

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. What is the current situation regarding compulsory military service in Israel?**
- 2. Are there provisions for conscientious or moral objectors?**
- 3. Can an individual claim and be granted an exemption from yearly service, on conscientious grounds or others, after the initial three years service is completed? (I.e. can you become a conscientious objector after your initial service?)**
- 4. What are the penalties for refusing military call ups?**
- 5. Is there any evidence that these are applied in anything other than a law of general application?**
- 6. Can you request to serve in particular areas and not in others (i.e. not in patrolling Israeli Settler areas or Palestinian territories)?**
- 7. What percentages of young people do not complete military service?**
- 8. Is there any evidence to the claim that those who do not do military service are considered “unworthy” or “outsiders”?**

RESPONSE

- 1. What is the current situation regarding compulsory military service in Israel?**

According to an Economist Intelligence Unit risk briefing on Israel dated 6 January 2006:

To counter the threat that it believes it faces from its neighbours, Israel has built up a strong military capability, based on conscription and a system of annual reserve duty. Of the IDF's [Israel Defence Force] estimated serving strength of 167,600 in 2003, 107,500 were conscripts. Terms of service are 48 months for officers, 36 months for servicemen and 24 months for women. After military service is completed, male conscripts are required to serve one month a year until they reach 41, although this can be extended to 54 for certain specialists. For women, though service is also compulsory, fewer serve and the term of service usually ends after 24 months, except for those with specialist skills ('Israel risk: Political stability risk' 2006, *Economist Intelligence Unit – Risk Briefing*, 6 January – Attachment 1).

The Mahal2000 website, which provides information about “a program enabling young overseas Jews to volunteer for service in the IDF”, includes the following information about who serves in the Israeli army:

Israel is unique in that military service is compulsory for both males and females. It is the only country in the world that maintains obligatory military service for women. This continues the tradition of female fighters during Israel's War of Independence. Males serve for three years and females for just less than two years. Israel also has one of the highest recruitment rates in the world - some 80% of those who receive summons serve. Those who are exempt from service include most minority groups, those who are not physically or psychologically fit, married women or women with children, religious males who are studying in an accredited Jewish Law institution and religious females who choose to pursue ‘national service’ – community work.

The website also notes that “released soldiers continue serving as reservists into their early 50s, contributing up to over a month’s worth of service each year, both training and active service” (‘IDF Background Information’ (Undated), Mahal2000 website <http://www.mahal2000.com/information/background/content.htm#overview> – Accessed 24 January 2006 – Attachment 2).

The US Department of State report on religious freedom in Israel and the Occupied Territories for 2005 indicates that pursuant to “the law, ultra-Orthodox Jews are entitled to exemption from military service to pursue religious studies.” It is stated in the article that:

According to the Government, approximately 9 percent of all male candidates for military service are exempted as full-time yeshiva [religious school] students. In February 2004, due to political pressure from the secular Shinui party and some sectors of society, the Government appointed a parliamentary committee to propose ways to broaden military service to include yeshiva students and to integrate ultra-Orthodox Jews into the workforce. At the end of the reporting period, the committee had not issued its recommendations (US Department of State 2005, *International Religious Freedom Report 2005 – Israel and the Occupied Territories*, November, Section II – Attachment 3).

The US Department of State report on human rights practices in Israel and the Occupied Territories for 2004 notes that “Israeli Arabs were not required to perform mandatory military service and, in practice, only a small percentage of Israeli Arabs served in the military.” The report also indicates that Israel’s “Druze and Circassian communities were subject to the military draft, and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens who were not subject to the draft served voluntarily” (US Department of State 2005, *Country Reports on Human Rights Practices for 2004 – Israel and the occupied territories*, February, Section 5 – Attachment 4).

An article dated 2 August 2005 in *Israel Business Arena* indicates that Benjamin Netanyahu, Israel’s Minister of Finance, had “declared his intention of shortening compulsory military service by six months, starting in 2006. He said this had been agreed with the minister of defense, but required a government decision and legislation by the Knesset. Shortening the period of military service will save the government millions of shekels a year, and raise the level of participation in the workforce” (Klein, Zeev 2005, ‘Israel Business Arena: 2006 reforms: Splitting up IEC, shorter military service’, *Israel Business Arena*, 2 August – Attachment 5).

A RRT research response dated 1 May 2003 includes information on military service obligations in Israel (RRT Country Research 2003, *Research Response ISR15895*, 1 May – Attachment 6).

