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Conscientious objection to military service in Israel: an unrecognised human right

**Report for the Human Rights Committee in relation to Article 18
of the International Covenant on Civil and Political Rights**

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Conscientious objection to military service in Israel: an unrecognised human right

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Main Concerns

- ❑ There is no recognition of the right to conscientious objection for men, and an incomplete recognition of the right to conscientious objection for women.
- ❑ The procedures governing the hearing and deciding of cases of conscientious objectors are unfair and unknown (to the public).
- ❑ The imprisonment of (male) conscientious objectors is a violation of the human rights to conscientious objection, derived from art 18 of the International Covenant on Civil and Political Rights.
- ❑ The common practice of repeated imprisonment of conscientious objectors for the same offence is in breach of article 14, paragraph 7, of the International Covenant on Civil and Political Rights.
- ❑ At present the ongoing attempt to force conscientious objectors into betraying or changing their convictions by means of escalating the tactic of repeated imprisonment is of major concern. This is in breach of article 14, paragraph 7, of the International Covenant on Civil and Political Rights, and contrary to Commission on Human Rights resolution 2002/45.

1 Introduction

This report focuses on the situation of conscientious objectors in Israel, especially in the last two years. The issue of conscientious objection is complex, with a variety of regulations for specific groups. However, it is generally characterised by the violation of the human right to conscientious objection.

War Resisters' International closely monitors the situation of conscientious objectors in Israel, and took action on several levels to alert the international community about the violation of human rights of young men of conscription age in Israel. In the last two years, more than 200 **co-alerts** have been sent out to generate support for imprisoned conscientious objectors in Israel¹. War Resisters' International and the Israeli organisation New Profile jointly submitted the case of conscientious objector Victor Sabranski to the United Nations Commission on Human Rights Working Group on Arbitrary Detention².

In January 2003 a representative of War Resisters' International visited Israel, and met with several groups working on conscientious objection and human rights to discuss the situation of conscientious objectors in Israel.

This report is based on the information received from several groups in Israel, and discussions during the visit to Israel in January 2003.

2. Legal situation

2.1 Conscription and military service³

Conscription exists since the establishment of the State of Israel in 1948. The present legal basis of conscription is the 1986 *National Defence Service Law*.

All Israeli citizens and permanent residents are liable to military service. However, the Ministry of Defence has used its discretion under Art 36 of this law to automatically exempt all non-Jewish women and all Palestinian men except for the Druze from military service ever since Israel was established. Palestinian Israelis may still volunteer to perform military service, but very few (especially among the Bedouin population of Israel) do so.⁴

Military service lasts for three years in the case of men, and for 20-21 months in the case of women. It lasts longer for officers and certain specialists, such as doctors and nurses⁵.

New immigrants are given a two-year 'absorption period', but can be called up for military service during this period. They are conscripted for similar or shorter periods, according to their age, gender, and status as 'potential immigrants' or 'immigrants'⁶.

Reserve service is required up till the age of 51 in the case of men (54 for officers) and up till 24 in the case of women. Reservist duty involves one month training annually⁷.

Traditionally the reserve service has been considered a very important aspect of Israel's defence policy, indeed an important aspect of building a national identity. Since the 1980s attitudes seem to have changed somewhat. Men of over 35 are often not called up for reserve training, as they are considered medically unfit. Usually men are finally discharged at the age of 41 or 45. Women are as a rule not called up for reserve training at all⁸.

Exemption is possible for 'reasons connected with the requirements of education, security settlement or the national economy, for family reasons or for other reasons' (National Defence Service Law, art.36). This applies on medical grounds or to those convicted of criminal offences, but conscientious objectors

¹ An archive of all co-alerts can be found on WRI's website at <http://wri-irg.org/cgi/news.cgi>.

