



# Israel's Apartheid Death Penalty Law

April 2026



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# Contents

<b>01</b>	<b>Nazi Germany’s Apartheid Death Penalty Legislation</b> 4	<b>06</b>	<b>Israel’s Genocide of Palestinian Prisoners</b> 22
<b>02</b>	<b>South Africa’s Apartheid Legislation</b> 7	<b>07</b>	<b>Israeli Torture of Palestinian Prisoners</b> 25
<b>03</b>	<b>Israeli Apartheid and Jewish Supremacist Legislation</b> 11	<b>08</b>	<b>Western Media Bias</b> 28
<b>04</b>	<b>Israel’s Apartheid Death Penalty Law</b> 16	<b>*</b>	<b>Endnotes</b> 32
<b>05</b>	<b>Israeli Support for the Rape of Palestinian Prisoners</b> 19		

**“With God’s help,  
we will kill our  
enemies. Soon, they  
[Palestinians] will be  
executed one by one.”**

**Itamar Ben-Gvir**  
Kurdish-Israeli National  
Security Minister.<sup>1</sup>



01

[← BACK TO CONTENTS](#)

# Nazi Germany's Apartheid Death Penalty Legislation



## 01

# Nazi Germany's Apartheid Death Penalty Legislation

Israel's discriminatory Death Penalty Law that applies only to Palestinians only has historical precedent in Nazi Germany.<sup>2</sup> Nazi Germany and Israel are the only governments in recent history to have enacted laws that selectively apply the death penalty for the same crime based on individuals' characteristics.<sup>3</sup>

## Decree Against Public Enemies

In 1939, Nazi Germany passed the Decree Against Public Enemies, which enabled the death penalty based on the perpetrator's perceived identity and intent rather than the act itself.<sup>4</sup>

Section 4 of the decree stated that anyone committing a crime by exploiting war conditions could be punished with death if it was required by "sound popular judgment".<sup>5</sup> This gave judges total discretion to execute those they labelled as "vermin" or "enemies," even for minor crimes.<sup>6</sup>

While the law technically could apply to anyone, it explicitly stated that it applied to persons who did not hold German citizenship, ensuring that "foreigners" and those stripped of citizenship, like Jews, were the primary targets for these harsher penalties.<sup>7</sup>

The decree made crimes committed during blackouts or air raids punishable by death if the perpetrator was considered a "public enemy", even if those crimes were minor.<sup>8</sup>

## The People's Court

Like how Palestinians are charged in Israeli military courts with a 96 percent conviction rate, in 1934, Nazi Germany established The People's Court specifically to try enemies of the state.<sup>9</sup> It frequently handed down death sentences for treason or defeatism that would have been ignored or handled with minor discipline if committed by a loyal party member.<sup>10</sup>

From 1942 to 1945, half of all defendants tried in the court received the death sentence.<sup>11</sup>

“This law  
is uniquely  
Jewish and  
moral.”

**Limor Son Har Melech**  
Knesset member and illegal settler.<sup>12</sup>



02

[← BACK TO CONTENTS](#)

# South Africa's Apartheid Legislation



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## 02

# South Africa's Apartheid Legislation

Like Israel's apartheid legislation, South Africa's apartheid laws inscribed into law discrimination against people of colour and Black South Africans.<sup>12</sup>

Some of the most harmful legislation included:

## 1913

### **Black (Natives) Land Act**

From 1913 to 1991, the Black Land Act prohibited Black South Africans from owning or renting land outside of designated 'reserves' or camps that covered just 7 percent of South African territory.<sup>13</sup>

## 1924

### **The Industrial Conciliation Act**

This legislation excluded Black South Africans from membership of registered trade unions and prohibited registration of Black trade unions.<sup>14</sup>

## 1950

### **The Group Areas Act**

The primary aim of this Act was to make the residential separation compulsory.<sup>15</sup> The Acts laid down legal provisions on the specific areas where different population groups could own property, reside and work.<sup>16</sup>