2. Are there provisions for conscientious or moral objectors?

According to a War Resisters' International (WRI) report dated 3 February 2003, "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 article 39 of the National Defence Service Law, which permits exemption on grounds of conscience but only if they are religious grounds." The report also notes that "Legislation does not permit exemption for men on conscientious grounds. Male conscientious objectors usually try to claim exemption through 'unsuitability' under article 36 of the National Defence Service Law – a procedure invented by groups counselling conscientious objectors" (Speck, Andreas 2003, 'Conscientious objection to military service in Israel: an unrecognised human right', War Resisters' International website, 3 February <http://wri-irg.org/pdf/co-isr-03.pdf> - Accessed 24 January 2006, pp 4-5 – Attachment 7).

A further War Resisters' International report dated January 2004 indicates that the "explanation of the legal situation regarding conscientious objection to military service in Israel" contained in the WRI report of 3 February 2003 was "still valid." The January 2004 report indicates that WRI considered that the results of two court-martials in Israel in 2003/04 showed that the authorities were attempting "to narrow the right to conscientious objection to absolute pacifists." According to the report:

What we can see here might be a new line - although in fact not that new. While "pure" pacifists might get exempted from military service - after a long process bordering on inquisition - those who link their conscientious objection, whether based on pacifism or not, to the present situation in Israel and especially in the Occupied Territories will be punished. The more they go public, and become a symbol of opposition to the occupation, the harder the punishment.

What we can observe here is a political motivated attempt to narrow the right to conscientious objection to absolute pacifists (War Resisters' International 2004, 'Conscience on Trial – Court martials against conscientious objectors in Israel', War Resisters' International website, January <http://www.wri-irg.org/news/2004/israel0204-en.htm> - Accessed 24 January 2006 – Attachment 8).

A report dated 2 December 2003 by The Observatory for the Protection of Human Rights Defenders (an International Federation for Human Rights (FIDH) and World Organisation Against Torture (OMCT) joint venture) includes information on the legislation and practices relating to conscientious objection in Israel. In relation to legislation on conscientious objection in Israel, the report notes that the Defence Service Law of 1986 regulates military service and conscientious objection in Israel and that pursuant to Section 36(1) of that law, the Minister of Defence has "a general discretion to exempt anyone from military service." It is stated in the report that:

While the 1986 law explicitly recognizes conscientious objection for women, it does not contain a similar provision for men. The law provides for the exemption from the military service of anyone "for reasons connected with the requirements of education, security, settlement or the national economy, or for family or for other reasons". It is under "other

reasons” that the category of conscientious objectors (CO) falls. Conscientious objection is therefore admitted but is not recognized as a right.

In relation to conscientious objection in Israel in practice, it is stated in the report that:

Although a number of Israeli youngsters drafted every year declare themselves to be conscientious objectors (total or selective), almost none of them is recognized to fall in that category by the CC [Conscientious Objection Committee]. A number of them are forced through psychological threats to enlist in the army. According to testimonies of COs, members of the IDF draft board and of the CC try to scare them or accuse them of being traitors in order to convince them to join the army. Those who decide not to give in, usually receive short consecutive prison terms (14 to 28 days). If they endure some three or four consecutive prison terms, they are usually brought before an “Incompatibility Committee”, which usually gets rid of the stubborn COs by declaring them unfit for the military service. Another option often used is to exempt applicants on grounds of physical/mental health.

...Officially, the number of COs in Israel is extremely low. However, the number of draftees who are exempt from the military service is rising, following an increasing opposition among many young conscripts and soldiers to participate in a war which they consider illegal (The Observatory for the Protection of Human Rights Defenders 2003, *Israel: Conscientious Objection Tackled by Military Justice: Ben Artzi Trial (7-10 October 2003)*, 2 December, pp 3-4 – Attachment 9).

According to a recent article dated January 2006 by representatives of New Profile, a feminist movement aiming to raise Israeli citizens’ awareness of the role of the militarisation of society in the ongoing conflict, on the Refuser Solidarity Network website, “men and women refusers are treated equally” in Israel now, with female conscientious objectors’ cases shifted “to the extremely narrow criterion of what the army’s so called “conscience committee” qualifies as conscience in the case of male candidates” (Hadar, Mirjam & Sandler, Sergei 2006, ‘Conscientious Objectors in Israel’s Military Jails’, Refuser Solidarity Network website, January

http://www.refusersolidarity.net/default.asp?content_new=CO_Background – Accessed 24 January 2006 – Attachment 10).

