

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

ISRAEL:

Conscientious objectors released

Paris – Geneva, September 27, 2004 – The Observatory for the Protection of Human Rights Defenders, a joint program of FIDH and OMCT, welcomes the final and definitive release, after almost two years in detention, of Messrs. **Haggai Matar, Matan Kaminer, Shimri Zameret, Adam Naor and Noam Bahat**, conscientious objectors to the occupation of the Palestinian territories, on 19 September 2004.

The Observatory had recently welcomed the decision by the Military Parole Committee on July 14, 2004 to reduce the sentences of the young men. They had actually been released on 15 September but had received a call up order for September 19th. After spending the whole day in the induction center, they could eventually return to their civil life.

On April 15, 2003, Mr. Matar, held in detention since October 2002, and Messrs Kaminer, Zameret, Naor and Bahat, in detention since December 2002, were tried before the Military Court of Jaffa for refusing to enlist in the army due to their selective conscientious objection to the occupation of the Palestinian Territories¹. They were charged by the Israel Defense Forces disciplinary courts without the assistance of a lawyer nor the hearing of any testimony concerning the crime of refusing to obey orders.

On December 16, 2003, they were recognised guilty of "insubordination". On January 4, 2004, the Court sentenced Messrs. Matar, Kaminer, Zameret, Maor and Bahat to one year imprisonment and recommended that the Army re-examine their exemption at the end of their sentence. They were taken to military prison No.6, near Haifa.

Un programme de la FIDH et de l'OMCT - An FIDH and OMCT venture - Un programa de la FIDH y de la OMCT

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¹ Although not opposed to doing military service *stricto sensu*, these latter refused to serve in an "occupying force" and called into question the actions undertaken by the Israeli army in the Palestinian Territories. They were among the 300 signatories of the letter of "High School Seniors" sent to the Prime Minister Ariel Sharon in January 2002, explaining their refusal to support the occupation of Palestinian Territories.

The Observatory recalls that on January 15, 2004, the United Nations Working Group published its decision, according to which the repeated penalties against Messrs. Jonathan Ben Artzi², Matan Kaminer, Adam Maor and Noam Bahat were contrary to article 14(7) of the International Covenant of Civil and Political Rights (ICCPR) of 1966, which states that “no-one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted”³ (principle of *non bis in idem*). The UN Working Group considered that even if the rejection of the right to conscientious objection by a State cannot be considered incompatible with international law, their detention was arbitrary. In addition, the UN Human Rights Committee, the interpretive body for the ICCPR⁴, 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.”

While welcoming the release of these five selective conscientious objectors, the Observatory denounces 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 Mr. 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; July 20, 2004: Israeli conscientious objectors receive reduced sentences.

- **Observatory Judicial Observation Report :** “Israel - Conscientious objectors tackled by military justice”, December 2003.

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² On March 11, 2003, Jonathan Ben Artzi was the first Israeli conscientious objector to be court martialled since the 1970’s. Ben Artzi is opposed to military service as a whole and despite once being noted as a “pacifist” by the Military Court, he has served more than 8 sentences for the same offense of refusing to serve in the Israeli army.

³ On May 2, 2003, the Observatory submitted the case of Jonathan Ben Artzi, Matan Kaminer, Adam Maor, Noam Bahat to the United Nations Working Group on Arbitrary Detention.

⁴ Israel ratified the ICCPR on December 19, 1966.