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WILPF's Statement on the Knesset's Death Penalty Law Targeting Palestinians

Yesterday's passage of legislation by the Knesset to introduce the death penalty for Palestinians in Israeli military courts marks a grave escalation of state violence and a further entrenchment of an institutionalised regime of apartheid and genocide. It constitutes a serious violation of peremptory norms of international law and engages the responsibility of third States.

As an occupying power, Israel is bound by the Fourth Geneva Convention (GCIV), which prohibits discriminatory penal legislation to Palestinians (Articles 64–66) and strictly regulates the use of the death penalty. Palestinians from the occupied Palestinian territory remain “protected persons” under the Convention in their relations with Israel, and these protections apply wherever they are detained.

The implementation of this legislation against Palestinians would constitute a grave breach of GCIV where it results in death sentences when fair trial guarantees set out in Articles 71–75 are not met: given the prevailing situation in Israel, this is highly likely. In such circumstances, imposing the death penalty would amount to **wilful killing** within the meaning of Article 147, which is a war crime. This triggers individual criminal responsibility. Such executions would also violate the absolute prohibition of torture and cruel, inhuman or degrading treatment under the Convention Against Torture. Israel would be breaching its legal obligations under both of these treaties.

That the law is framed as non-retroactive and limited to convictions for murder does not cure its unlawfulness: in a context of occupation, apartheid, and systemic discrimination and impunity for international crimes, its application is discriminatory, foreseeably arbitrary, and incompatible with Israel's international legal obligations.

This legislation must also be understood as part of an institutionalised regime of systematic racial domination and oppression, meeting the legal definition of apartheid under the **International Convention on the Suppression and Punishment of the Crime of Apartheid** and the Rome Statute of the International Criminal Court. The imposition of the death penalty on Palestinians—within a system characterised by dual legal frameworks (civil law for Israeli settlers and military law for Palestinians), severe restrictions on movement, unlawful settlement expansion, forcible transfer, and discriminatory denial of due process—constitutes an inhumane act committed for the purpose of maintaining domination by one group over another. Such legal regimes are embedded in intersecting structures of power that normalise violence, erase accountability, and systematically target those already subjected to dispossession and control.

These violations engage obligations that **bind all States** to neither recognise as lawful nor render aid or assistance in maintaining this situation, and to cooperate to bring it to an end. Failure to act can also trigger third-party State responsibility.

The latest report by UN Special Rapporteur on Palestine, Francesca Albanese, **Torture and Genocide** (March 2026) further underscores the widespread and systematic use of torture and ill-treatment against Palestinians in detention. This includes coercive interrogation practices, incommunicado detention, and denial of due process. In such conditions, the imposition of the death penalty would carry an acute and foreseeable risk of executions following proceedings tainted by torture, in direct violation of the absolute prohibition under the Convention against Torture.

This escalation must also be understood against the backdrop of ongoing proceedings and findings concerning genocide before international legal bodies. On **26 January 2024**, the International Court of Justice found that rights under the **Convention on the Prevention and Punishment of the Crime of Genocide** were plausible and ordered provisional measures requiring Israel to prevent acts within the scope of the Convention and ensure the protection of Palestinians in Gaza; these measures were further clarified and reinforced on 28 March 2024 and 24 May 2024. In parallel, on 20 May 2024, the Prosecutor of the International Criminal Court announced applications for arrest warrants in the situation in Palestine for alleged international crimes.

WILPF therefore calls on States to take immediate and concrete measures, including:

- **Impose targeted sanctions** (travel bans, asset freezes) on officials responsible for drafting, adopting, or implementing the legislation;
- **Suspend military cooperation and arms transfers to Israel**, in line with obligations under the Arms Trade Treaty;
- **Initiate or support proceedings under universal jurisdiction** for individuals implicated in grave breaches and related international crimes;
- **Support and actively advocate for investigations** by the International Criminal Court, including by providing evidence and opposing political interference including in relation to torture and related international crimes;
- States should follow the recent actions of Iceland and the Netherlands **in joining and supporting proceedings before the International Court of Justice**—not as a matter of discretion, but as a legal obligation to ensure respect for international law and to prevent further irreversible harm;
- **Suspend or review bilateral agreements** and cooperation arrangements that contribute to maintaining or normalising violations of international law, including in the areas of trade, security, and technology; and
- **Ensure corporate accountability**, including by regulating and, where necessary, prosecuting companies complicit in sustaining systems of apartheid and repression.

The prohibitions on arbitrary deprivation of life, apartheid, racial discrimination, and cruel, inhuman or degrading punishment are absolute. States must act decisively to uphold international law or they can and should be held responsible for violating these obligations.