The primary reason was to curb the movements of the non-Whites, in particular Black South Africans from rural areas into the big cities and Whites-only areas.<sup>17</sup>

The Act also cut across all traditional property rights and led to the evictions of thousands of Black South Africans and people of colour.<sup>18</sup>

## 1951

### **Bantu Authorities Act**

The Bantu Authorities Act was one of the Acts that attempted to keep South African citizens apart on a racial and ethnic basis.<sup>19</sup> The government introduced this Act by setting up Black ethnic governments known as "Homelands".<sup>20</sup> The government used this Act to push Black people out of urban areas to stay in these homelands.<sup>21</sup>

The Inhabitants of these homelands would lose South African citizenship and all political rights including voting. They even had to have passports to enter South Africa.<sup>22</sup>

## 1952

### **Natives (Abolition of Passes and Co-ordination of Documents) Act**

The Act prescribed the introduction of the reference book bearing photographs, details of place of origin, employment record, tax payments, fingerprints and encounters with the police.<sup>23</sup> Black South Africans were expected to carry passes with them wherever they went.<sup>24</sup> Failure to produce a pass on request by a police officer was an offence.<sup>25</sup>

## South Africa's Apartheid Legislation continued...

**1953**

### **Bantu Education Act**

This Act established a separate educational system for Black South Africans.<sup>27</sup>

### **Separate Amenities Act**

The Nationalist Party government developed the concept of unequal allocation of resources such as general infrastructure, education and jobs and formalised this into law.<sup>28</sup> The Amenities Act provided that there should be separate amenities such as toilets, parks and beaches for different racial groups.<sup>29</sup> Furthermore, these facilities should not be of the same quality for different groups.<sup>30</sup>

**“Not only is this group of people [Palestinians] being oppressed more than the apartheid ideologues could ever dream about in South Africa, their very identity and history are being denied and obfuscated.”**

**Archbishop Desmond Tutu**  
South African anti-apartheid activist.<sup>31</sup>



03

[← BACK TO CONTENTS](#)

# Israeli Apartheid and Jewish Supremacist Legislation



## 03

# Israeli Apartheid and Jewish Supremacist Legislation

Since the Nakba, Israeli governments have systematically established and maintained an institutionalised system of apartheid and Jewish supremacy throughout occupied Palestine.<sup>32</sup>

Successive Israeli governments have passed over 65 laws that privilege Israeli settlers and/or discriminate against Palestinians.<sup>33</sup> These laws affect everything from housing and land ownership, to health care, education, and family reunification rights.<sup>34</sup>

Some of the most significant Israeli apartheid laws entrenching Jewish supremacy in occupied Palestine include:

## 1950

### Absentees' Property Law

The law define persons who were expelled, fled, or who left the country after 29 November 1947, mainly due to the Nakba, as well as their movable and immovable property, such as land, houses and bank accounts, as "absentee".<sup>35</sup>

Property belonging to absentees was placed under the control of the State of Israel with the Custodian for Absentees' Property.<sup>36</sup> The Absentees' Property Law was the main legal instrument used by Israel to take possession of the land belonging to the internal and external Palestinian refugees, and Muslim Waqf properties across the state.<sup>37</sup>

### Law of Return

Despite not being indigenous to the land, the Law of Return allows any Jewish person to colonise occupied Palestine and automatically become a citizen of 'Israel'.<sup>38</sup> The law also applies to the children and grandchildren of Jews, as well as their spouses and the spouses of their children and grandchildren.<sup>39</sup>

No comparable law exists to guarantee the rights of Palestinians to return to their homeland or receive citizenship, even if they were born in occupied Palestine.<sup>40</sup>

## 1953

### Land Acquisition Law

Through the Land and Acquisition Law, 1.2-1.3 million dunams of land were stolen from the Palestinian population. These lands were stolen from a total of 349 towns and villages, in addition to the "built-up areas" of about 68 villages, the precise area of which was not included in the land theft orders.<sup>41</sup>

