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Statement delivered by the representative of Mesarvot Network

-full version-

I thank UPR Info for this opportunity and all of you for attending this UPR pre-session of Israel.

My name is Einat Gerlitz, I'm 19 years old, and I was recently released from the Israeli military prison because I objected to military service. I represent *Mesarvot* Network, the Israeli refuser support network, and I speak also on behalf of our international partner International Fellowship of Reconciliation (IFOR).

In my youth I lived as most Jewish-Israeli children do - at a distance from Palestinian people. I was raised on the Zionist narrative that speaks of a Jewish democracy in a land that was empty before our arrival, waiting for us to claim our historical right to it.

I remember running as a child to the bomb shelter when the alarms rang. When hearing the explosions I would often think of the kids on the other side of the wall, who didn't have a shelter to protect them. Already then, as children, we could feel the pressure to eventually join the army. I remember how everyone around me idolized soldiers and wanted to become one when they grew up. I remember thinking the people we are fighting against must also prefer to live without war and that there must be another way.

Going forward, as a teenager I got involved in climate activism, and through that I met other teenagers with a shared cause including, for the first time, Palestinians with Israeli citizenship. My understanding of the reality I grew up in changed completely when I found out the massive differences in our lived experiences. I got to meet Palestinians who had their homes demolished and my eyes were opened to the violent reality my generation is instructed to maintain through military service. I could feel in my gut that I cannot take part in this bloody reality.

These experiences made me realize that joining the IDF would mean taking part in a violent force that brutally oppresses the Palestinian people and strips them of basic human rights. I also object to the use of violence. That is how I realized that I'm both a pacifist as well as an occupation objector. These two complementary opinions were naturally formed together, but the army claims that the first excludes the second.

I stress this point because the army's Conscientious Objector Committee requires one to hold an extremely narrow and virtually impossible version of conscientious objection, one that excludes criticism of what we actually refuse to. That is how I found myself standing alone in

front of three military officers and a jurist who asked me manipulative and irrelevant questions such as "Do you believe a woman has the right to use force in order to defend herself from rape?" and "How can you be a pacifist if you talk about the human rights of Palestinians?"

The UN international standards state that countries should accept a refuser's personal statement as sufficient evidence for exemption¹. If a committee is opt for, it should be fully civilian, apolitical, and independent. Despite this, the army's committee denied me recognition because my beliefs include both a moral and also political opposition to war crimes². Because of this I spent 87 days in military prison, split in four terms. Why four? Because according to the military system I refused four different orders to enlist. Unofficially, this helps the army deflect criticism by stating that each individual imprisonment is relatively short. The absurd experience of arbitrary, repeated imprisonments was both frustrating and exhausting. I was at the grace of the unjust system I opposed and I had no idea how long I'd be in prison. I was allowed to appeal the first committee's decision only after making legal efforts and four imprisonments, and was finally released after that.

I expect as a human being, and a citizen, to have freedom of speech, but I have been questioned and sentenced also because of opinions I expressed in the media. This also extended to the prison, where reading material was censored and discussion of politics was prohibited.

I am also very concerned as a human rights defender for basic human rights in my country in light of the new and rushed legislation promoted by the current government. The laws being promoted will give the majority coalition both the power to appoint judges and to withdraw the ability of the High Court of Justice to overturn laws which violate fundamental laws and human rights. Living in a country with no constitution, passing this new legislation may result in undermining checks and balances, and arbitrary use of power. Additionally, this proposed new legislation could result in banning Arab parties which could lead to the possibility of having no democratic elections. The decision taken by the government yesterday to create a National Guard³ is also very concerning, as well as the new law allowing to rebuild illegal settlements⁴. Eventually, undermining the rule of law. All these things are very concerning for human rights defenders like us who are deeply worried for the ongoing violations which

¹ International Covenant on Civil and Political Rights, Article 18, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

² A/77/328, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F77%2F328&Language=E&DeviceType=Desktop&LangRequested=False>

³ Israel approves 'national guard' sought by far-right security minister, Middle East Eye, 02 April 2023, <https://www.middleeasteye.net/news/israel-approves-national-guard-ben-gvir-far-right-security-minister>

⁴ חוק יישום תוכנית ההתנתקות (תיקון מס' 7), התשפ"ג-2023, מאגר החקיקה הלאומי [law], <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawBill.aspx?t=lawsuggestionssearch&lawitemid=2195706>

greatly affect Palestinian citizens of Israel and all those who also criticize and protest against the government's decisions and feel silenced and suppressed. Personally, as a peace activist, as a queer woman, I am terrified.

I refuse to cooperate with actions which may result in war crimes, with the detention of children⁵, with the continuous oppression of a civilian population. I refused to serve in the army and I exercised the human right to conscientious objection to military service. For this I was tried and imprisoned. This is why I am here today. Your cooperation is essential to improve the situation of human rights in Israel, where moreover Palestinians live under an apartheid system, as reported by organizations such as Amnesty International and Human Rights Watch. We invite you to address specific recommendations which can protect human rights and create peace and democracy for all in my home country.

Recommendations

Following on the above it would be relevant to recommend the State of Israel to:

1. Recognise in law and practice the right to conscientious objection to military service, including objection to the violation of human rights, in accordance with international law and human rights standards;
2. Cease the repeated imprisonment of conscientious objectors. Such coercion violates both the freedom to have or to adopt a religion or belief of his/her choice and the basic legal principle *ne bis in idem*;
3. Ensure that the conscientious committee is fully civilian and independent from the army;
4. Guarantee the right of due process and the ability to appeal any decision to an independent civilian judicial body;
5. Ensure the independency of the judicial system, which is essential for the protection of human rights;
6. Reverse any legislation in place which does not comply with international human rights standards.

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⁵ A/HRC/WGAD/2021/60, <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention/opinions-adopted-working-group-arbitrary-detention/opinions-adopted-working-group-arbitrary-detention-its-92nd-session>