

Human Rights Council  
10<sup>th</sup> Session  
2<sup>nd</sup> - 27<sup>th</sup> March 2009  
Item 6: Universal Periodic Review

ORAL STATEMENT BY CONSCIENCE AND PEACE TAX INTERNATIONAL

Delivered by **Derek Brett**, CPTI UN Office, Geneva, on Thursday 18 March 2009

**ADOPTION OF UPR REPORT ON ISRAEL**

Conscience and Peace Tax International (CPTI) regrets the rejection by Israel of the recommendation contained in Para.100 sub-para (22) of the Report of the Working Group (A/HRC/10/76), that it "cease imprisoning conscientious objectors and consider granting the right to conscientious objectors instead to serve with a civilian body instead of with the military."

We would draw the attention of the Council to the comments on the situation of conscientious objectors in Israel contained in our written statement under Item 3 (A/HRC/10/NGO/68).

In the Working Group, Israel's Deputy Attorney General stated - and I quote verbatim - "Israel's Supreme Court has addressed the issue in a number of cases, and in particular the difficulty of balancing conflicting considerations, in particular the needs to respect the conscience of the individual objector and the nature of army service in Israel as a general duty imposed on all members of society. The Court has affirmed that, where conscientious objection can be proved and is distinguished from political motivations or civil obedience, exemption from army service must be granted to men and women alike."<sup>1</sup> Unfortunately, he did not cite a precise reference, however the fact remains that although the Supreme Court may have upheld the principle of a right to conscientious objection, in consistency with Article 18 of the Universal Declaration and the International Covenant, there is no formal legislative provision in Israel for implementing this right. CPTI calls upon Israel to bring in legislation consistent with the established international standards, as set out in Commission on Human Rights Resolution 1998/77 and further elaborated in the jurisprudence of the Human Rights Committee, in order to give practical effect to the Supreme Court's opinion.

It so happened that when the evidence for the Third Session of the Working Group had to be submitted at the end of July 2008, there was a relative lull in imprisonments of conscientious objectors in Israel. However in August a new round of imprisonments began following the publication of a letter in which a group of male and female final year

<sup>1</sup> UN Webcast of the UPR Working Group, 4<sup>th</sup> December 2008, afternoon  
(<http://www.un.org/webcast/unhrc/archive.asp?go=081204#pm>) Closing comments and answers by Israel, ( Mr. Malkiel Blass, Deputy Attorney General, Legal Counselling) (4'49" -) .

high school students - the *Shministim* - indicated their refusal to serve in the army of occupation in the Palestinian Territories. Since then nine conscientious objectors have been sentenced to a total of 22 terms of imprisonment in Israeli military detention facilities; Raz Bar-David Varon received her fifth sentence (30 days) on 3rd February.

Surprisingly, at the moment, all the imprisoned conscientious objectors have completed their latest sentences and been released, as have two reservists who refused to take part in the recent military action in Gaza. Several of the conscientious objectors are however anticipating a further call-up, followed by a renewed sentence of imprisonment for their refusal, unless they recant their objection. Quite apart from the violation of the freedom of thought, conscience and belief, this practice breaches the principle of *ne bis in idem*; that no person should be punished twice for the same "crime".

CPTI therefore calls upon Israel to reconsider its reaction to this recommendation, and in particular to permit young persons who wish to serve their country, but whose conscience prevents them from doing so in the current military structure, to undertake a civilian alternative service.