² War Resisters' International/New Profile: New Profile and War Resisters' International submit repeated imprisonment of conscientious objectors in Israel to United Nations Working Group on Arbitrary Detention, London/Tel Aviv, 20 September 2002, <http://www.wri-irg.org/news/2002/newprofile.htm>

³ This chapter is based on: Bart Horeman and Mark Stolwijk: Refusing to bear arms. A world survey on conscription and conscientious objection to military service. War Resisters' International, 1998

⁴ Sergey Sandler: Comment on 1st draft of this report, email 2 February 2003

⁵ Society of St. Yves 1990. Response to War Resisters' International questionnaire. WRI, London.

⁶ Society of St. Yves 1990. Response to War Resisters' International questionnaire. WRI, London, see also: DIRB, 29 October 1993.

⁷ Institute for Strategic Studies 1997. Military Balance 1997/98. ISS, London.

⁸ Documentation, Information and Research Branch (DIRB) of the Immigration and Refugee Board in Canada, 6 September 1996.

too have claimed exemption due to unsuitability under this article. Exemption is an entirely internal military procedure, and conscientious objectors might be referred to the 'Conscience Committee' (see section 2.2 below).

The relatively undereducated are also exempt. This is because conscripts are supposed to have finished at least eight years' education. Those who have not but nevertheless wish to volunteer are given a basic education because – according to the authorities – everybody is entitled to serve in the armed forces⁹. Special rules apply to the exemption of religious students and women.

Jewish male scholars studying in a *yeshiva* (religious school) are granted exemption or automatic deferral until they are past military service age. There is an arrangement whereby they can study while in the armed forces. Druze male religious scholars too are exempt¹⁰.

In discussing the status of the armed forces shortly after the founding of the State of Israel, representatives of orthodox religious parties argued that *yeshiva* students should be exempt from military service. This derives from the Jewish tradition that if a man wants to dedicate his life to religious study, society must allow him to do so. The request of orthodox political parties to 'prevent neglect of studying the Torah' was granted by the authorities. But in recent years this exemption practice has become the subject of debate in Israeli society¹¹.

Exemption is possible for married women, pregnant women, and women having children (art. 38 (a) (b)). Women granted postponement while they were students and married during this period, cannot claim marriage as ground for exemption.

Women are thought to get exempted quite easily; allegedly only 60 percent of all liable women are actually recruited. This figure is steadily dropping for more than a decade¹².

2.2 Conscientious objection to military service

The right to conscientious objection is not legally recognized in the case of men. It is only partially recognized in the case of women under art. 39 of the National Defence Service Law, which permits exemption on grounds of conscience but only if they are religious grounds.

Women can claim exemption from military service on grounds of conscience under arts. 39 (c) and 40 of the Defence Service Law, according to which religious reasons can be grounds for exemption.

Art. 39 (c) deals with the exemption of women with a particular religious background. According to this article: "*A female person of military age who has proved, in such manner and to such authority as shall be prescribed by regulations, that reasons of conscience or reasons connected with her family's religious way of life prevent her from serving in defence service, shall be exempt from the duty of that service.*"

Art. 40 specifies exemption on religious grounds. According to it, exemption is permissible when: "(1) *reasons of religious conviction prevent her from serving in the defence service and (2) she observes the dietary laws at home and away from home and (3) she does not ride on the Sabbath.*"

This article is somewhat ambiguous, as it does not specify which religious conviction can achieve exemption. However, the military authorities have always assumed that it only applies to Jewish Orthodox women who keep the *sabbath* and *kosher* rules¹³. There is no article specifying "reasons of conscience", but conscientious objection of women is not limited to religious reasons.

Written application must be made to the Ministry of Defence conscription administration, before the first date for reporting at that office. Application procedure involves a hearing by an exemption board, which may include a Rabbi, psychiatrist, army officer, a representative of the public and a female soldier¹⁴. Amnesty International comments that, "although the law treats female conscientious objectors more

⁹ Gouault, J. 1995. Service National, quelle options? Serie POUR Avec. GREP Editions/UNESCO, Paris.

¹⁰ Amnesty International 1991. Conscientious objection to military service. AI, London, Amnesty International 1988. Israel and the occupied territories, conscientious objection. AI, London, Society of St. Yves 1990. Response to War Resisters' International questionnaire. WRI, London.

