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Ramallah 4/1/2018 – Addameer Prisoner Support and Human Rights Association, Al Hurryyat Center, and the Commission of Detainees and Ex-Detainee Affairs condemn the ‘death penalty’ bill, which passed its first reading in the Knesset by a vote of 52 to 49.

Currently, the death penalty is legal under Israeli law but only as a response to crimes laid out in two laws. The first is a law regarding the treatment and detainment of Nazis and their associates (1950), and the second is for punishing and preventing the crime of genocide (1950).

In regards to the military law, capital punishment is currently allowed when an individual is convicted of killing an Israeli though this requires a unanimous ruling from a court with three judges. Additionally, it also requires that the military prosecutor requests the death penalty. As state policy, the death penalty has not been previously requested.

The bill itself will lower the threshold to a simple majority amongst the three judges, and will prohibit the commutation of a death sentence. It does not require the persecutor to seek the death penalty, but will result in an increase in cases where it is sought.

In addition, the bill will include an article that allows Israeli criminal courts to hand down death sentences.

This bill, if passed through its required readings in the Knesset, will represent contravention of Israel’s obligations under international law and will go against accepted international norms.

Under the International Covenant on Civil and Political Rights, Article 6, the death penalty cannot be handed down in instances where a fair trial has not been guaranteed. The military court system has

been broadly demonstrated to not be meeting the international standards of a fair trial, and therefore cannot hand down the death sentence.

In addition, the United Nations General Assembly has passed multiple resolutions calling for the death penalty to be progressively restricted, while the European Court of Human Rights has moved to ban it all together.

This bill represents the continuation of a policy of systematic discrimination against the Palestinian people. In a situation where the occupying power has final say over their rights, the move towards mainstreaming the death penalty represents a grave infraction on the humanity of the Palestinian people.

We, as Palestinian civil society, condemn this bill in the strongest terms possible. We call on the international community to hold Israel accountable, and to assist us in securing our basic rights under international law.

