

Are refuseniks common?

No. Generally speaking, refuseniks may end up serving repeated prison sentences, ordered to return to recruitment centres again and again. Some wind up doing months behind bars before they are eventually discharged.

The Israeli military does have a conscientious objectors committee, but exemptions are usually only granted on religious grounds — the ultra-Orthodox Haredi Jews, for instance, are legally exempt. Refusing to serve as a matter of political principle is not considered a valid objection.

Earlier this year, Amnesty International released a report on Yuval Dag, a 20-year-old who had made his political objections clear before his summons. The army classified his refusal as disobedience and sentenced him to 20 days at Neve Tzedek military prison in Tel Aviv.

The rights group named four other individuals — Einat Gerlitz, Nave Shabtay Levin, Evyatar Moshe Rubin, and Shahar Schwartz — who were repeatedly detained in 2022. Conscientious objectors commonly serve five months or more in prison — a high price to pay for young people doing what they believe to be right.

Many objectors come to their decision after participating in protest movements, whether on climate change, Israel's occupation, violence, and discrimination against Palestinians — a system that many rights groups have compared with apartheid.

Are there any famous refuseniks?

In 2003, a group of Israeli Air Force pilots provoked national fury when they refused to take part in operations in the West Bank and Gaza. Submitting a letter to the media, they branded attacks on the territories as “illegal and immoral”.

The case was noteworthy, involving elite army members like Brigadier General Yiftah Spector, considered a legend in the forces for his attack on Iraq's nuclear reactor in 1982. The cabinet accused the pilots of “pretentious snivelling”.

That same year, the country's elite commandos also defied orders to carry out attacks on the occupied territories. Setting out their position in a letter, 15 reservists from the Sayeret Matkal unit, often compared with the British army's SAS, said: “We will no longer corrupt the stamp of humanity in us through carrying out the missions of an occupation army.”

“In the past, we fought for a justified cause (but today), we have reached the boundary of oppressing another people.”

In 2007, Bar Refaeli, a model, married a friend to avoid military ser-

vice, later telling the press that “celebrities have other needs”. Later, to avoid damage to the companies she worked for, she agreed to participate in an enlistment campaign. The case ignited a debate on how easy it is to dodge conscription.

Hang on, wasn't there dissent in army ranks this year?

Yes, but it was not linked to the occupation. In early March, about 700 reservist soldiers — including some top brass — resigned en masse during widespread protests over Prime Minister Benjamin Netanyahu's judicial overhaul. Critics accused him of curtailing Supreme Court powers to shield himself from corruption charges.

Explaining his refusal to serve in the army, Dag said that reservists had resigned because they were afraid of living in a dictatorship. But, he pointed out, “We need to remember that in the occupied territories there has never been democracy. And the anti-democratic institution that rules there is the army.”

Responding to rebellion in the ranks, Netanyahu said: “There's no room for refusals.” Military service was, he said, “the first and most important foundation of our existence in our land...The refusals threaten the foundation of our existence.”

Netanyahu's view is not unusual. Across the political spectrum, with the exception of some left-wing and Arab groups, parties condemn the refusal to serve for a number of reasons. Left wingers worry about polarisation, claiming that refusing to serve will encourage right-wing resistance to removing settlements. Right wingers believe that refusal helps the enemies of Israel.

What does the law say?

The right to conscientious objection to military service is protected by international law, enshrined in Article 18 of the International Covenant on Civil and Political Rights (ICCPR). The UN Commission for Human Rights has stated that states must “refrain from subjecting conscientious objectors to imprisonment and to repeated punishment for failure to perform military service”.

However, it is common practice in Israel, not only to imprison objectors, but to repeat sentences several times. In 2003, the United Nations Working Group on Arbitrary Detention said that international law banned “double jeopardy”.

Selective objection is not an option. In 2002, the Israeli High Court of Justice ruled that allowing soldiers not to serve in the occupied territories would “loosen the links that hold us together as a people”.

The case had been brought by a group called Courage to Refuse, who said their duties would involve “dominating, expelling, starving, and humiliating an entire people”.