¹¹ Amnesty International 1988. Israel and the occupied territories, conscientious objection. AI, London, Peri, Yoram 1993. 'Israel - Conscientious Objection in a Democracy under Siege', in: Moskos, C.C., J.W. Chambers II. The New Conscientious Objection, from sacred to secular resistance. Oxford University Press, New York/Oxford.

¹² Sergey Sandler: Comment on 1st draft of this report, email 2 February 2003

¹³ Documentation, Information and Research Branch (DIRB) of the Immigration and Refugee Board in Canada, 29 October 1993.

generously than males, this is not to say that Israel fully recognises the right of female conscientious objectors to exemption from military service. ... Additionally, Israeli law does not recognise the right of women who have already served in the IDF to seek exemption from military service on grounds of conscientious objection"¹⁵. This also applies to women conscripts during their service, who do not have any option to apply for conscientious objection, or exemption¹⁶. Almost all women who apply for exemption and go through the procedure – which might include appealing to a higher committee – are exempted from military service. However, the appearance before the committee is usually a humiliating experience. Most of the questions asked are irrelevant to the issue of conscientious objection. Information about the option of gaining a CO status is usually concealed by the army. No kind of regulations or criteria – other than administrative aspects of the committee's work – exist, especially there are no criteria regarding the granting of a CO status.

The legislation on exemption of religious women is based on Jewish tradition, which does not permit daughters either to stray from their father's authority or to live in a mixed-gender society. Military service by women would conflict with both these proscriptions, hence with the traditional religious way of life¹⁷.

Legislation does not permit exemption for men on conscientious grounds. Male conscientious objectors usually try to claim exemption through 'unsuitability' under art 36. of the National Defence Service Law – a procedure invented by groups counselling conscientious objectors.

There is no right to appeal against a Ministry of Defence decision. In the past, appeals have been made to the Israeli Supreme Court, but they have seldom been considered.

In 1995 the armed forces established a board to consider CO cases (the "*Committee for Granting Exemptions from Defence Service for Reasons of Conscience*", commonly referred to as Conscience Committee). It consists solely of army representatives (although recently a civilian might have been appointed to this committee¹⁸) and it has no legal basis or standards for judging applications. Very little is known about this committee. According to information provided by the Association for Civil Rights in Israel, "*the committee of men is hold as a matter of grace and not of rights. There are no articles, no forms and no clear procedure or criteria.*"¹⁹ Amnesty International states in a report that the Conscience Committee "has no formal legal status. An internal administrative directive sets down the composition of the Committee and its procedures, and there is no right of appeal. This directive is not published."²⁰ According to IDF officials a conscientious objector is referred to the Conscience Committee if he states to an IDF official that he cannot perform military service on grounds of conscientious objection. However, in many cases men who express their conscientious objection are not transferred to the Conscience Committee; this is especially the case with Druze conscientious objectors."²¹

Official figures on the work of the committee, obtained from the Israeli Defence Forces by the Association for Civil Rights in Israel, show the low number of accepted applications. It is also important to bear in mind that many conscientious objectors – especially selective conscientious objectors – never get referred to the Conscience Committee, so that the figures shown only represent a small proportion of all conscientious objectors. In addition, many conscientious objectors are not aware of the existence of the 'Conscience Committee', which means that they don't apply.

¹⁴ Amnesty International 1988. Israel and the occupied territories, conscientious objection. AI, London, Society of St. Yves 1990. Response to War Resisters' International questionnaire. WRI, London.

¹⁵ Amnesty International: Israel: The price of principles: Imprisonment of conscientious objectors. September 1999, AI Index: MDE 15/49/99

¹⁶ Sergey Sandler: Comment on 1st draft of this report, email 2 February 2003.

¹⁷ Peri, Yoram 1993. 'Israel - Conscientious Objection in a Democracy under Siege', in: Moskos, C.C., J.W. Chambers II. The New Conscientious Objection, from sacred to secular resistance. Oxford University Press, New York/Oxford.

¹⁸ Sergey Sandler: Comment on 1st draft of this report, email 2 February 2003.