The previously mentioned RRT research response dated 1 May 2003 includes information on whether there was any non-military service option available for persons who objected to service in the Israeli army and whether any groups were exempted from military service in Israel (RRT Country Research 2003, *Research Response ISR15895*, 1 May – Attachment 6). The response refers to earlier reports that include information on conscription in Israel (Amnesty International 1999, *Israel: the Price of Principles – Imprisonment of Conscientious Objectors*, MDE 15/49/99, September – Attachment 11: Horeman, Bart & Stolwijk, Marc 1998, *Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service – Israel*, War Resisters’ International, 21 April – Attachment 12).

3. Can an individual claim and be granted an exemption from yearly service, on conscientious grounds or others, after the initial three years service is completed? (i.e. can you become a conscientious objector after your initial service?)

As previously noted, the Mahal2000 website indicates that in Israel, “released soldiers continue serving as reservists into their early 50s, contributing up to over a month’s worth of service each year, both training and active service” (‘IDF Background Information’

(Undated), Mahal2000 website

<http://www.mahal2000.com/information/background/content.htm#overview> – Accessed 24 January 2006 – Attachment 2).

The previously mentioned report dated 2 December 2003 by The Observatory for the Protection of Human Rights Defenders indicates that pursuant to Section 36(1) of the Defence Service Law of 1986, the Minister of Defence has “a general discretion to exempt anyone from military service” and that the 1986 “law provides for the exemption from the military service of anyone ‘for reasons connected with the requirements of education, security, settlement or the national economy, or for family or for other reasons’.”

The report also refers to a judgment in December 2002 by Israel’s Supreme Court in the case of Zonschein that appears to indicate that exemptions from military service for conscientious reasons under “other reasons” include exemptions for those in the reserve service. However, the Court ruled out selective objection. According to the report, in the judgment, Israel’s Supreme Court reaffirmed “the possibility of granting exemptions from military service for reasons of conscientious objection. It noted that *“all agree that exemptions for conscientious reasons are included in those ‘other reasons’, which allow exemption from regular or reserve service.”* It refers to total conscientious objection only.” The Court “ruled out the possibility of selective objection (that is the exemption from service deriving from an objection to a specific war or military operation) for reasons of national security” (The Observatory for the Protection of Human Rights Defenders 2003, *Israel: Conscientious Objection Tackled by Military Justice: Ben Artzi Trial (7-10 October 2003)*, 2 December, p 3 – Attachment 9).

According to the War Resisters’ International report dated 3 February 2003, “Refusal to perform reserve duties is punishable by up to 56 days’ imprisonment, the sentence being renewable if the objector refuses repeatedly” (Speck, Andreas 2003, ‘Conscientious objection to military service in Israel: an unrecognised human right’, War Resisters’ International website, 3 February <http://wri-irg.org/pdf/co-isr-03.pdf> - Accessed 24 January 2006, p 8 – Attachment 7), and there are reports of Israeli army reservists being punished for refusing to serve. An Amnesty International report dated 4 January 2006, which lists the names of a number of Israeli conscientious objectors who had refused to serve in the Israeli army, includes the names of reservists sentenced to imprisonment. Among the reasons given for the reservists’ imprisonment were refusal to undertake reserve service duties and refusal to serve in the occupied territories (Amnesty International 2006, ‘Conscientious objectors – Previous appeals’, Amnesty International website, 4 January http://web.amnesty.org/web/web.nsf/pages/iot_previous_appeal_cases - Accessed 24 January 2006 – Attachment 13).

The War Resisters’ International report dated 3 February 2003 also notes that attitudes towards reserve service in Israel seemed “to have changed somewhat” since the 1980s with men aged over 35 “often not called up for reserve training, as they are considered medically unfit” and women “as a rule not called up for reserve training at all.” It is stated in the report that:

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 all (Speck, Andreas 2003, 'Conscientious objection to military service in Israel: an unrecognised human right', War Resisters' International website, 3 February <http://wri-irg.org/pdf/co-isr-03.pdf> - Accessed 24 January 2006, p 3 – Attachment 7).

An article from *Draft Notices*, the newsletter of the Committee Opposed to Militarism and the Draft, dated May-June 2002 indicates that in Israel, "only a third of men eligible for reserve duty" were "actually completing it" (Morgan, Marion 2002, 'Israeli Refuseniks Raise a Powerful Dissenting Voice', *Draft Notices*, May-June http://www.comdsd.org/article_archive/refuseniks.htm - Accessed 24 January 2006 – Attachment 14).

