

Israel's Death Penalty Bill will Target Palestinian Children

I. Introduction

In its sitting on 10 November 2025, the Knesset Plenum voted to approve in first reading the Penal Bill (Amendment No. 159) (Death Penalty for Terrorists) 2025, marking a dangerous shift in Israeli policy by seeking to legally enshrine the systematic state-sanctioned killing of Palestinian detainees. While similar bills on imposing the death penalty have previously not passed the first reading, the geopolitical landscape – both in Israel and abroad – has shifted. Recent years have seen a stark rise in Zionist ultranationalism and far-right sentiment, with this faction effectively in control of the Israeli government. The radical, populist right holds the death penalty as a key demand, and the substantial majority by which the vote on the Bill passed indicates it will likely become law.

II. Penal Bill (Amendment No. 159) (Death Penalty for Terrorists) 2025

Echoing a 2018 draft bill, the 2025 Bill proposes that a person who caused the death of an Israeli citizen deliberately or even through indifference, “from a motive of racism or hostility against a population, and with the aim of harming the State of Israel and the national revival of the Jewish people in its land” shall be sentenced to death. The Bill would introduce two tracks for the death penalty. In the occupied West Bank, the death penalty would be imposed by military courts under military law for terrorist acts causing the death of a person, even if not intended. In Israel and occupied East Jerusalem, the death penalty would apply under Israeli criminal law but only for the “intentional killing of Israeli citizens or residents”.

This death penalty would be applied mandatorily. Any death penalty imposed cannot be commuted and must be carried out within 90 days.¹ Furthermore, the Bill rules out the possibility of considering extenuating circumstances in the sentencing. The Bill, if transposed into a military order making it directly effective in the unlawfully occupied West Bank, also amends the military courts law, allowing courts there to impose the death penalty by a simple majority vote on the judge’s panel instead of a unanimous vote.

The wording of the Bill, specifically regarding the victim, i.e., an Israeli citizen, directly implies that Jewish Israelis that commit the same offence would not be subject to the same mandatory death sentence. Under Israel’s settler-colonial apartheid system, Palestinians are subject to military law, while illegally transferred in Israeli colonial settlers are subject to Israeli civilian law. Through its application to Palestinians alone, if enacted into law, the Bill will add

¹ Adalah et al, ‘The Death Penalty Bill – A Fundamental Breach of International Law Through Targeted Capital Punishment Against Palestinians’ (Briefing Paper, 16 January 2026) <https://www.adalah.org/uploads/uploads/Briefing_Paper_Death_Penalty_Jan_2026_PCATI_Adalah_HaMoked_PHRI.pdf?mc_cid=d91f933f73>; UN OHCHR, ‘Israel: UN experts urge withdrawal of death penalty bill’ (4 February 2026) <<https://www.ohchr.org/en/press-releases/2026/02/israel-un-experts-urge-withdrawal-death-penalty-bill>>

to the vast body of discriminatory laws and policies that further entrench Israel's apartheid system and oppression of Palestinians throughout the OPT and on both sides of the Green Line.

Pursuant to the Bill, all death sentences would be carried out by hanging. The Bill further establishes an exceptional execution regime characterised by secrecy and a complete lack of safeguards, in the interests of ensuring those tasked with the unlawful killing of Palestinians evade accountability. It mandates the concealment of the identities of those involved in carrying out executions, classifies all related information as confidential, exempts individuals involved from personal accountability, and stipulates that the State of Israel will bear no financial liability related to the execution. In addition, the Bill imposes stricter isolation measures for death row prisoners and significantly restricts their procedural and substantive rights in the period preceding execution, including the right to consult with an attorney. Under Chapter D, Article 12, an execution may proceed even in the absence of designated officials and may be carried out solely in the presence of the prison warden if other officials fail to attend on time. In a further breach of international law, Chapter D also provides for the retroactive application of the provisions therein, allowing the implementation and execution of the death penalty also apply to existing criminal offences for which the death penalty is a possible punishment, including treason and assisting the enemy.

The Bill has since been fast-tracked through consecutive hearings in the Knesset's National Security Committee, and National Security Minister Ben-Gvir has pledged to remove his party (Otzma Yehudit) from the coalition government if it is not passed into law.² In February 2026, Israel's Channel 13 reported that the Israeli Prison Service has begun to prepare for when the Bill becomes law. This includes the creation of a facility dubbed "Israel's Green Mile", where executions will take place by teams composed entirely of volunteers that, in groups of three, will hang Palestinians by simultaneously pressing a trigger.³

III. Impact on Children

The Bill is being advanced at a time of unprecedented violence and destruction of the Palestinian people. Its framing as a measure to counter "terrorism" evinces a clear intent to execute collective death sentences that could target hundreds of Palestinian detainees subject to arbitrary arrests and detention.

In the aftermath of 7 October 2023, a military operation labelled by Israel as a "terrorist attack", Israeli officials made clear that they view the entire population of the Gaza Strip as collectively responsible. President Isaac Herzog expressly confirmed on 12 October 2023 that Israel was not distinguishing between militants and civilians in Gaza, stating in relation to Palestinians in

² N12, "האולטימטום של בן גביר, בריאיון ראשון מאז העסקה: "הצבתי לנתניהו דד-ליין" (18 October 2025) <https://www.mako.co.il/news-politics/2025_q4/Article-631d17c6508f991026.htm>

³ Middle East Eye, 'Israeli prisons 'begin preparations to apply death penalty' for Palestinians' (9 February 2026) <<https://www.middleeasteye.net/news/israel-begins-preparations-execution-palestinian-prisoners-report>>; Novara Media, 'Israeli Volunteers Would Execute Palestinians by Hanging Under New Bill' (11 February 2026) <<https://novaramedia.com/2026/02/11/israeli-volunteers-would-execute-palestinians-by-hanging-under-new-bill/>>