¹⁹ Avner Pinchuk, Association for Civil Rights in Israel. Email to WRI, 26 January 2003

²⁰ Amnesty International: Israel: The price of principles: Imprisonment of conscientious objectors. September 1999, AI Index: MDE 15/49/99

²¹ Amnesty International: Israel: The price of principles: Imprisonment of conscientious objectors. September 1999, AI Index: MDE 15/49/99

Table: Applications to the *Committee for Granting Exemptions from Defence Service for Reasons of Conscience*

	1998				1999				2000			
	Requests	Partially accepted ²²	Fully accepted	Turned down	Requests	Partially accepted	Fully accepted	Turned down	Requests	Partially accepted	Fully accepted	Turned down
Draft resisters	15	1	0	14	12		1		26	0	2	24
Conscripts	7	0	0	7	10		1		9	1	0	8
Reservists	14	1	2	11	11		1		11	0	2	9
Total	36	2	2	32	33	7	3	23	46	1	4	41

Draft resisters: conscientious objectors who applied before being enlisted into the IDF

Conscripts: application for conscientious objection made during active service

Reservists: application for conscientious objection made after military service, but while in the reserve forces (and therefore eligible to reserve duty once a year)

Association for Civil Rights in Israel, data published in Ha'aretz (Hebrew edition), December 2001²³

More recent figures are not yet available. According to CO groups, the Conscience Committee exempted two more applicants in the period 1995-1997. It is believed that in recent years the number of applications increased, while fewer applicants were fully accepted²⁴.

According to CO groups, the reaching of decisions on exemption of conscientious objectors owing to *unsuitability* (as there is no CO status for men, COs are exempted owing to unsuitability by the 'Conscience Committee') is fairly arbitrary. Applications by absolute pacifists are believed as a rule to be more apt to be granted than those made by partial objectors. And an application is more likely to be granted if it has not been the focus of public attention, as the authorities are not keen on CO cases turning into political cases²⁵.

There are many COs whose applications for exemption or for assignment to a post within the pre-1967 borders (in cases of selective conscientious objectors) have been rejected but who continued to refuse to serve, and have been sent to prison (see appendix). In other cases informal arrangements within the armed forces are apparently made with reservists who decline to serve in the Occupied Territories. This is at the discretion of the individual commander, each case being dealt with on its merits without providing a precedent. In such cases arrangements may be made within the unit itself, which may lead to assignment in Israel, postponement of service until such time as the unit would not be sent to the Occupied Territories, unarmed service within the armed forces or discharge on medical, domestic or work grounds. However, there is no legal right to this kind of arrangements; the selective conscientious objector is left at the mercy of his/her commander.

The previous Defence Service Law required women who were exempt from military service on grounds of conscience or on religious grounds, to perform 'alternative civilian service', but such service has never in fact been performed. From 1977 on this provision has been legally ignored. Nevertheless a key question for the women's exemption board is still about a woman's willingness to perform substitute service²⁶.

COs are apt to face subsequent restrictions in further life. Those who lack documents proving they have completed military service are often regarded with suspicion – a fact that poses a problem not only to conscientious objectors, but also to everyone who did not serve in the IDF, which includes the Palestinian population²⁷.

²² Partially accepted. This means that the applicant has to serve in the army, but in some special conditions would be exempted from bearing arms. Such 'partial acceptance' is often not at all acceptable to the applicant.

²³ A summary of these figures was also published in the English edition of Ha'aretz: Aryeh Dayan: Pacifists are fighting hard against the draft. Ha'aretz, 4 March 2002

²⁴ Sergey Sandler, Official statistics from the Conscience Committee, Email to WRI, 26 December 2001

²⁵ Documentation, Information and Research Branch (DIRB) of the Immigration and Refugee Board in Canada, 18 August 1995.

²⁶ Society of St. Yves 1990. Response to War Resisters' International questionnaire. WRI, London.

