

Unofficial translation

Bill for Second and Third Readings

Death Penalty for Terrorists Law, 5786–2026

- Purpose of the Law** 1. The purpose of this law is to establish a death sentence for terrorists who have carried out murderous terrorist attacks, for the sake of the struggle against terrorism — inter alia, for the protection of the State of Israel, its citizens, and its residents; for the enhancement of deterrence; for the prevention of hostage-taking attacks; as retribution for the heinous acts of terrorists; and to prescribe the arrangements for the execution of this penalty.
- Definitions** 2. In this law —
- “The Area” — as defined in the Emergency Regulations (Judea and Samaria – Adjudication of Offenses and Legal Aid), 5727–1967, as their validity has been extended and their version amended by Law, from time to time;
- “Order regarding Security Provisions” — Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770–2009.¹
- Death Penalty in Judea and Samaria** 3. (a) The Minister of Defense shall direct the Commander of the Israel Defense Forces in the Area to amend, within 30 days of the commencement of this Law, the Order regarding Security Provisions, such that in Section 209 therein, after subsection (c), the following shall be inserted:
- “(d) A resident of the Area who intentionally causes the death of a person, where the act constitutes an act of terrorism as defined in the Counter-Terrorism Law, 5776–2016 (hereinafter – a terrorist), shall be sentenced to death, and this punishment only; however, if the Military Court finds, for special reasons which shall be recorded, that special circumstances exist for which it is appropriate to sentence the terrorist to life imprisonment, it may impose such a sentence, and this punishment only; in this subsection, a “resident of the Area” – one who is registered in the population registry of the Area or

¹ Collection of Proclamations No. 234, 5770, p. 590.

one who resides in the Area even if not registered in said registry, excluding an Israeli citizen or an Israeli resident.

(e) Notwithstanding the provisions of any law, the authority of a military court to sentence a terrorist to death shall not be conditioned upon:

- (1) The prosecution having requested the imposition of this sentence or supporting its imposition;
- (2) The sentence being unanimous;
- (3) All judges of the panel holding the rank of Lieutenant Colonel or higher.

(f) The Commander of the IDF forces in the Area shall not be authorized to mitigate or commute a death sentence imposed on a terrorist convicted as stated in subsection (d), nor shall he be authorized to pardon him.

(g) Notwithstanding the provisions of any law, a death sentence imposed by a Military Court shall be executed by the Israel Prison Service in accordance with the provisions of Section 5 of the Death Penalty for Terrorists Law, 5786–2026;² and for this purpose, the provisions of Chapter B, Article G of the Prisons Ordinance [New Version], 5732–1971, as in force in Israel, shall apply."

(b) Notwithstanding the provisions of any law, the Minister of Defense shall establish by procedure the prosecution-venue policy for a terrorist as stated in section 209(d) of the Security Provisions Order as formulated in subsection (a).

The authority to impose the death penalty

4. The authority of a court to impose a death sentence for offenses under the Penal Law, 5737–1977, and under the Crime of Genocide (Prevention and Punishment) Law, 5710–1950,³ shall not be contingent upon the Prosecution having requested such a sentence or having supported its imposition.

Execution of the Death Penalty

5. (a) A death sentence for offenses under Section 4 and under the Order regarding Security Provisions shall be executed within 90 days of the date it [the sentence] becomes final; the sentence shall be executed by the Israel Prison Service in accordance with the provisions of Chapter B, Article G of the Prisons Ordinance [New Version], 5732–1971.

² Book of Laws 5786, p. ...

³ Book of Laws 5710, p. 137.

(b) Notwithstanding the provisions of subsection (a), if the Prime Minister finds that special reasons exist for which the execution of the sentence should be postponed, he may request to the court that imposed the sentence an order a stay of execution for additional periods, provided that the periods ordered by the court under this subsection shall not exceed 180 days in total.

**Amendment
to the Penal
Law**

6. In the Penal Law, 5737–1977⁴ (hereinafter - the Penal Law), in section 301A, after subsection (b) shall come —
- “(c) Notwithstanding the provisions of subsection (a), he who intentionally causes the death of a person with the aim of negating the existence of the State of Israel in circumstances as stated in subsection (a)(10) — shall be sentenced to death or life imprisonment, and one of these punishments only.”

**Amendment
of the Prisons
Ordinance**

7. In the Prisons Ordinance [Revised], 5732–1971,⁵ in place of sections 53 through 55 shall come:

“Order for Execution of a Death Sentence

- a) Where a court has imposed a death sentence, it shall issue an order specifying that the sentence shall be executed by hanging; such an order shall be signed by a judge and shall serve as the authority for the execution of the sentence.
- b) A prison warden, or someone on his behalf, shall notify the prisoner against whom the court has imposed a death sentence of the content of the order as soon as possible.
- c) The execution of the sentence shall be carried out by a prison officer authorized for this purpose by the [IPS] Commissioner.