4. What are the penalties for refusing military call ups?

The War Resisters' International report dated 3 February 2003 includes information on the penalties for refusing military call ups. It is stated in the report that:

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. 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' imprisonment...

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 imprisonment... 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 mobilised...

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 prison.

The report notes that "repeated imprisonment of conscientious objectors" was increasing in Israel. The Appendix to the report provides details of the imprisonment of conscientious objectors in Israel and includes details of their prison sentences (Speck, Andreas 2003, 'Conscientious objection to military service in Israel: an unrecognised human right', War Resisters' International website, 3 February <http://wri-irg.org/pdf/co-isr-03.pdf> - Accessed 24 January 2006, pp 8, 10 & Appendix – Attachment 7).

A recent article dated 23 January 2006 on the Amnesty International website refers to the organisation's "concerns about Israeli conscripts and reservists being imprisoned because of their refusal to perform military service..." The article indicates that an 18 year old who had refused to serve in the Israeli military was "now serving his sixth consecutive prison

sentence” and had “spent close to 100 days in jail” (Amnesty International 2006, ‘Conscientious Objectors’, Amnesty International website, 23 January http://web.amnesty.org/web/web.nsf/pages/IOT_Conscientious_Objectors - Accessed 24 January 2006 – Attachment 15).

A previously mentioned Amnesty International report dated 4 January 2006 lists the names of a number of Israeli conscientious objectors who had refused to serve in the Israeli army and refers to the prison sentences served by them (Amnesty International 2006, ‘Conscientious objectors – Previous appeals’, Amnesty International website, 4 January http://web.amnesty.org/web/web.nsf/pages/iot_previous_appeal_cases - Accessed 24 January 2006 – Attachment 13).

An Immigration and Refugee Board of Canada response to information request dated April 2005 provides information on the treatment of conscientious objectors called up for reserve duty or military service in Israel (Immigration and Refugee Board of Canada 2005, ‘Israel: Update on ISR36779 of 17 April 2001 on the treatment of conscientious objectors called up for reserve duty or military service (2002 – April 2005)’, UNHCR Refworld website, April <http://www.unhcr.ch/cgi-bin/texis/vtx/rsd/rsddocview.htm?tbl=RSDCOI&id=42df611020> – Accessed 23 January 2006 – Attachment 16). The response to information request refers to a written statement submitted by the International Federation of Human Rights Leagues to the United Nations Commission on Human Rights, referred to in a United Nations report dated 10 March 2004. The submission indicates that it appeared that the treatment of conscientious objectors by the military authorities in Israel was changing. In relation to the court-martial of conscientious objector Yoni Ben Artzi and the court-martials of five selective conscientious objectors who refused “to serve in military forces involved in the occupation of Palestinian Territories”, it is stated in the submission that:

This is the first time since the 1970’s that COs have been brought before a court martial. Previously, the usual practice was to avoid recognizing COs while exempting them from military service on other grounds after brief prison terms. This practice, however, seems to be changing. None of them has been dismissed like many other COs (total or selective) on other grounds; they have already spent from 11 to 18 months in military prisons. It is believed that this new strategy may be the result of the sharp increase in the number of young *refuseniks* (those refusing to serve in the Occupied Palestinian Territories), which may become a threat to the image of the Israeli army and policy (United Nations Commission on Human Rights 2004, ‘Written statement submitted by the International Federation of Human Rights Leagues (FIDH), a non-governmental organization in special consultative status’, Office of the United Nations High Commissioner for Human Rights website, 10 March [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.NGO.153.En?OpenDocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.NGO.153.En?OpenDocument) – Accessed 24 January 2006 – Attachment 17).

According to the previously mentioned report by War Resisters’ International dated January 2004, the results of two court-martials in Israel in 2003/4 showed that “While “pure” pacifists might get exempted from military service - after a long process bordering on inquisition - those who link their conscientious objection, whether based on pacifism or not, to the present situation in Israel and especially in the Occupied Territories will be punished” (War Resisters’ International 2004, ‘Conscience on Trial – Court martials against conscientious objectors in Israel’, War Resisters’ International website, January <http://www.wri-irg.org/news/2004/israel0204-en.htm> - Accessed 24 January 2006 – Attachment 8).

The RRT research response dated 1 May 2003 provides information on the penalties for refusal to carry out military service obligations in Israel (RRT Country Research 2003, *Research Response ISR15895*, 1 May – Attachment 6).