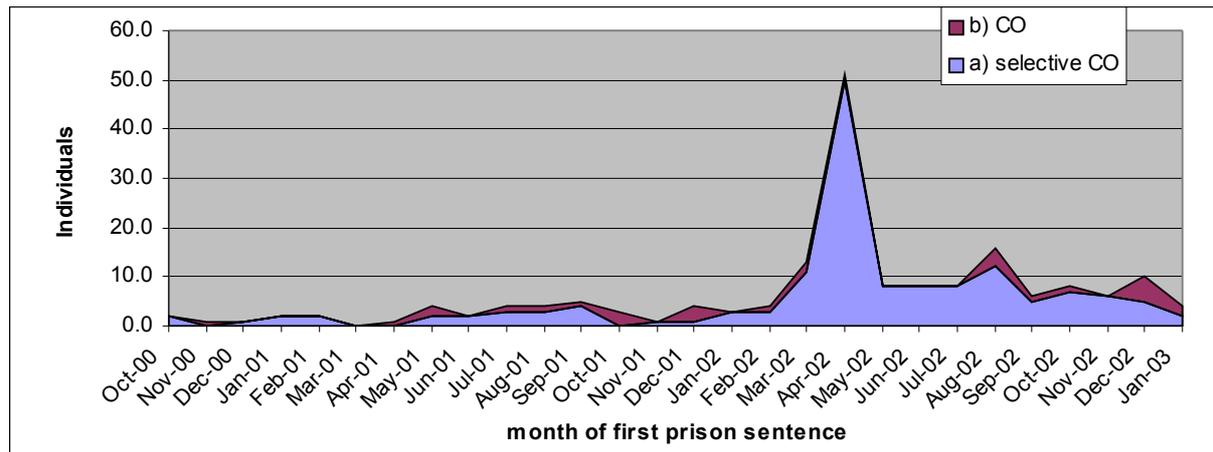
²⁷ Sergey Sandler: Comment on 1st draft of this report, email 2 February 2003.

3. Development of conscientious objection in Israel

For the period after 2000, no official figures are available as yet, although the Association for Civil Rights in Israel asked for statistics on the work of the Conscience Committee²⁸.

Since the beginning of the recent intifadah the number of conscientious objectors slowly increased. Most of those who refuse are selective conscientious objectors, refusing to serve in the Palestinian Territories. However, more and more potential conscripts refuse to serve too. On 3 September 2001, 62 high school students announced their refusal to serve in an open letter to Israeli Prime Minister Ariel Sharon²⁹. Early the next year, the 'Combatants' Letter' by the group "Courage to Refuse" – a group of IDF officers who declared their refusal to serve in the Palestinian Territories – received even more public attention³⁰. By today (29 January 2003), 520 reservists have signed the statement.

Graphic: Development of imprisonment of conscientious objectors in Israel – Oct 2000-Jan 2003



CO: conscientious objectors who declared their CO before being enlisted into the IDF. Some of these have been referred to the Conscience Committee and have been turned down, other were not referred to the Committee

Selective CO: Refuse to serve in the Occupied Territories. The majority of these cases are members of the reserve, called up for reserve duty.

Based on data supplied by Yesh Gvul and New Profile

In April 2002, the Israeli Defence Forces (IDF) announced the emergency mobilisation of 20,000 reservists, which lead to a peak of imprisoned conscientious objectors in the same month³¹. In April alone there were more than 50 cases of conscientious objection, which all lead to imprisonment. From then on the numbers remained higher. In September 2002, the 'Seniors' Letter' of high school students was re-issued, and again sent to Prime Minister Ariel Sharon, this time signed by more than 200 high school students who announced that they would refuse to serve in the Palestinian Territories – most refuse to serve in the IDF altogether on political grounds. The number of signatories has by now increased to more than 300³².

The number of conscientious objectors is steadily on the increase in Israel, which also means that this is an issue which demands urgent attention. However, it is almost impossible to give exact figures. The different CO groups in Israel estimate that more than 2000 people declared their conscientious objection since September 2000. More than 1100 cases are well documented³³.

4. Imprisonment of conscientious objectors

According to the National Defence Service Law, art 35 (a) (2), failure to fulfil a duty imposed by the National Defence Service Law is punishable by up to two years' imprisonment.

Attempting to evade military service is punishable by up to five years' imprisonment.