## 1965

### National Planning and Building Law

Article 157A prohibits national utility companies from connecting a building to national electricity, water, and telephone networks if it lacks a building permit issued by a local authority.<sup>42</sup> This article has been weaponised almost exclusively to forcibly displace residents from Palestinian Bedouin villages in the occupied Naqab.<sup>43</sup>

## Israeli Apartheid and Jewish Supremacist Legislation continued...

**1980**

### **Foundations of Law Act**

Article 1 stipulates that when occupation courts cannot find answers to legal questions within existing legal sources, occupation courts will reach a decision “in the light of the principles of [...] Israel’s heritage,” thereby granting Jewish law (Halakha) official status within the occupation legal system.<sup>44</sup>

**2003**

### **Citizenship and Entry into Israel Law**

Banned family unification between Palestinians living in the 1948 territories and Palestinians living in the occupied West Bank, East Jerusalem, and Gaza Strip.<sup>45</sup>

An additional amendment in 2007 expanded the ban to include citizens and residents of Iran, Lebanon, Syria and Iraq.<sup>46</sup>

Although the law was originally enacted as a temporary order, its validity has been repeatedly extended by the Knesset, making it in effect a permanent law.<sup>47</sup> Thousands of Palestinian families have been affected by the law, forced to split apart, move abroad or live in constant fear of deportation.<sup>48</sup>

**2010**

### **Termination of Proceedings and Deletion of Records in the Disengagement Plan Law**

The Pardon Law, enacted by the Knesset on 25 January 2010, exempts any Israeli who was convicted in relation to their opposition to Israel’s 2005 Gaza disengagement plan from legal sanction, provided they have not received a prison sentence.<sup>49</sup> Under the law, charges will be dropped and offenses will be deleted from any criminal records, at the offender’s request.<sup>50</sup>

This law establishes a separate legal process for people who were charged when demonstrating against Gaza disengagement from the process for people charged at other political demonstrations.<sup>51</sup> It thus effectively discriminates on ideological grounds.<sup>52</sup>

**2011**

### **Prevention of Damage to the State of Israel through Boycott Law**

The “anti-boycott” law created a new civil wrong based on the boycott of ‘Israel’ or any area under Israeli control.<sup>53</sup> It stated that anyone who calls for an economic, cultural, or academic boycott of Israel, or the Israeli settlements in occupied Palestine, is therefore subject to civil proceedings, with penalties including monetary compensation.<sup>54</sup>

## Israeli Apartheid and Jewish Supremacist Legislation continued...

### 2015

#### **Mandatory minimum sentences for convicted stone-throwers Law**

This law imposed mandatory minimum prison sentences on persons convicted of stone-throwing or similar acts.<sup>55</sup> The minimum sentence was set at “one-fifth of the maximum sentence” – either 10 or 20 years – which equates to either two or four years.<sup>56</sup>

The law followed the earlier enactment of a related law that added a 10-year maximum sentence for persons convicted of stone-throwing or similar acts without requiring proof of intent to cause harm.<sup>57</sup> The pre-existing maximum sentence of 20 years applies in cases that occupation courts rule there was proof of intent.<sup>58</sup>

### 2016

#### **‘Counter-Terrorism’ Law**

The Counter-Terrorism Law replaced various criminal and administrative measures, laws and regulations, and incorporated numerous provisions that date back to the British Mandate era, including the 1945 Emergency Regulations.<sup>59</sup> The Law expands the authority of Israeli law enforcement authorities, imposes stricter penalties for criminal offenses specified in the Law, sets out a procedure for designating an organisation as a “terrorist organisation”, and expands the range of offenses labeled as “acts of terrorism”.<sup>60</sup>

The Law authorises the Defense Minister to designate an association as a “terrorist organisation”.<sup>61</sup> The definitions provided by the law, specifically for “terrorist organisation” and “terrorist act”, are overly broad and vague, and may include otherwise lawful organisations and legal activities.<sup>62</sup>