5. Is there any evidence that these are applied in anything other than a law of general application?

The War Resisters' International report dated 3 February 2003 indicates that it had "been reported in the past that Druze objectors are apt to receive exceptionally severe sentences for draft evasion and desertion." The report also notes that:

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 cases (Speck, Andreas 2003, 'Conscientious objection to military service in Israel: an unrecognised human right', War Resisters' International website, 3 February <http://wri-irg.org/pdf/co-isr-03.pdf> - Accessed 24 January 2006, pp 6 & 8 – Attachment 7).

As previously noted, the further War Resisters' International report dated January 2004 indicates that WRI had concluded that the results of two court-martials in Israel in 2003/4 showed that there "might be a new line - although in fact not that new. While "pure" pacifists might get exempted from military service - after a long process bordering on inquisition - those who link their conscientious objection, whether based on pacifism or not, to the present situation in Israel and especially in the Occupied Territories will be punished. The more they go public, and become a symbol of opposition to the occupation, the harder the punishment" (War Resisters' International 2004, 'Conscience on Trial – Court martials against conscientious objectors in Israel', War Resisters' International website, January <http://www.wri-irg.org/news/2004/israel0204-en.htm> - Accessed 24 January 2006 – Attachment 8).

6. Can you request to serve in particular areas and not in others (i.e. not in patrolling Israeli Settler areas or Palestinian territories)?

As previously mentioned, the report dated 2 December 2003 by The Observatory for the Protection of Human Rights Defenders notes that in December 2002, Israel's Supreme Court, in a judgment in the case of Zonschein, "ruled out the possibility of selective objection (that is the exemption from service deriving from an objection to a specific war or military operation) for reasons of national security." In its judgment, the court noted that:

Yesterday, the objection was against serving in South Lebanon. Today, the objection is against serving in Judea and Samaria. Tomorrow, the objection will be against vacating this or that settlement. The army of the nation army may turn into an army of different groups comprised of various units, to each of which it would be conscientiously acceptable to act in certain areas, whereas it would be conscientiously unacceptable to act in others. In a polarised society such as ours, this consideration weighs heavily. Furthermore, it becomes difficult to distinguish between one who claims conscientious objection in good faith and one who, in actuality, objects to the policy of the government or the Knesset, as it is a fine distinction - occasionally an exceedingly fine distinction – between objecting to a state policy and between conscientious objection to carry out that policy (The Observatory for the

Protection of Human Rights Defenders 2003, *Israel: Conscientious Objection Tackled by Military Justice: Ben Artzi Trial (7-10 October 2003)*, 2 December, p 3 – Attachment 9).

A number of articles refer to the authorities taking action against Israeli soldiers who had refused orders to evacuate Israeli settlements in the occupied territories or who had refused to serve in the occupied territories. In relation to the disengagement from Gaza, an article dated 2 August 2005 indicates that an Israeli army corporal, who had refused orders “to take part in pre-withdrawal operations in Gaza’s main settlement bloc”, was serving a jail term of 56 days. He “was the first soldier sentenced for defying orders to take action against settlers due to be evacuated.” It is stated in the article that “Several dozen other troops have also faced punishment for breaking ranks, and Defence Minister Shaul Mofaz has warned there will be “zero tolerance” for refuseniks” (Spetalnick, Matt 2005, ‘Israel: Looming Gaza pullout sows division in Israeli army’, *Reuters*, 2 August – Attachment 18).

According to another article dated 10 January 2005, the Israeli military had said that six reservist military officers had been dismissed “for threatening to disobey an order to evacuate Jewish settlements under a Gaza pullout plan” (Fisher-Ilan, Allyn 2005, ‘Six Israeli officers dismissed over mutiny threat’, *Reuters News*, 10 January – Attachment 19).

In relation to Israeli soldiers who had refused to serve in the occupied territories, an article on Israel dated 26 August 2005 in *Janes Islamic Affairs Analysis* notes that:

The ongoing presence of Israeli forces in the Palestinian territories, especially since the outbreak of the first intifada in 1987 and again in 2000, has contributed to a heated debate in the Israeli defence establishment about the moral and strategic aspects of the occupation.

Formerly the domain of human rights activists, a loosely organised association of Israeli reserve officers and soldiers has moved to the forefront of this controversial debate. They call themselves the ‘refuseniks’ and have declared their opposition to the ongoing occupation and refusal to serve in the Palestinian Territories to fight what they label as the ‘war of the settlements’ (‘Israel: Violence in Israel portends trouble ahead’ 2005, *Janes Islamic Affairs Analysis*, 26 August – Attachment 20).