²⁸ Avner Pinchuk: Email to War Resisters' International, 26 January 2003

²⁹ Joseph Algazy: High school seniors to PM: We refuse to be 'oppressors of the Palestinians', Ha'aretz, 6 September 2001.

³⁰ Barbara Plett: Reservists' rebellion highlights cracks. BBC News World/Middle East, 2 February 2002

³¹ Sergey Sandler: 21 objectors in prison. Email to War Resisters' International, 3 April 2002

³² Sergey Sandler: Comment on 1st draft of this report, email 2 February 2003.

³³ Sergey Sandler: Comment on 1st draft of this report, email 2 February 2003.

Refusal to perform reserve duties is punishable by up to 56 days' imprisonment, the sentence being renewable if the objector refuses repeatedly.

Helping someone to avoid military service is punishable by a fine or up to two years' imprisonment³⁴.

Those who disobey call-up orders are regarded as refusing to perform military service and can thus be sentenced to up to five years' imprisonment. In practice sentences do not exceed more than a year's imprisonment³⁵. In practice, conscientious objectors are sentenced on one of the following charges: refusing to obey an order, absence without leave, desertion, or refusal to be mobilised³⁶.

If an application for exemption from military service is rejected, the individual is ordered to perform military or reserve service. Continued refusal may lead to being disciplined or court-martialled. As stated above, there is no clearly discernible pattern to decision-making in cases of people refusing to serve. Military courts have sentenced objectors to up to one-and-a-half years' imprisonment. Sentences are frequently much shorter, but may be imposed repeatedly. They may be from seven to 35 days' imprisonment, and they may be renewed as much as five times. After they leave prison people may either be 'forgotten' or exempted. Usually COs get exempted after serving a total of more than 90 days in prison. However, this practice is changing, and recently conscientious objectors were sentenced again and again after having spent more than 150 days in prison³⁷.

It has been reported in the past that Druze objectors are apt to receive exceptionally severe sentences for draft evasion and desertion³⁸.

Since October 2000, more than 181 conscientious objectors spent time in prison – the majority (151) refusing reserve duty in the Occupied Territories (selective conscientious objection).

While the sentences for refusing to perform reserve duty in the Occupied Territories mainly remained constant – normally 28 days, with some cases of 14 or 21 days, and some cases of 35 days – the sentences for draft evasion increased. It can be seen that the average was below 90 days for draft resisters who were called up in 2001, those who were called up in 2002 received sentences of more than 100 days on average, with average sentences climbing to more than 140 days for those called up from August 2002 onwards (the figures for December 2002 and January 2003 are misleading, as these draft resisters haven't received their last prison sentence yet.).

The increase of sentences is the result of repeated imprisonment. Before 2002, draft resisters were usually sentenced 4 or at maximum 5 times, until they had spent at least 90 days in prison. Eventually they are sent to the "Unsuitability Committee" that usually exempts them on grounds of 'unsuitability for

³⁴ Informed provided by Amnesty International 1991. *Conscientious objection to military service*. AI, London.

³⁵ Documentation, Information and Research Branch (DIRB) of the Immigration and Refugee Board in Canada, 29 October 1993.

³⁶ Sergeiy Sandler: Comment on 1st draft of this report, email 2 February 2003.

³⁷ See for example: War Resisters' International: *ISRAEL: Seventh prison term for Jonathan Ben-Artzi*, 16 January 2003, <http://wri-irg.org/news/htdocs/16012003a.html>; *ISRAEL: Update on 12 imprisoned conscientious objectors and refuseniks*, 22 January 2003, <http://wri-irg.org/news/htdocs/22012003a.html>

³⁸ Society of St. Yves 1990. Response to War Resisters' International questionnaire. WRI, London; Sergeiy Sandler: *Delivering the message, loud and clear*, *The Broken Rifle* No 53, November 2001, <http://www.wri-irg.org/news/2001/pfp01-en.htm>