Determination of Place of Incarceration

52b. A prisoner who has been convicted and sentenced to death by a final judgment (hereinafter – a person sentenced to death) shall be transferred to a prison or a wing within a prison designated by the Commissioner as a place of incarceration for persons sentenced to death.

Separate Confinement

53.

- (a) A person sentenced to death shall be held, as far as possible, separately from any other prisoner; the provisions

⁴ Book of Laws 5737, p. 226; 5785, p. 528.

⁵ Laws of the State of Israel, New Version 21, p. 459; Book of Laws 5786, p. 308.

of Article B1 shall not apply to the confinement of a prisoner under the provisions of this Article.

- (b) A person sentenced to death shall not be held in a single cell with a prisoner who has not been sentenced to death.

Access

54.

- (a) No access shall be permitted to a person sentenced to death, except for –
 - 1) A prison officer;
 - 2) A religious official authorized by the Prison Director, according to the religion of the person sentenced to death, if the person sentenced to death has so requested;
 - 3) An official visitor by virtue of his office pursuant to Section 72;
 - 4) To an individual whom the Minister has authorized to serve as an official visitor for the purpose of this Article pursuant to Section 71;
 - 5) To an attorney as stated in Section 54a;
 - 6) To a physician.

- (b) The Commissioner may, under exceptional circumstances and for special reasons which shall be recorded, authorize access to a person not listed in subsection (a).

Meeting with an Attorney

54a.

Regarding a meeting with an attorney for the purpose of receiving professional service, a person sentenced to death shall be deemed as one regarding whom a decision of the Commissioner has been issued pursuant to Section 45a1, for a meeting with no more than two attorneys.

Persons Present During the Execution

55.

- (a) The following shall be present at the time of execution of the sentence:
 - (1) The prison warden, and any prison officer whose presence is required for the performance of his duties;
 - (2) The President of the District Court or a District Court Judge authorized by him, or the President of the

Military Court of Appeals or a Military Court of Appeals Judge authorized by him, as the case may be;

- (3) An official visitor as stated in Section 54(a)(3) and an official visitor as stated in Section 54(a)(4);
 - (4) A religious official authorized by the prison warden, according to the religion of the person sentenced to death, upon the request of the person sentenced to death;
 - (5) A representative of the families of the victims of the offense for which the person sentenced to death was convicted, with the approval of the prison warden;
 - (6) A physician.
- (b) The Commissioner may authorize the presence of an individual not listed in subsection (a), under exceptional circumstances and for special reasons which shall be recorded.
 - (c) Notwithstanding the provisions of subsection (a), it shall be possible to carry out the execution of the sentence even in the absence of representatives as stated in subsection (a)(2) through (6), if their presence would result in a delay of the execution of the sentence.

Publication of Execution

55a.

The fact of the execution of the sentence, including the details of the person sentenced to death, shall be published on the Israel Prison Service website.

Confidentiality

55b.

- (a) The identity of prison officers engaged in the execution of the provisions of this law shall be privileged, and it is prohibited to disclose or publish any detail regarding this matter except with the approval of the Commissioner and for special reasons which shall be recorded.
- (b) Israel Prison Service procedures regarding the implementation of the provisions of this law, as well as information regarding the incarceration of a person sentenced to death or the process of executing the sentence, which are liable to harm State security, public safety, prison security, the safety or well-being of a person, or the fulfillment of the sentence, shall be confidential; it is prohibited to disclose or publish them except with the

approval of the Commissioner and for special reasons which shall be recorded.

- (c) The Minister, with the approval of the Knesset's National Security Committee, may establish in regulations additional information regarding this law the disclosure of which shall be prohibited.
- (d) Nothing in the provisions of this section shall derogate from the authority of a Minister under Sections 44 and 45 of the Evidence Ordinance [New Version], 5731–1971, or from the powers of the censor under the Defense (Emergency) Regulations, 1945, or from any other authority to prevent publication under any law.

Penalties

55c.

- (a) A person who discloses or publishes confidential information under this law without authorization shall be liable to three years' imprisonment; where the disclosure or publication was committed through negligence, he shall be liable to one year's imprisonment.
- (b) A prison officer, as well as any person who has acted or is acting on behalf of the Israel Prison Service, who discloses or publishes privileged information without authorization, shall be liable to five years' imprisonment; where the disclosure or publication was committed through negligence, he shall be liable to three years' imprisonment.

Amendment of the Government Law **8.** In the Government Law, 5761–2001,⁶ in Section 8b(a1), at the end, there shall be added: "or a person who has been convicted of an offense the penalty for which is death, under any law, or who is a suspect or an accused in such an offense."

Amendment of the Rights of Victims of Crime Law **9.** In the Rights of Victims of Crime Law, 5761–2001⁷ —

- (1) In Section 10, at the end, there shall be added: "and if a person was sentenced to death — regarding the date of the execution of the sentence.";
- (2) In the fourth addition, at the end, there shall be added:
"10. The date of execution of a death sentence Israel Prison Service".

⁶ Book of Laws 5761, p. 168; 5785, p. 636.

⁷ Book of Laws 5761, p. 183; 5785, p. 680.