According to the previously mentioned Economist Intelligence Unit risk briefing on Israel dated 6 January 2006,

Some of the Israeli army’s tactics during the unrest have led some IDF reserve officers to refuse to serve in the Palestinian Territories, sparking a military and public debate, but it has not led to widespread refusal to serve and the military has sufficient resources to pursue its current strategy (‘Israel risk: Political stability risk’ 2006, *Economist Intelligence Unit – Risk Briefing*, 6 January – Attachment 1).

An article dated 20 February 2004 notes that “A small but growing number of Israelis are refusing to serve in the West Bank and Gaza, and others are seeking exemptions from army service.” According to the article, “Several hundred Israeli reservists have been sent to military prison for refusing to serve in the West Bank and Gaza Strip, and perhaps hundreds of other objectors have been quietly reassigned to duties inside Israel by their units” (Enav, Peter 2004, ‘Israeli army exempts high profile conscientious objector from military service’, *Associated Press Newswires*, 20 February – Attachment 21).

Another article dated 15 February 2004 indicates that members of an elite Israeli army unit had “told their commanders that they refuse to serve in the Palestinian territories.” The men,

who had to serve for up to a month in their unit every year after completing their national service, had fought in Operation Defensive Shield in 2002, when Israeli forces invaded major Palestinian towns. It is stated in the article that “In the coming year, all three will be summoned for duty and if asked to serve in the West Bank or Gaza, they will refuse. Then they will be tried in a military court, jailed and maybe thrown out of the army” (Urquhart, Conal 2004, ‘Elite Israeli troops reject Gaza violence, *Guardian Unlimited*, 15 February – Attachment 22).

The report by War Resisters’ International dated January 2004 indicates that WRI considered the results of two court-martials in Israel in 2003/04 showed that the authorities were attempting “to narrow the right to conscientious objection to absolute pacifists” and that “those who link their conscientious objection, whether based on pacifism or not, to the present situation in Israel and especially in the Occupied Territories will be punished. The more they go public, and become a symbol of opposition to the occupation, the harder the punishment” (War Resisters’ International 2004, ‘Conscience on Trial – Court martials against conscientious objectors in Israel’, War Resisters’ International website, January <http://www.wri-irg.org/news/2004/israel0204-en.htm> - Accessed 24 January 2006 – Attachment 8).

An article in *The Guardian* dated 31 December 2002 notes that Israeli soldiers who had “signed a petition, Courage to Refuse”, had said that “they are willing to serve within Israel’s borders and in defence of the nation if it is attacked but not as an occupation force.” According to the article, “The dissidents account for only a fraction of those liable to be called up and command limited public support. But their defiance irks the government because it comes from men with exemplary previous service who challenge the morality of Israel’s policies” (McGreal, Chris 2002, ‘Dissident soldiers ordered to fight in occupied lands’, *The Guardian*, 31 December – Attachment 23).

An Immigration and Refugee Board of Canada response to information request dated 8 August 2002 indicates that a representative of New Profile, which is “a grassroots “Movement for the Civilization of Israeli Society,” which addresses issues of militarism in Israel and provides support to conscientious objectors,” had:

stated that many reservists are required to serve in the Occupied Territories and that may [sic] of those who refuse to do so have had to serve time in military prisons (6 Aug. 2002).

The representative added that “in many other cases, the higher command within the units in which the reservist objectors are stationed would be instructed to be more flexible,” adding that “there were many cases in which reservists notified their commanders of their refusal in advance, and as a result were either not called up at all or [were] sent to perform some military duties within Israel’s recognised borders” (ibid.). The representative further noted that there is a “consistent difference” between conscripts and reservists, stating that, while the army may at times show some degree of flexibility toward a reservist who becomes a “selective objector,” it is very rare for any such flexibility to be shown towards a conscript (ibid.) (Immigration and Refugee Board of Canada 2002, *ISR39386.E - Israel: Where reserve military personnel serve their reserve duty, specifically, whether reservists are sent to the West Bank and Gaza Strip; whether they are generally sent to the same unit where they served their regular military service; and whether reservist duties differ from those of regular military service duties*, 8 August – Attachment 24).

7. What percentages of young people do not complete military service?

The Mahal2000 website indicates that Israel “has one of the highest recruitment rates in the world - some 80% of those who receive summons serve” (‘IDF Background Information’ (Undated), Mahal2000 website <http://www.mahal2000.com/information/background/content.htm#overview> – Accessed 24 January 2006 – Attachment 2).

