

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de l'Homme

THE OBSERVATORY

for the Protection
of Human Rights Defenders

EL OBSERVATORIO

para la Protección
de los Defensores de Derechos Humanos

PRESS RELEASE

ISRAELI CONSCIENTIOUS OBJECTORS RECEIVE REDUCED SENTENCES

Geneva, Paris – July 20, 2004 – The Observatory for the Protection of Human Rights Defenders, a joint program of FIDH and OMCT, welcomes the decision by the Military Parole Committee on July 14, 2004 to reduce the sentences of Haggai Matar, Matan Kaminer, Shimri Zameret, Adam Naor and Noam Bahat, conscientious objectors to the occupation of the Palestinian territories. Initially scheduled to be released in January 2005, they will now be released September 15, 2004.

On March 11, 2003 Ben Artzi was the first Israeli conscientious objector to be court martialled since the 1970's. Jonathan Ben Artzi, despite once being noted as a "pacifist" by the Military Court, has served more than 8 sentences for the same offense of refusing to serve in the Israeli army. Jonathan Ben Artzi's most recent sentencing was for two months, issued on April 21, 2004. He is currently serving an additional two month period for refusing to pay the fine associated with that sentence.

On April 15, 2003 Matar, Kaminer, Zameret, Naor and Bahat were court martialled as well for refusing to enlist in the army due to their selective conscientious objection to the occupation of the Palestinian territories. They were charged by the Israel Defense Forces disciplinary courts without the assistance of a lawyer or the hearing of any testimony concerning the crime of refusing to obey orders. On January 5, 2004 they were sentenced to a year in prison, after having spent a year in detention.

The Observatory recalls that the UN Working Group on Arbitrary Detention determined in its Final Opinion No. 24/2003 that although, at present, the rejection by a state of the right to conscientious objection cannot be considered incompatible with international law, the repeated penalties imposed on Jonathan Ben Artzi, Matan Kaminer, Adam Naor and Noam Bahat violate the principle on *non bis in idem* and therefore their detention is considered arbitrary. In addition, the UN Human Rights Committee, the interpretive body for the International Covenant of Civil and Political Rights (ICCPR), has stated that, "the [ICCPR] does not explicitly refer to a right to conscientious objection, but the [Human Rights] Committee believes that such a right can be derived from article 18 [of the ICCPR] inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief."¹ Israel ratified the ICCPR on December 19, 1966.

¹ General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18):.30/07/93; § 11

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While the Observatory welcomes the decision of early release for these five selective conscientious objectors, they concurrently denounce the Israeli Military's general disregard of due process in dealing with conscientious objectors. The Observatory urges the Israeli authorities to recognize the right to conscientious objection under the provisions of the ICCPR and to institute an alternative civil service option. Most urgently, the Observatory urges the Israeli authorities to comply with all international human rights norms and call for the immediate and unconditional release of Jonathan Ben Artzi and all prisoners whose sentences violate the principle of *non bis in idem*.

For more information, see :

- Related Observatory Press Releases

March 12, 2003: Trial of conscientious objector Jonathan Ben Artzi

April 16, 2003: Conscientious objector faces court martial

December 15, 2003: Conscientious objection at stake

January 5, 2004: Sentence of one year imprisonment pronounced against five Israeli conscientious objectors

January 19, 2004: The detention of the Refuzniks is arbitrary

April 23, 2004: Jonathan Ben Artzi sentenced to another 2 months in prison

- Observatory Judicial Observation Report

Israel – Conscientious objectors tackled by military justice, *December 2003*

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