### 2018

#### **Jewish Nation-State Law**

The Israeli government passed the so-called “Jewish nation-state” bill that codifies Israel’s apartheid system of government, defining Israel as the exclusive homeland of the Jewish people and prioritising Jewish settlement as a national value.<sup>63</sup>

Among other things, it declares Jews have a “unique” right to self-determination in the land of ‘Israel’ and directs the state to regard “Jewish settlement as a national value” and to “act to encourage and promote its establishment and consolidation”.<sup>64</sup>

**“This law enshrines extrajudicial killing and constitutes a racist status, embodied by this system since its inception, as it targets Palestinian prisoners alone. Therefore, it’s a crime against humanity and must be confronted.”**

**Abdullah Al Zaghari**

Director of the Palestinian Prisoners’ Club.<sup>65</sup>



# Israel's Apartheid Death Penalty Law



# Israel's Apartheid Death Penalty Law

On 30 March 2026, the Knesset passed a Jewish supremacist bill that will instruct military courts to impose the death penalty on Palestinians convicted of killing Israelis in acts of so-called “terror”, but will not impose the same penalty on Jewish Israelis convicted of killing Palestinians.<sup>66</sup>

Under the new legislation, anyone found guilty of the killing of an Israeli citizen within the occupied West Bank will, by default, be sentenced to death by Israeli military courts.<sup>67</sup> The execution will take place by hanging and occur within 90 days of conviction.<sup>68</sup>

While the military courts do not regularly publish statistics on convictions, in 2010, the court system revealed that 99.74 percent of the Palestinians tried for offences committed in the occupied West Bank were found guilty.<sup>69</sup>

By comparison, Israeli settlers are tried in civilian courts in Israel, a clear demonstration of an apartheid legal system.<sup>70</sup> Israel has not prosecuted any of its citizens for killing Palestinians in the occupied West Bank since the start of this decade.<sup>71</sup>

The law will enter into effect within 30 days, and was voted for in the 120-seat Knesset by 62 Israeli lawmakers, including Polish-Israeli Prime Minister and wanted war criminal Benjamin Netanyahu, with 48 voting against it and one abstention.<sup>72</sup>

The bill's enactment marks a major victory for Israel's Jewish Power party, with Kurdish-Israeli National Security Minister Itamar Ben-Gvir having pushed for its enactment as one of the main conditions of his Otzma Yehudit (Jewish Power) party's coalition agreement with Netanyahu.<sup>73</sup>

Ben-Gvir, one of the bill's strongest backers, has repeatedly worn a metal noose-shaped lapel pin, symbolising executions by hanging as will be enacted by the bill.<sup>74</sup>

When the bill passed, the chamber erupted into cheers and Ben-Gvir popped a champagne bottle in celebration.<sup>75</sup>

Support for the death penalty is not a fringe view in Israeli society, with between 70 to 81 percent of Israelis supporting the death penalty for Palestinians.<sup>76</sup>

**“My son carried out a [resistance] operation, and I don’t know if this law applies to him. I fear for his life. None of us could sleep last night. My son has been in there [Israeli torture chambers] for three years now and has been subjected to hunger, thirst, cold and illnesses.”**

**Maysoon Shawamreh**  
mother of Palestinian prisoner.<sup>77</sup>



05

[← BACK TO CONTENTS](#)

# Israeli Support for the Rape of Palestinian Prisoners



# Israeli Support for the Rape of Palestinian Prisoners

When nine Israeli Occupation Forces (IOF) torturers were prosecuted for the rape of Palestinian prisoners held hostage in Israeli torture chambers, large demonstrations of Israelis supporting the torturers and opposing their prosecution erupted outside of the prison.<sup>78</sup>

Polls have demonstrated that these protests are widely supported, with most Israelis believing that IOF torturers who rape Palestinians should not be prosecuted.<sup>79</sup>