An undated article on the Carmel Institute for Social Studies website indicates that although conscription in Israel “is theoretically universal, recent studies conducted by the IDF indicate that by the year 2005, less than half of the annual cohort of 18 year old Israeli citizens, men and women, will in fact perform military service. Furthermore, unofficial estimates anticipate that by the year 2012, fewer than 50% of the electorate will have served in the IDF” (‘National Youth Service in Israel’ (Undated), The Carmel Institute for Social Studies website <http://www.carmelinstitute.org.il/YouthService/nysinisrael.htm> - Accessed 24 January 2006 – Attachment 25).

An *Associated Press Newswires* article dated 25 September 2003 notes that Major General Gil Regev of the Israeli army, who was “the army chief of manpower”, had “said that universal service is already a myth -- about 22 percent of eligible men are not drafted. Some are ultra-Orthodox Jews and Israeli Arabs, who are exempt, while others are released for medical or social reasons. Also, Regev said, another 20 percent do not complete their full service” (Enav, Peter 2003, ‘Committee recommends end to compulsory military service in Israel’, *Associated Press Newswires*, 25 September – Attachment 26).

The War Resisters’ International report dated 3 February 2003 indicates that “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 decade” (Speck, Andreas 2003, ‘Conscientious objection to military service in Israel: an unrecognised human right’, War Resisters’ International website, 3 February <http://wri-irg.org/pdf/co-isr-03.pdf> - Accessed 24 January 2006, p 4 – Attachment 7). However, according to a recent article dated January 2006 by representatives of New Profile on the Refuser Solidarity Network website, “men and women refusers are treated equally” in Israel now, with female conscientious objectors’ cases shifted “to the extremely narrow criterion of what the army’s so called “conscience committee” qualifies as conscience in the case of male candidates” (Hadar, Mirjam & Sandler, Sergei 2006, ‘Conscientious Objectors in Israel’s Military Jails’, Refuser Solidarity Network website, January http://www.refusersolidarity.net/default.asp?content_new=CO_Background – Accessed 24 January 2006 – Attachment 10).

8. Is there any evidence to the claim that those who do not do military service are considered “unworthy” or “outsiders”?

According to the undated article on the Carmel Institute for Social Studies website, “For many years, military service in the Israel Defense Forces was the primary institution charged with the task of creating a melting pot.” The article refers to comments in 1995 by Dr Hanna Herzog, an Israeli sociologist, who said that:

“In Israel, military service is a basic social institution that shapes many aspects in the Israeli cultural, political and economical life. The importance of military service on an individual level lies in it being a mechanism for personal transformation....It is the most important test for individual and group acceptance in the mainstream of Israeli society.”

However, the article also notes that “as conscription percentual decrease, the role of the IDF as the preeminent institution for socialization diminishes”, and that:

Moreover, military service never encompassed all Israeli youth. Arab youth (both Muslims and Christians), Jewish religious women and Jewish orthodox males were either partially or exclusively exempted from service. In the early years of statehood, the process of granting these exemptions did not attract significant public scrutiny or spark widespread public controversy. However, in more recent years, there has been greater public criticism, and an increasing number of leading politicians and policymakers have gradually begun to challenge the status quo (‘National Youth Service in Israel’ (Undated), The Carmel Institute for Social Studies website <http://www.carmelinstitute.org.il/YouthService/nysinisrael.htm> - Accessed 24 January 2006 – Attachment 25).

The US Department of State report on religious freedom in Israel and the Occupied Territories for 2005 indicates that “political and societal pressures” had caused the government to appoint “a parliamentary committee to investigate ways to broaden military service” so that ultra-Orthodox Jews are included. It is stated in the report that:

Politicians, media outlets, and many ordinary citizens criticized the Government’s practice of granting military draft exemptions and living allowances to full-time yeshiva students. In February 2004, due to political and societal pressures, the Government appointed a parliamentary committee to investigate ways to broaden military service to include yeshiva students. At the end of the reporting period, the committee had not issued its recommendations.

The report also notes that:

Approximately 90 percent of Israeli Arabs do not serve in the army. Israeli-Arab advocacy groups have charged that housing, educational, and other benefits, as well as employment preferences based on military experience, effectively discriminate in favor of the Jewish population, the majority of whom serve in the military. In December 2004, the Ivri Committee on National Service recommended to the Government that Israeli Arabs be afforded an opportunity to perform alternative nonmilitary service. By the end of the reporting period, the Government had not yet considered these recommendations (US Department of State 2005, *International Religious Freedom Report 2005 – Israel and the Occupied Territories*, November, Sections II & III – Attachment 3).