Gaza, over one million of whom are children: “It’s an entire nation out there that is responsible”.⁴

The same logic applies to the West Bank, where children throwing stones are routinely targeted, detained, and punished based on the amorphous charge of “terrorist activity”. This renders the Bill a retaliatory and revengeful measure intended to collectively punish the Palestinian people resisting Israel’s unlawful occupation and Zionist agenda.⁵

Since 7 October 2023, Israel has stringently pursued a policy of mass detention and enforced disappearance of Palestinians throughout the OPT. An estimated 11,000 Palestinians are being held across 23 prisons, detention facilities and interrogation centres, more than double the number held before 7 October 2023.⁶ As of 30 June 2025, 360 Palestinian children are detained – the highest number since 2016. 41 percent of these are held in administrative detention without charge or trial, which is both the highest number and the highest proportion on record since Defense for Children International - Palestine began monitoring these numbers in 2008.⁷

Arbitrarily detained Palestinian men, women, and children have no due process rights or fair trial guarantees.⁸ Israel’s terrorism laws and regulations, which list the offences to which the death penalty Bill applies, were found to suffer from a lack of legal precision; infringe on critically important rights; and not meet the required thresholds of legality, necessity, proportionality, and non-discrimination under international law.⁹ Said violations are compounded by the death penalty only being applicable to Palestinians and a mandatory sentence based on a decision by a simple majority in military courts, rather than requiring

⁴ Rageh Omaar, 'Israeli president Isaac Herzog says Gazans could have risen up to fight 'evil' Hamas', (ITV News, 13 October 2023) <<https://www.itv.com/news/2023-10-13/israeli-president-says-gazans-could-have-risen-up-to-fight-hamas>>

⁵ Article 33(1) of the Fourth Geneva Convention prohibits collective punishment and “penalties of any kind”. This absolute prohibition is solidified by Additional Protocol I to the Geneva Conventions, wherein collective punishment is “prohibited at any time and in any place whatsoever, whether committed by civilian or military agents”. The entrenchment of the prohibition in customary international law, according to the ICRC, leads breaches of the prohibition to be a “serious violation” of international humanitarian law. *See* International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 July 2020, UN Doc A/HRC/44/60

⁶ Middle East Eye, ‘Video: UN questions Israel over torture of Palestinian detainees’ (13 November 2025) <<https://www.middleeasteye.net/live-blog/live-blog-update/video-un-questions-israel-over-torture-palestinian-detainees>>; Wafa News Agency, ‘Number of Palestinian detainees in Israeli custody surpasses 11,100 - Palestinian prisoners’ institutions’ (8 October 2025) <<https://english.wafa.ps/Pages/Details/163169>>

⁷ Defense for Children International: Palestine, ‘41 percent of Palestinian child detainees have no charges’ (2 September 2025) <<https://www.dci-palestine.org/41-percent-of-palestinian-child-detainees-have-no-charges#:~:text=360%20Palestinian%20children%20are%20detained,the%20second%20quarter%20of%202025>>

⁸ Military criminal procedure sets harsher maximum punishments, provides fewer procedural guarantees than Israeli civilian procedure, including longer detention periods and denial of access to counsel. Furthermore, Israeli military courts often fail to provide essential rights such as the translation of evidentiary and investigatory materials and legal proceedings into the accused’s mother tongue

⁹ UN OHCHR, ‘Israel: UN experts alarmed by potential reinstatement of death penalty for “terrorism offences”’ (24 February 2023) <<https://www.ohchr.org/en/press-releases/2023/02/israel-un-experts-alarmed-potential-reinstatement-death-penalty-terrorism>>; OL ISR 6/2022 (5 May 2022) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27237>>

judicial unanimity on the appropriate punishment in a fair and public hearing by a competent, independent and impartial tribunal. Finally, the prevalence of torture in Israeli detention centres and systematic practice of extracting false confessions and information through varied forms of torture further invalidates the basis of any conviction and subsequent sentence.

IV. Urgent Demands

While attempts to introduce similar legislation have failed in the past, the continued impunity for Israel's conduct towards Palestinians since 7 October 2023 – in addition to the ongoing lack of accountability for the crimes it has committed over the past eight decades – has emboldened it to take unprecedented measures in their pursuit of Palestinian erasure.

Recent legislative steps to introduce the death penalty constitute a grave escalation in its unlawful conduct towards Palestinians on both sides of the Green Line, which already includes thousands of extrajudicial killings and executions. Al-Haq and Addameer request that you:

1. Label the Bill as an unlawful attack on the Palestinian people, including children, that constitutes acts of genocide, apartheid, collective punishment, torture and some of the most serious human rights violations;
2. Call upon Third States to pressure the Israeli government to abandon the Bill;
3. Demand Israel immediately cease its unlawful military activity and genocide in the OPT;
4. Remind States of their binding obligations to prevent and punish the crime of genocide and to respect and ensure respect for the Geneva Conventions of 1949, which includes: imposing a full arms embargo; cutting diplomatic and trade relations; imposing comprehensive sanctions; and pursuing accountability;
5. Urge States to act in accordance with their legal obligations as outlined in the International Court of Justice's Advisory Opinion on *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*;
6. Call on the UN Security Council to implement economic sanctions and other countermeasures capable of forcing Israel to adhere to its binding obligations under international law and ending its mass atrocities against the Palestinian people;
7. Demand the reconstitution of the UN Centre and Special Committee against Apartheid;
8. Ask the Prosecutor of the International Criminal Court to expedite the investigation into the Situation in Palestine with full resources and onsite visits as promised in December 2022.