Table: Imprisonment of conscientious objectors in Israel

Date	Oct-00	Nov-00	Dec-00	Jan-01	Feb-01	Mar-01	Apr-01	May-01	Jun-01	Jul-01
Total cases 1)	2	1	1	2	2	0	1	4	2	4
a) Selective COs	2		1	2	2			2	2	3
b) Conscientious objectors		1					1	2		1
a) Sentences selective COs										
Total Sentence (days)	84.0		28.0	49.0	77.0			42.0	23.0	68.0
Average Sentence (days)	42.0	0.0	28.0	24.5	38.5	0.0	0.0	21.0	11.5	22.7
Total No Sentences	4.0		2.0	2.0	3.0			3.0	2.0	3.0
Average No Sentences	2.0	0.0	2.0	1.0	1.5	0.0	0.0	1.5	1.0	1.0
b) Sentences COs										
Total Sentence (days)		14.0					70.0	175.0		60.0
Average Sentence (days)	0.0	14.0	0.0	0.0	0.0	0.0	70.0	87.5	0.0	60.0
Total No Sentences		1.0					3.0	7.0		1.0
Average No Sentences	0.0	1.0	0.0	0.0	0.0	0.0	3.0	3.5	0.0	1.0
Total Sentences (days)	84	14	28	49	77	0	70	217	23	128

Date	Aug-01	Sep-01	Oct-01	Nov-01	Dec-01	Jan-02	Feb-02	Mar-02	Apr-02	May-02
Total cases 1)	4	5	3	1	4	3	4	13	51	8
a) Selective COs	3	4		1	1	3	3	11	50	8
b) Conscientious objectors	1	1	3		3		1	2	1	
a) Sentences selective COs										
Total Sentence (days)	114.0	86.0		28.0	14.0	53.0	84.0	301.0	1418.0	203.0
Average Sentence (days)	38.0	21.5	0.0	28.0	14.0	17.7	28.0	27.4	28.4	25.4
Total No Sentences	4.0	4.0		1.0	1.0	3.0	4.0	14.0	51.0	8.0
Average No Sentences	1.3	1.0	0.0	1.0	1.0	1.0	1.3	1.3	1.0	1.0
b) Sentences COs										
Total Sentence (days)	84.0	28.0	267.0		325.0		91.0	189.0	126.0	
Average Sentence (days)	84.0	28.0	89.0	0.0	108.3	0.0	91.0	94.5	126.0	0.0
Total No Sentences	3.0	1.0	6.0		8.0		5.0	8.0	5.0	
Average No Sentences	3.0	1.0	2.0	0.0	2.7	0.0	5.0	4.0	5.0	0.0
Total Sentences (days)	198	114	267	28	339	53	175	490	1544	203

Date	Jun-02	Jul-02	Aug-02	Sep-02	Oct-02	Nov-02	Dec-02	Jan-03
Total cases 1)	8	8	16	6	8	6	10	4
a) Selective COs	8	8	12	5	7	6	5	2
b) Conscientious objectors			4	1	1		5	2
a) Sentences selective COs								
Total Sentence (days)	203.0	210.0	322.0	122.0	231.0	126.0	147.0	56.0
Average Sentence (days)	25.4	26.3	26.8	24.4	33.0	21.0	29.4	28.0
Total No Sentences	8.0	8.0	12.0	5.0	8.0	6.0	7.0	2.0
Average No Sentences	1.0	1.0	1.0	1.0	1.1	1.0	1.4	1.0
b) Sentences COs								
Total Sentence (days)			567.0	80.0	145.0		224.0	35.0
Average Sentence (days)	0.0	0.0	141.8	80.0	145.0	0.0	44.8	17.5
Total No Sentences			23.0	1.0	4.0		7.0	2.0
Average No Sentences	0.0	0.0	5.8	1.0	4.0	0.0	1.4	1.0
Total Sentences (days)	203	210	889	202	376	126	371	91