The article on Israel dated 26 August 2005 in *Janes Islamic Affairs Analysis* notes that Arab Israelis, who “do not face compulsory military service, except for Druze males”, are excluded “from many lucrative benefits, including education grants, tax cuts and child allowances normally reserved for veterans. Although ultra-orthodox Jews are exempt from mandatory military service, they receive these and other benefits from the Ministry of Religious Affairs” (‘Israel: Violence in Israel portends trouble ahead’ 2005, *Janes Islamic Affairs Analysis*, 26 August – Attachment 20).

An article dated 21 September 2004 indicates that in Israel, “avoiding service in the military - according to polls, the Jewish state's most respected institution - is widely frowned upon” (‘Israeli army discharges conscientious objectors’ 2004, *Reuters News*, 21 September – Attachment 27).

An Immigration and Refugee Board of Canada response to information request dated 30 June 2004 refers to comments by “an attorney at the Association for Civil Rights in Israel (ACRI)” in relation to “potential discrimination facing those who were discharged from the army under a profile 21”, which excuses soldiers for psychological problems. It is stated in the response that:

According to him, although twenty years ago people were less willing to feign psychological or medical problems in order to dodge military service because of the social repercussions (especially in the labour market), such fears are no longer as strong. Despite the fact that many people continue to include military service in their curriculum vitae when applying for a job, the attorney maintained that there are laws that forbid discrimination in hiring and other areas based on the non-completion of military service, and others that do not allow employers to enquire about military service or lack thereof. The lawyer intimated that it was difficult to estimate whether these laws were generally respected or not because of the difficulty of determining the real reason for not hiring a specific candidate. He concluded by mentioning that although a profile 21 discharge could have presented serious social and cultural problems 20 years ago, this was, in many cases, no longer true. Today many institutions and people do not place much importance on the completion of military service, said the attorney. Information corroborating the lawyer’s statements could not be found among the sources consulted by the Research Directorate (Immigration and Refugee Board of Canada 2004, *ISR42486.E - Israel: Discharge from the military under profile 21*, 30 June – Attachment 28).

A previously mentioned article dated 15 February 2004 indicates that members of an elite Israeli army unit who had “told their commanders that they refuse to serve in the Palestinian territories”, had “been attacked by all sides of the political spectrum” for their letter to Israel’s prime minister indicating “that they would not take part in violating the rights of millions of Palestinians or provide a shield for Jewish settlements in the occupied territories.” The men had “been villified [sic] and supported in the Israeli media and have received death threats” (Urquhart, Conal 2004, ‘Elite Israeli troops reject Gaza violence, *Guardian Unlimited*, 15 February – Attachment 22).

The War Resisters’ International report dated 3 February 2003 notes that:

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 population (Speck, Andreas 2003, ‘Conscientious objection to military service in Israel: an unrecognised human right’, War Resisters’ International website, 3 February <http://wri-irg.org/pdf/co-isr-03.pdf> - Accessed 24 January 2006, p 7 – Attachment 7).

An article dated 2 November 2002 indicates that “service in the Israeli Defence Forces is the crucial requirement for a citizen’s acceptance into society” in Israel. According to the article, “refuseniks have very little support. Many predict a social backlash that will haunt the refuseniks for the rest of their lives in addition to the official discrimination they will face when applying for education and social benefits” (Mills, Andrew 2002, ‘The loss of innocence: Growing up in the heady days of the Oslo accord, many of Israel’s young people were raised to be peaceniks. Now they seek revenge’, *The Ottawa Citizen*, 2 November – Attachment 29).

However, the Immigration and Refugee Board of Canada response to information request dated 8 August 2002 refers to a Jewish Telegraphic Agency article dated 16 January 2002

that “stated that it is only those individuals who refuse military service on ideological grounds who face the possibility of jail time, further stating that jail terms are of approximately the same duration as the reserve duty would be and that “rarely do the objectors suffer negative consequences in the workplace or elsewhere when they are released”” (Immigration and Refugee Board of Canada 2002, *ISR39386.E - Israel: Where reserve military personnel serve their reserve duty, specifically, whether reservists are sent to the West Bank and Gaza Strip; whether they are generally sent to the same unit where they served their regular military service; and whether reservist duties differ from those of regular military service duties*, 8 August – Attachment 24).

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