Administrative detention used to terrorize 1948 Palestinians

By Yoav Haifawi
Anti-Zionist activist

PERSPECTIVE

Administrative detention is an Israeli practice of holding Palestinian detainees without charge or trial. The longest period for a single administrative detention decree is six months, but there is no limit on the number of times that the same person may be detained, in continuity or with some breaks. For this reason, administrative detention is regarded as indefinite detention. Although more associated with the Israeli occupation's regime in the West Bank, administrative detention is used in '48 Palestine as well, and since October 7, it has been an important way Israel has repressed and terrorized Palestinians.

I have been reporting on how the little space that existed for Palestinian political expression in the areas held by Israel since 1948 has been crushed since October 7. One of the most chilling examples of this has been the use of administrative detention.



A vigil is held against administrative detention in front of Haifa court before Majd Zgheir's hearing on December 10, 2023.

A tool of occupation

Administrative detentions have always been part of Israel's repressive measures against Palestinians. Beginning in 1948, Israel used an administrative detention policy inherited from the British occupation of Palestine (the so-called “Mandate”). In 1979, Israel's Knesset approved its own “Emergency Powers (Detentions) Law” governing the draconian use of administrative detention. The law only applies during a “state of emergency,” which is meant to be temporary. But, since 1948, the Knesset has always renewed what became a permanent “state of emergency”.

According to this law, administrative detention of Israeli citizens should be presented for approval by the president of the District Court within 48 hours. In the West Bank, an administrative detention has to be reviewed within eight days by a military judge. In the West Bank, there have always been hundreds of Palestinians held under administrative detention, but last year the numbers surged. According to Wikipedia (in Hebrew), there were 967 Palestinian administrative detainees in March 2023, and as of September 2023, before the events of October 7, that number had already grown to 1,264, which would be more than during the tensest period of the Second Intifada. According to a report by Baker Zoabi (in Siha Mekomit), out of some 4,600 Palestinians who were detained in the West Bank since October 7, about

2,800 are administrative detainees — an unprecedented number.

In 48 Palestine, as Israel tried to keep some democratic façade, the usage of administrative detention has historically been more restrained. The biggest wave of administrative detentions in 48 Palestine that I remember happened during the First Intifada. The intifada started on December 9, 1987, and after hundreds of unarmed Palestinian demonstrators were shot dead by the occupation army, the leadership of the 48 Palestinians called for a general strike on December 21, in what they called “the day of peace”. They requested the public not to demonstrate on that day to avoid any provocation from the police. Abna al-Balad, a radical leftist Palestinian grassroots movement challenging the community's traditional leadership, named it “Palestine Day” and called on people to demonstrate in every town and village. In many places, people chose to actively express their anger at the ongoing massacres, and clashes erupted in several areas. Following those events, some ten of the leaders of Abna al-Balad were imprisoned under administrative decrees in the first half of 1988.

Later, administrative detention was used mostly for individual cases. After the mass uprising of May 2021, what we call “Hebat al-Karameh,” Israel issued several administrative detention orders in 1948 Palestine. One of them, Zafer Jabarin, a devoted Muslim who prays too much (for the Shabak's taste) in Al-Aqsa, was in ad-

ministrative detention again this year for four months but was released before the war began.

The oppressive apparatus regards administrative detention as an important and potent tool in its arsenal. They like it because it is easy to use, as there is no need to collect evidence, and the technical procedures are simple and straightforward. But they mostly rely on it and are ready to take the public relations damage connected to using it because it breaks established legal standards to terrorize the public.

The threat of administrative detention works in several ways. First, it is used against activists who are under interrogation who know that if they don't confess to what they are being told to confess to, they can be thrown into prison for an unlimited period anyway. On a wider scale, administrative detention is used to terrorize everyone. Even if you do nothing illegal, the Shabak can always claim that they know what you are dreaming about doing. The war minister would sign any decree put in front of him by the Shabak, and the courts would rubber-stamp it. As Judge Shapira made clear in a censored version of a decree once, administrative detention is intended to prevent “anticipated activity.” And ‘48 Palestinians, like Palestinians everywhere, are always considered anticipated dangers.

The full article first appeared on Mondoweiss.

Israeli police clash with ultra-Orthodox men protesting against the army draft in Al-Quds (Jerusalem).



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