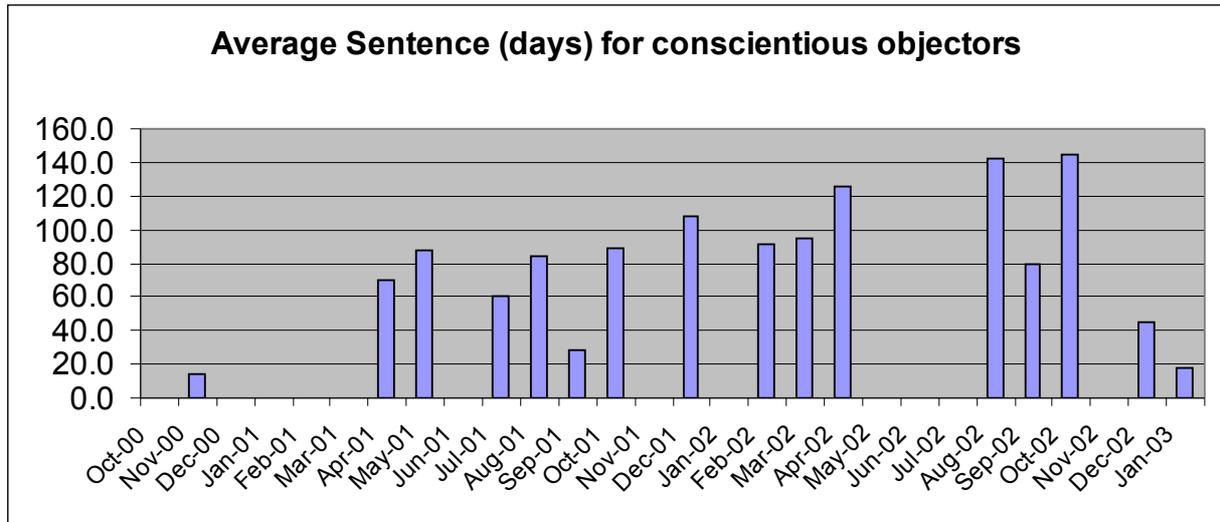
1) Cases are counted in the month of the first prison sentence. In cases of reservists (selective conscientious objectors), a second imprisonment might have occurred more than 1 year later

military service'. The decision to refer a draft resister to this committee is with the 'Classification Officer'. In some cases a classification officer referred a draft resister to the Unsuitability Committee even before

90 days in prison were reached. For those draft resisters who were called up in 2002 the situation changed. Victor Sabranski, who was called up in May 2002, spent 126 days in prison. Those who were called up from August 2002 on spent even more days in prison, being sentenced five, six, seven, or even more times, with no end in sight³⁹. In the case of Jonathan Ben-Artzi, who is presently serving a seventh prison term, the decision was transferred to the Head of the Manpower Department of the IDF⁴⁰, an indication that the increase in sentencing is a change of policy.

It is especially worrying that repeated imprisonment of conscientious objectors is on the increase in Israel. This is in contradiction to UN Commission on Human Rights Resolution 2002/45, which explicitly took note of "*recommendation 2 made by the Working Group on Arbitrary Detention in its report (see E/CN.4/2001/14, chap. IV, sect. B), aimed at preventing the judicial system of States from being used to force conscientious objectors to change their convictions*"⁴¹.

Graphics: Average sentence for draft evasion



Source: Data provided by New Profile and Yesh Gvul

5. Conclusions

Israel's treatment of conscientious objectors needs urgent attention. This treatment is in breach of the Universal Declaration of Human Rights (Art 18) and the International Covenant on Civil and Political Rights (Art 18), of which Israel is a signatory.

War Resisters' International calls on the Human Rights Committee to demand from Israel the recognition of the right to conscientious objection, in accordance with several resolutions of the United Nations Commission on Human Rights.

War Resisters' International will continue to work with CO groups in Israel, for the recognition of the right to conscientious objection.

Andreas Speck
3 February 2003

³⁹ War Resisters' International: ISRAEL: Update on 12 imprisoned conscientious objectors and refuseniks. 22 January 2003

⁴⁰ The Other Israel: TOI Billboard: Hardening treatment of COs, fateful elections + many protests, Email, 17 January 2003

⁴¹ Conscientious objection to military service, Commission on Human Rights resolution 2002/45, E/2002/23- E/CN.4/2002/200