

## ECBA statement on Israeli death penalty legislation

The ECBA strongly condemns recent legislative developments in Israel that are likely to lead to renewed use of capital punishment in Israel for the first time since the execution of Adolf Eichmann in 1962.

On 30 March 2026, the Knesset passed the *Penal Law (Amendment – Death Penalty for Terrorists)* which provides for: mandatory sentences of death by hanging for residents of the occupied West Bank (excluding citizens and residents of Israel) convicted of terrorist offences by military courts unless “special circumstances” apply in which case life imprisonment is the only alternative; and death by hanging or life imprisonment in the ordinary criminal courts in Israel for those who cause death “with the aim of negating the existence of the State of Israel”, while reducing procedural protections and judicial discretion.

On 12 May 2026, further legislation established a special tribunal with jurisdiction over offences linked to the attacks of 7 October 2023, authorised to impose the death penalty. It creates a distinct procedural framework, including provisions permitting the public broadcasting of proceedings, and departs in material respects from the rules applicable in ordinary criminal courts.

While the death penalty was already available for certain offences, it has only been used twice since the establishment of Israel in 1948: against Meir Tobianski, an Israeli officer wrongly convicted of espionage was executed in 1948 (but later exonerated); and against Eichman in 1962. Since then, the Israeli courts have consistently commuted death sentences to life imprisonment, resulting in a long-standing de facto moratorium. The recent measures mark a significant departure from established practice and the global trend towards abolition.

The ECBA stands firmly against the use of the death penalty by all states in any circumstances and, in October 2024, signed a [joint statement](#) calling for the universal abolition of the death penalty in recognition of the inherent dignity of every individual and the fundamental right to life. In 2025, the ECBA signed an [open letter](#) to the UN High Commissioner for Human rights to intervene to save the lives of human rights defenders Behrouz Ehsani and Mehdi Hassani, who have since been executed by the state of Iran.

The ECBA unequivocally condemns the attacks of 7 October 2023 and the deliberate targeting of civilians. However, the expansion and normalisation of capital punishment is neither a lawful nor an effective response. The death penalty is prone to error, irreversible, and subject to discriminatory application.



The recent measures, seemingly designed to target Palestinians specifically (for example, violence by Israeli settlers in the West Bank is tried in civilian courts, if at all), likely contravene international norms in respect of the right to life, equality before the law, protection from discrimination, and fair trial guarantees.

The ECBA stands with Israeli human rights groups, activists and lawyers who have filed petitions with Israel's Supreme Court challenging the constitutionality of the recent measures and calls on all states and international organisations to use the levers available to them to oppose these developments and to support the universal abolition of the death penalty.

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