Rabbi Karim, who was appointed chief rabbi of the IOF in 2016, condoned rape “in times of war”, as long as the victims were non-Jewish women.<sup>80</sup>

When asked by Ahmad Tibi, one of the Palestinians in the Israeli Knesset, if it was legitimate “to insert a stick into a person’s rectum”, Hanoach Milwidsky, a member of Netanyahu’s ruling Likud party, responded: “If he is a Nukhba [ Hamas fighter], everything is legitimate to do! Everything!”<sup>81</sup>

Despite CCTV evidence of the rape, Israel’s head military lawyer has since dropped all charges.<sup>82</sup> This is unsurprising, given that only one IOF soldier has been convicted for assaulting Palestinian prisoners since Israel’s genocide in the besieged Gaza Strip began, despite hundreds of documented instances of abuse.<sup>82</sup>

**“To bring in the death penalty is the most moral, the most Jewish and the most decent thing. [...] It’s true that I don’t think there’s such a thing as a Jewish terrorist or a Jewish act of terrorism.”**

**Zvika Fogel**

Romanian-Israeli member of the Knesset.<sup>83</sup>



# Israel's Genocide of Palestinian Prisoners



# Israel's Genocide of Palestinian Prisoners

Alongside Israel's genocide in the besieged Gaza Strip, Israeli Occupation Forces (IOF) torturers have long been committing the ethnic cleansing of Palestinian prisoners, more accurately considered hostages, in Israeli torture chambers.<sup>84</sup>

Since October 2023, over 100 Palestinian prisoners have been killed, described as "another genocide behind walls".<sup>85</sup>

IOF torturers' widespread killing of Palestinian prisoners is motivated by extreme racism and a genocidal intent to dehumanise, humiliate, and violate Palestinians.<sup>86</sup> They occurred in a systematic context that cannot be separated from a wider policy aimed at eradicating the Palestinian community and are part of acts committed within the framework of genocide.<sup>87</sup>

Alongside the killing of Palestinian prisoners, documented patterns of the systematic sexual violence and torture of Palestinian prisoners in Israeli torture chambers exceed their traditional description and fall within the scope of genocide, affecting the physical existence of the Palestinian community in the besieged Gaza Strip through causing serious bodily and mental harm, and implementing measures aimed at preventing births within the group, all within a larger objective of partially or fully destroying the Palestinian community in the besieged Gaza Strip.<sup>88</sup>

The death penalty bill, therefore, marks only the legalisation and facilitation of Israel's existing genocide of Palestinian prisoners.<sup>89</sup>

**“There isn’t a single person standing here who doesn’t have a brother, a husband, a son, or even a neighbour in prison. There is no Palestinian family without a prisoner. But honestly, today we feel a lot of anger, because there is also a real weakness in solidarity with them. The occupation [Israel] is betting on the weakness of the street.”**

**Riman**

a 53-year-old Palestinian psychologist from Ramallah.<sup>90</sup>



07

[← BACK TO CONTENTS](#)

# Israeli Torture of Palestinian Prisoners



# Israeli Torture of Palestinian Prisoners

Hundreds of Palestinian prisoners have been tortured, sexually assaulted, starved, denied medical treatment, and maimed in Israeli torture chambers.<sup>91</sup>

IOF torturers have been documented using at least 40 different torture methods against detainees.<sup>92</sup> These include severe and ongoing beatings, forced shackling, deprivation of sleep, food, and water, exposure to degrading and inhumane detention conditions, and persistent threats, along with verbal and psychological abuse.<sup>93</sup>

Israeli Occupation Forces (IOF) torturers systematically rape and sexually assault Palestinian men, women, and children held hostage in Israeli torture chambers.<sup>94</sup>

In particular, Palestinian men and boys are subjected to extremely brutal sexual abuse designed to violate their dignity and physical integrity.<sup>95</sup> This abuse includes rape with hard objects like metal rods, wooden sticks, and fire extinguisher nozzles, resulting in severe and dangerous anal and intestinal injuries.<sup>96</sup> Trained military dogs were also used to perform anal sexual assaults on detainees openly in front of soldiers.<sup>97</sup>

