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Israel: Whether there has been an amendment to the military service law; if yes, whether the law is more open/flexible with respect to conscientious objectors; what the law states with respect to conscientious objectors
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

No information on whether there has been an amendment to the military service law could be found among the sources consulted by the Research Directorate. However, according to The Jerusalem Post, the Israeli cabinet voted on 18 February 2007 to extend the Tal Law by five years (19 Feb. 2007; see also ibid. 17 May 2006; AP 11 May 2006). The Tal Law allows for the exemption of ultra-Orthodox men from military service in order to pursue religious studies (AP 11 May 2006). Specifically, religious students over 22 years of age may interrupt their studies for one year in order to work or take on a career (Haaretz 7 May 2007; see also BBC 7 May 2007; Jerusalem Post 23 Jan. 2007). At the end of the year, the students may either perform shortened military service or resume their religious studies (Haaretz 7 May 2007; see also BBC 7 May 2007; Jerusalem Post 23 Jan. 2007). The Jerusalem Post reports that at the 18 February 2007 cabinet meeting, it was acknowledged that some parts of the Tal Law had not yet been executed (19 Feb. 2007). No corroborating information regarding the extent of implementation of the Tal Law could be found among the sources consulted by the Research Directorate.

In April 2007, a government committee voted in favour of a proposed law known as the "Sahar Law" (Jewish Chronicle 26 Apr. 2007; see also The Mail on Sunday 18 Mar. 2007). The Sahar Law will permit sports prodigies to be exempted from military service in exchange for performing service in their communities (Jewish Chronicle 26 Apr. 2007). The proposed law is named after Ben Sahar, a promising Israeli soccer athlete playing for Chelsea in England (ibid.; Guardian 29 Dec. 2006; The Mail on Sunday 18 Mar. 2007).

In May 2007, Haaretz reported that a member of Israel's parliament, the Knesset, was going to propose a bill to abolish mandatory military service. No other information could be found among the sources consulted by the Research Directorate on this proposal (7 May 2007).

A postdoctoral instructor at the Buchmann Faculty of Law at Tel Aviv University stated the following with respect to military service law and conscientious objectors:

The policy regarding conscientious objectors has remained more or less the same in the last decades, despite being challenged before the Israel Supreme Court by

amendment to the military service law.htm[11/18/2015 8:05:22 AM]
different petitioners. The way it works is as follows: The army distinguishes between "total" objection to service, stemming from pacifism, and what it calls "selective" objection, stemming from political objection to specific policies and duties of the army. In the former cases, people will be granted exemption from service, and in the latter case, they won't (and should selective objectors refuse to enlist, they can be tried and jailed for Refusal to Obey Orders, an offense according to article 122 of the Military Justice Act, 1955). When someone states, before being drafted, that he or she is a conscientious objector, they are invited to a hearing before a special committee, popularly known as "the conscience committee", whose role is to establish whether the person can be exempted as a "total" objector, or drafted as a "selective" objector. (15 May 2007)

In March 2007, Amnesty International (AI) conveyed its concern regarding the imprisonment of Israeli conscripts and reservists objecting to military service based on conscientious grounds (AI 30 Mar. 2007; see also ibid. 2006). Media sources reported in July and August 2006 that an Israeli military captain was jailed for refusing to fight in the conflict in Lebanon (AFP 30 July 2006; ABC 2 Aug. 2006). The Refuser Solidarity Network corroborates the imprisonment of conscientious objectors and states that "Israel maintains an extremely narrow definition of 'conscience,' equating conscientious objection only with some forms of pacifism" (Jan. 2006). The Refuser Solidarity Network also states that Israel does not have a definition of conscientious objection articulated in any official document (Jan. 2006).

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 additional sources consulted in researching this Information Request.

References


_The Jerusalem Post._ 19 February 2007. "Ministers Extend Tal Law by 5 Years." (Factiva)


Postdoctoral Instructor, Tel Aviv University. 15 May 2007. Buchmann Faculty of Law. Correspondence.


_Additional Sources Consulted_

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