively coordinating legal and advocacy responses.

International pressure and monitoring will be critical. The law's implementation, particularly in West Bank military courts, will require close scrutiny from UN special procedures, treaty bodies, and states with leverage over Israel.

Q 13. What Should Third States/ Government do ?

- A full two-way military embargo — arms, technology, surveillance equipment, fuel, training, joint exercises, and all dual-use components
- Targeted sanctions — travel bans and asset freezes on Israeli officials and institutions complicit in international crimes
- Diplomatic sanctions — expel Israeli ambassadors, suspend official visits and cooperation agreements
- A two-way energy embargo — halt oil, gas, and coal trade and terminate all pipeline and infrastructure agreements involving occupied Palestinian territory

Cancellation of all free trade and cooperation agreements, including the EU–Israel Association Agreement and all EU-funded academic, cultural, and sports programmes

- **legal accountability:**
- Enforce ICC arrest warrants for Netanyahu and Gallant — arrest and transfer them to The Hague if they enter your jurisdiction, including airspace
- Activate universal jurisdiction to prosecute perpetrators of international crimes against Palestinians in domestic courts
- Investigate and prosecute nationals — including dual citizens — serving in the Israeli military

institutional action:

- Pressure the UN General Assembly to suspend Israel's membership for systematic violations of its membership conditions
- Demand reconstitution of the UN Special Committee against Apartheid and the UN Centre Against Apartheid
- Support the ICJ genocide case brought by South Africa against Israel
- Support the ICC investigation into Palestine — fund it, protect its staff, oppose sanctions against it
- Demand Israel's removal or suspension from the UN Human Rights Council, UN General Assembly, FIFA, among others.



KEY RESOURCES

Joint Legal Briefing

Adalah, PCATI, PHRI & HaMoked — comprehensive legal analysis of the bill's provisions and international law violations:

https://www.adalah.org/uploads/uploads/Briefing_Paper_Death_Penalty_Bill_26_March_2026.pdf

Full Bill (Unofficial Translation)

Complete English translation of the Death Penalty for Terrorists Law, 2026:

https://www.adalah.org/uploads/uploads/Death_Penalty_Bill_unofficial_translation.pdf

UN High Commissioner Statement

Volker Türk, OHCHR, 2 January 2026:

<https://www.ohchr.org/en/press-releases/2026/01/israel-turk-says-draft-proposals-death-penalty-palestinians-must-be-dropped>

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