Dr. Adnan Al-Bursh, orthopaedic surgeon and head of orthopaedics at Al-Shifa Hospital in Gaza City, was raped and tortured by IOF torturers following his abduction from Al-Shifa Hospital.<sup>98</sup> He was later murdered in the Israeli torture chamber known as Ofer Prison as a result of the sexual assault he endured.<sup>99</sup>

IOF torturers also routinely photograph and film Palestinians held hostage in Israeli torture chambers in degrading circumstances, while being subjected to sexual violations including forced public nudity, stripping, rape, and sexual assault, and threatening to rape their family members.<sup>100</sup> Palestinian women have been photographed naked or half-naked, with IOF torturers threatening to share these images online to humiliate and socially blackmail them.<sup>101</sup>

Palestinian women prisoners are also deliberately denied basic hygiene supplies, including sanitary pads, and have had their hijabs forcibly removed.<sup>102</sup>

IOF torturers also torture Palestinian babies in order to extract false confessions from their family members.<sup>103</sup> In March 2026, the IOF tortured an 18-month-old Palestinian baby by extinguishing cigarettes on his legs and puncturing them with sharp objects, in order to extract false confessions from his father.<sup>104</sup> The baby was left covered in burns and cuts, and his father was also subjected to torture.<sup>105</sup>

**“I know our prisoners are defending their cause. Should every person defending his cause and homeland, be sentenced to death, thrown into prisons behind bars, and subjected to the injustice of the jailer, for defending his country?”**

**Rabaa Al-Buheisi**

a Palestinian woman protesting Israel's death penalty bill in Deir al-Balah, in the besieged Gaza Strip.<sup>106</sup>



# Western Media Bias

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**The Washington Post**  
*Democracy Dies in Darkness*

**World** War In Ukraine Africa Americas Asia Europe Middle East

## Israeli parliament approves the death penalty for Palestinians convicted of murdering Israelis

Israel's Parliament has passed a law approving the death penalty for Palestinians convicted of murdering Israelis

08

# Western Media Bias

## Downplaying Israeli apartheid and Jewish supremacy

Despite Jewish supremacy being foundational to Israeli legislation since the Nakba, Western media continues to refuse to use the terms apartheid and Jewish supremacy to describe Israel's new racist, anti-Palestinian death penalty bill.

The New York Times

*Israel's New Death Penalty Law Is a Warning*

BBC NEWS

**Palestinians convicted of lethal attacks face death penalty under new Israeli law**

sky news

Israel passes controversial death penalty law

## Western Media Bias continued...



**'An eye for an eye': Israel's death penalty law is retaliatory and electorally motivated**



**Israel passes death penalty law for Palestinians convicted of lethal attacks**

**“The Knesset’s decision to impose the death penalty on prisoners is a stain of shame on the forehead of Israelis and on the forehead of the world if it remains silent about this decision. The world must reject such decisions that violate international rights and the legitimate right of resisters who resist for their rights. International conventions guarantee for occupied people to fight and struggle and it is not permissible to execute their prisoners who are prisoners of war.”**

**Rasmi Abu Al-Anein**

a Palestinian man in Khan Younis, in the besieged Gaza Strip, participating in protests against Israel’s death penalty bill.<sup>107</sup>



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## Endnotes continued...

- 100-105 ““Another genocide behind walls”: New report documents testimonies of rape and sexual violence in Israeli prisons’ *Euro-Med Human Rights Monitor*
- 106-107 ‘Video: Protests in Gaza against Israel’s Palestinian death penalty law’ *Al Jazeera* (2 April 2026) available at <https://www.aljazeera.com/video/newsfeed/2026/4/2/video-protests-in-gaza-against-israels-palestinian-death-penalty-law#flips-6392457291112:0>