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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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| The Board                            |   | 10 March 2009 |
|--------------------------------------|---|---------------|
| About the Board                      | <b>ISR103108.E</b>  |               |
| Biographies                          |   |               |
| Organization Chart                   | Israel: Existence, role and composition of a military conscientious objection committee; number of decisions made by this committee   |               |
| Employment                           | Research Directorate, Immigration and Refugee Board of Canada, Ottawa   |               |
| Legal and Policy                     |   |               |
| References                           | <b>Military Conscientious Objection Committee</b>   |               |
| Publications                         | Several media and human rights sources report that a Conscientious Objection Committee exists (New Profile 23 Feb. 2009a; <i>The Guardian</i> 17 Apr. 2006; <i>The Jerusalem Post</i> 2 Jan. 2006; NZPA 9 Oct. 2008; AI 18 Dec. 2008). In 23 February 2009 correspondence, a representative from New Profile, a pacifist non-governmental organization (NGO) opposed to compulsory military service (New Profile n.d.), stated that since 2005, both men and women have been referred to this Committee; before 2004, women had a separate procedure mandated by law (ibid. 23 Feb. 2009a).   |               |
| Tribunal                             |   |               |
| Refugee Protection Division          |   |               |
| Immigration Division                 |   |               |
| Immigration Appeal Division          |   |               |
| Decisions                            |   |               |
| Forms                                | There is no law allowing for exemption from military service based on conscientious objection in Israel; rather, the decisions of this Committee are reportedly based on an assessment of the applicant's unwillingness to "serve in any army, anytime or anywhere, no matter the circumstance" (New Profile 23 Feb. 2009b). According to <i>The Guardian</i> , exemptions are granted only for religious or pacifist reasons ( <i>The Guardian</i> 17 Apr. 2006). However, Amnesty International (AI) reports that "exemption is only usually granted to those who refuse to serve on religious grounds" and that "[t]hose who make it known that they are unwilling to enlist on grounds of conscience - because they are pacifist or oppose the army's practices in the [Occupied Palestinian Territories] - are routinely imprisoned" (AI 18 Dec. 2008). For instance, in 2008, media sources reported that a woman who testified before a Conscientious Objection Committee that she had a history of pacifism was nevertheless rejected because the Committee found her to be motivated by political opinion rather than "a sincere conscientious belief" ( <i>Palestine Chronicle</i> 31 Aug. 2008; NZPA 9 Oct. 2008). |               |
| Statistics                           |   |               |
| Research                             |   |               |
| Research Program                     |   |               |
| National Documentation Packages      |   |               |
| Issue Papers and Country Fact Sheets |   |               |
| Responses to Information Requests    |   |               |
| Recent Research                      |   |               |
| Media Centre                         |   |               |
| News                                 |   |               |
| Information Sheets                   |   |               |
| Media Relations                      |   |               |
| Proactive Disclosure                 | In correspondence sent to the Research Directorate, New Profile noted the following (23 Feb. 2009a). The Committee is staffed by military career officers as well as a civilian academic selected by the military. The Committee normally consists of seven or eight members and administrators who meet in a single room; the applicant must appear alone before the Committee and witnesses are interviewed separately. While an applicant may seek legal counsel, lawyers may appear before the Committee only after the hearing has taken place and are not permitted to accompany the applicant.   |               |

Decisions are normally made by the Committee leader, who is usually the head of the Military Induction Base and Enlistment Administration or one of this officer's deputies or predecessors. According to New Profile, the criteria used to make these decisions are not publicly available; while in some cases applicants are given the reasons behind the Committee's decision, in other cases no such reasons are provided.

The Representative from New Profile explained that due to the difficult nature of some of the questions posed in a hearing, "[o]bjectors need extensive preparation for Committee hearings, but if the committee members find out such preparation has taken place [it is] a nearly automatic disqualification" (23 Feb. 2009a). According to a second representative from New Profile, the Committee rejects the majority of applications (23 Feb. 2009b), although this could not be corroborated among the sources consulted by the Research Directorate.

In January 2006, *The Jerusalem Post* reported on the various appearances of a conscientious objector by the name of Yonatan Ben-Artzi before the Conscientious Objection Committee (2 Jan. 2006). The first time he appeared before the Committee, it rejected his application but granted him a year's deferment because he was not deemed "'ripe'" for service (*The Jerusalem Post* 2 Jan. 2006). Following a second unsuccessful appearance before the Committee, Ben-Artzi appealed to the High Court, which ordered the Committee to grant Ben-Artzi a third hearing to which he could "present written documents," "be accompanied by a lawyer" and "have two witnesses testify on his behalf" (ibid.). Failing a third time, Ben-Artzi was sentenced to six months in a military jail for refusing to report for duty (ibid.). The article indicates that Ben-Artzi requested that his case be heard before the Supreme Court (ibid.); however, further or corroborating information on his case could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### **Number of decisions made by the committee**

The precise number of decisions made by the Conscientious Objection Committee could not be found among the sources consulted by the Research Directorate. However, according to an article published by *The Christian Science Monitor* and the New Zealand Press Association (NZPA), between 2005 and 2007, 42 male and female conscripts were given official exemptions by the Conscientious Objection Committee, while dozens of other applicants were rejected as not being pacifists and sentenced to jail for refusing to join the Israel Defense Forces (IDF) (NZPA 9 Oct. 2008). These figures could not, however, be corroborated among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Representative from New Profile, the Committee is difficult for many conscientious objectors to access since few are referred to it (New Profile 23 Feb. 2009a).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

### References

Amnesty International (AI). 18 December 2008. "Israeli Teenagers Jailed for Refusing to Serve in Army." <<http://www.amnesty.org/en/news-and-updates/news/israeli-teenagers-jailed-refusing-serve-army-20081218>> [Accessed 3 Mar. 2009]

*The Guardian* [London]. 17 April 2006. Rachel Shabi. "The Fight to Not Fight: Can a

Feminist Serve in a Male-Dominated Military?" (Factiva)

*The Jerusalem Post*. 2 January 2006. Dan Izenberg. "Military Court Upholds Pacifist's Jail Term." (Factiva)

New Profile. 23 February 2009a. Correspondence sent by a representative.

\_\_\_\_\_. 23 February 2009b. Correspondence sent by a representative.

\_\_\_\_\_. N.d. "About New Profile." <<http://www.newprofile.org/english/?cat=7>> [Accessed 26 Feb. 2009]

New Zealand Press Association (NZPA). 9 October 2008. Danna Harman. "A Summer Camp for Political Dissenters in Israel." (*The Christian Science Monitor*/Factiva)

*The Palestine Chronicle* [Mountlake Terrace, WA]. 31 August 2008. Neve Gordon. "Sahar Vardi: An Israeli Refusing to Oppress." (Factiva)

#### Additional Sources Consulted

**Oral sources:** The Embassy of Israel in Ottawa, the Israeli Defence Force (IDF), a lawyer specializing in Military Law and two Israeli professors specializing in military affairs did not respond to requests for information within the time constraints of this Response.

**Internet sites, including:** British Broadcasting Corporation (BBC), Coalition to Stop the Use of Child Soldiers, Combatants for Peace, Courage to Refuse, European Country of Origin Information Network (ecoi.net), *Haaretz* [Tel Aviv], Human Rights Watch (HRW), Israeli Ministry of Defence, Israeli Ministry of Immigrant Absorption, *The Jewish Chronicle* [London], *The New York Times*, Refuser Solidarity Network, War Resisters' International, Ynetnews.

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