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Israel: The price of conscience

The Israeli Government should seize the opportunity to recognize the right to refuse to perform military service for reasons of conscience, Amnesty International urged in a new report today, as the debate about compulsory military service is now firmly on the Israeli political agenda.

"Despite the growing recognition of the rights of conscientious objectors throughout the world, Israel still sends people to prison for weeks or even months just because they object to serving in the Israeli Defence Forces (IDF) because of their principles," the organization said.

Conscientious objectors who refuse to perform military service risk prosecution under Israeli military law. Many are jailed after receiving unfair summary trials in disciplinary hearings. Often conscientious objectors are repeatedly prosecuted and imprisoned. Amnesty International knows of five conscientious objectors who have been sentenced to terms of imprisonment in Israel since the beginning of 1999.

In June 1999 Walid Muhammad Naffa', a Druze conscientious objector, was arrested. A military court sentenced him to five months' imprisonment for "desertion". This was his 11th prison sentence for refusing to serve in the IDF on grounds of conscience.

In many countries of the world there is a growing recognition that the right to freedom of thought and religion includes the right to refuse to perform military service on grounds of religion or conscience. But in Israel there has been very little substantive change.

In 1995 the IDF set up an internal committee, called the Conscientious Objection Committee, to examine the cases of male conscientious objectors. However the operation of this committee has been very unsatisfactory for several reasons.

The committee appears to apply a very narrow definition of conscientious objection. It is questionable whether the committee is sufficiently impartial. All but one of the committee members are drawn from the ranks of the IDF. Some conscientious objectors, who were imprisoned for refusing to perform military service, were not even interviewed by this committee. Amnesty International knows of only four cases where the committee has accepted that the applicant is a genuine conscientious objector.

Cases featured in Amnesty International's report include:

Yehuda Eagos, a student and anarcho-pacifist, was sentenced to 14 days' imprisonment in November 1998 for refusing to serve in the IDF on grounds of conscience. His objection was based on "*opposition to organized violence and to Israel's military occupation of the territory of the Palestinian people*". In June 1998 the Conscientious Objection Committee had refused to recognize him as a conscientious objector. In January 1999 Yehuda Eagos was sentenced to a further 28 days' imprisonment.

Oleg Bar On, an ethnic Russian immigrant from Ukraine, was jailed four times between November 1998 and June 1999 for refusing to perform military service because of his Christian pacifist beliefs. The IDF only referred Oleg Bar On to the Conscientious Objection Committee during his fourth term of imprisonment. The committee did not recognize him as a conscientious objector. In July 1999 the IDF informed Oleg Bar On that he had been exempted from military service on grounds of "*unsuitability*".

In February 1996, '**Ali Sa'id Naffa**'-- a Druze, who was serving in the IDF in an office in the Occupied Territories -- informed his commanding officer that he intended to refuse to continue his military service for reasons of conscience; he said he had witnessed soldiers carrying out inhuman acts against Palestinians and he could not tolerate the discriminatory attitudes of many soldiers towards Palestinians. He left the IDF and the following month he was arrested. The Jaffa Military Court sentenced him to 105 days' imprisonment in June 1996. After serving his sentence, 'Ali Naffa' was finally exempted from military service on grounds of "*unsuitability*" in August 1996. He was never referred to the Conscientious Objection Committee.

In relation to military service, Israel discriminates unfairly between men and women and between people who hold different types of beliefs. Jewish Orthodox women can be exempted from military service if they make an official declaration before a judge and men who study in certain religious institutions can obtain a deferment. However, the right of many others who are conscientious objectors to refuse to perform military service is not recognized.

"In a situation where each year in Israel thousands of recruits manage through legal means to avoid serving in the IDF, the imprisonment of a small number of conscientious objectors appears even more unreasonable," Amnesty International commented.

The debate about compulsory military service is now firmly on the public agenda in Israel. This follows the December 1998 decision by Israel's High Court that deferments from military service granted to students in *yeshivot* (religious schools for Jewish men) are unlawful.

"We hope that our report will contribute to this important debate about military service," Amnesty International said. "We are calling on the Israeli government to use this opportunity to introduce an alternative non-punitive form of civilian service for conscientious objectors. The opportunity for conscientious objectors to perform civilian service should be available without discrimination on grounds of either sex or religious or other beliefs."

BACKGROUND

In principle, all Israeli citizens and residents are required to perform military service. Men are required to perform three years and women two years of "regular service". Thereafter the law requires both men and women to perform a period of "reserve service" each year. There is no alternative civilian service in Israel. Israeli citizens of Palestinian origin, with the exception of male members of the Druze and Circassian minorities, are exempted from the requirement to serve in the IDF. ENDS.../

For further information or to contact activists on conscientious objection in Israel please call Amnesty International's press office in London, UK, on 44 171 413 5566. You can also visit our website at <http://www.amnesty.org>.