

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

ADVANCE UNEDITED VERSION

Statement 2 (2026)

Statement on the Adoption of the “Death Penalty for Terrorists Law” in Israel

The Committee on the Elimination of Racial Discrimination, meeting in Geneva at its 117th session from 13 April to 1 May 2026,

Acting under its Early Warning and Urgent Action Procedure, recalling its [Decision 2 \(2024\)](#) of 12 December 2024 regarding the obligations of Israel and other State parties to prevent war crimes, and crimes against humanity and genocide, as well as its [Statement 1 \(2025\)](#) of 9 May 2025 on the catastrophic humanitarian crisis in the Occupied Palestinian Territory;

Acting also under its follow-up procedure on the implementation of the recommendations made by the Ad Hoc Conciliation Commission in its [report](#) on the inter-State communication submitted by the State of Palestine against Israel under Article 11 to 13 of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter “the Convention”) and recalling the [press release](#) of 24 December 2025, in which the Committee called upon all States parties of the Convention to act on its findings in the case brought by Palestine against Israel by supporting the implementation of its recommendations, including imposing appropriate sanctions on those who promote segregation or racially motivated violence;

Recalling Articles 2, 3, 5 and 6 of the Convention, which obligate States parties to eliminate racial discrimination in all its forms, to condemn and eradicate all practices of segregation and apartheid, to guarantee equality before the law of all persons, without distinction as to race, colour, descent, or national or ethnic origin, and ensure effective protection and remedies against any acts of racial discrimination;

Recalling also the [advisory opinion](#) of the International Court of Justice (ICJ) issued on 19 July 2024, in which the Court observed that “Israel’s legislation and measures impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities,” and therefore constitute a breach of Article 3 of the Convention;¹

Alarmed by the Israeli Knesset’s adoption of the “Death Penalty for Terrorists Law” (“Law”) on 30 March 2026, which expands the use of the death penalty in Israel and the Occupied Palestinian Territory, including the West Bank and East Jerusalem, for “terrorism-related offenses”;

Deeply concerned that the Law mandates death by hanging as the default sentence for those convicted of deliberate killing constituting an “act of terrorism” by the Israeli military court, which has exclusive jurisdiction over Palestinians residing in the Occupied Palestinian Territory, while explicitly excluding Israeli citizens and residents from its application;

Further concerned that in Israel, the Law applies only to those convicted of deliberate killing with the intent of “denying the existence of the State of Israel” by the Israeli civilian court, rendering it de facto

¹ International Court of Justice, [Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem](#), 19 July 2024, para. 229.

applicable to Palestinians only;

Alarmed by the Law's explicit prohibition of mitigation, commutation, or pardon of the death penalty and a 90-day deadline for executions once final judgment is rendered;

Highly concerned that the Law has been adopted amid escalating settler violence and the unlawful killing of Palestinians with impunity across the Occupied Palestinian Territory,² as well as ongoing, systematic violation of Palestinians' due process and fair trial rights,³ with 9,243 Palestinians in Israeli custody as of January 2026, including 3,385 administrative detainees held without trial;⁴

Noting that Israel, while maintaining the death penalty for certain international crimes, military offences and treason, has had a long-standing de facto moratorium on executions since 1962, and the adoption of the Law represents a grave retrogression of human rights;

Recalling the right to life, protected under Article 6 of the International Covenant on Civil and Political Rights (ICCPR), from which no derogation is permitted even in situations of emergency, as well as the absolute prohibition of torture under the Convention against Torture, and the right to a fair trial and penal procedure protections under the Fourth Geneva Convention, whose violation may amount to war crimes;

Recalling also that according to the General Comment No. 36 of the Human Rights Committee on the right to life, the prohibition on arbitrary deprivation of life contained in article 6 (1) of the ICCPR further limits the ability of States parties to apply the death penalty, which can only be applied in a non-arbitrary manner, and States parties are prohibited to transform into a capital offence any offence that, upon ratification of the Covenant or at any time thereafter, did not entail the death penalty, nor remove legal conditions from an existing offence with the result of permitting the imposition of the death penalty in circumstances in which it was not possible to impose it before;⁵

Reaffirming the statements of the United Nations Special Procedures,⁶ the Independent International Commission of Inquiry,⁷ and the High Commissioner for Human Rights,⁸ as well as the concluding observations of the Committee against Torture on the sixth periodic report of Israel,⁹ which expressed serious concern on the discriminatory impacts of the Law on Palestinians;

Calls upon Israel to immediately repeal the Law as it results in creating or perpetuating racial discrimination against Palestinians living in the Occupied Palestinian Territory, in line with its obligations under Article 2 of the Convention;

Urges Israel to ensure that all Palestinian detainees held in Israeli military or civilian detention are guaranteed their rights to equal treatment before the law, security of person, protection against violence or bodily harm, and access to justice as required under Articles 5 and 6 of the Convention and relevant provisions of international human rights and humanitarian law;

Calls upon Israel to end all policies and practices that amount to racial discrimination against and

² Report of the United Nations High Commissioner for Human Rights, [A/HRC/61/70](#), 17 March 2026, and [A/HRC/61/26](#), 19 February 2026; United Nations Office for the Coordination of Humanitarian Affairs, [West Bank Monthly Snapshot - Casualties, Property Damage and Displacement | March 2026](#), 21 April 2026.

³ Office of the High Commissioner for Human Rights, [Thematic report on Israel's discriminatory administration of the occupied West Bank, including East Jerusalem](#), 7 January 2026.

⁴ [Humanitarian Situation Update #353 | Gaza Strip | OCHA](#), 14 January 2026.

⁵ [CCPR/C/GC/36](#), General comment No. 36 on Article 6: right to life, 3 September 2019, paras. 5, 10, 34.

⁶ United Nations Special Procedures, [Israel's death penalty law constitutes discriminatory regime of capital punishment: UN experts](#), 2 April 2026; See also [OL ISR 23/2025](#).

⁷ Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, [Regional conflict has eclipsed surge in human rights violations against Palestinians, UN Commission of Inquiry says](#), 8 April 2026.

⁸ United Nations High Commissioner for Human Rights, [Israel: Türk warns against legislative steps targeting Palestinians in violation of international law](#), 31 March 2026.

⁹ [CAT/C/ISR/CO/6](#), Concluding observations on the sixth periodic report of Israel, 22 December 2025, paras. 50-51.

segregation of Palestinians;

Urges all States parties to assume their obligations under the Convention and ensure that their resources are not used to enforce or support discriminatory policies and practices against Palestinians living in the Occupied Palestinian Territory, in accordance with the recommendations of the Ad Hoc Conciliation Commission on the inter-State communication submitted by the State of Palestine against Israel and the advisory opinion of the ICJ.

29 April 2026