

A bone in the throat of the military prison

By Adam Keller

refuz.org.il | February 18, 2004

In early 2003, with the occupation of Palestinian land occupation becoming increasingly grim, Israel's military authorities sought to stem the tide of refusal by court-martialing some of the "trouble makers". A year later, the army seems to have a bad case of indigestion, trying to get rid of them.

Early morning at one Tel-Aviv's main arteries. On one side the Twin Towers of the Azrieli Commercial Center. On the other side, a monster of concrete and glass being constructed to house the expanding Ministry of Defence. In between, a group of demonstrators holding up the placards "Release the Prisoners of Conscience". Leaflets were handed out to the big stream of mostly rear-echelon soldiers on their way to the morning shift.

At nine, not far from there – in the courtroom of the Military Appeals Court – a surrealistic scene – the testimony by Colonel Major Ochana, Deputy Commander of the Israeli Military Police Corps. "Ever since these five arrived at Military Prison-6, in January, their presence is completely undermining discipline and good order in the prison. The prison commandant and the entire staff are mainly concerned with them, and have no time and energy left for the rest of the five hundred prisoners. They are political activists with their own agenda, completely unfitting for the conditions of a military prison, governed by military discipline. Therefore, we demand that they be forthwith be transferred to a civilian prison." He was addressing the committee concerned with such prisoner transfers, convened at the Appeals Court hall.

Persistently questioned by advocate Avner Pinchuk appointed by the civil rights association ACRI to defend the five, Colonel Ochana could mention no other example than Shimri Tzameret publishing a prison blog on the internet "in contravention of prison regulations." The military authorities had been quite tardy in stamping upon this dangerous subversive activity which Tzameret maintained with the mediation of his grandmother. It had gone on for nearly a year, and in fact during the five's court martial the prosecutor had extensively quoted from the blog in his speeches. "There is much more, but I can't disclose

A bone in the throat of the military prison | 2

it right now for fear of compromising intelligence sources” was the Colonel’s way of saving his face. In fact, the committee obliged him by holding a session in camera, expelling the five, their lawyer, and the entire audience of supporters and family members.

The five, Noam Bahat, Matan Kaminer, Adam Maor, Haggai Matar and Shimri Tzameret, seemed rather amused, as they sat in the sun on the lawn outside the courtroom, surrounded by parents and girl friends. Their good spirits were undampened by their being handcuffed two by two (the sixth one being a non-political transfer case). “The prison intelligence officer does maintain a network of spies and informers, and tries to give the prisoners the impression that he knows everything. But I doubt that they have anything real on us to say in there”, said Haggai Matar.

One by one, the five were called back in, to give their own testimony and state their position towards the possibility of going to a civilian prison. Each in turn repeated the position which they had agreed upon: “We consider the intention of transferring us to a civilian prison as part of the campaign of harassment by the military authorities.” Colonel Elisha Caspi, presiding judge grew impatient: “Why do you persist in throwing out this abstract principles? Do you have no personal preferences? No practical considerations?” The five did not oblige him. “But why?” exclaimed the military prosecution representative, Lieutenant Colonel Inbar.

“You don’t want to be soldiers. You don’t accept military discipline. Why then are you trying to stick to the military prison? Would you not rather move to a civilian prison where you will not will have to get up at 5am, stand at roll calls the whole day, and address every guard with ‘Sir’, and where you will have a much better chance to have your term reduced for good behavior?”

“If we are not fitting for a military framework and military discipline, then the army really should send us out of the military prison, not to a civilian prison – but home. After all, our entire court martial turned on the issue whether or not we are to be soldiers, and there the army firmly insisted that we should. The civilian prison is a place for people who have done something wrong in civil society. We have not committed a light traffic offence.”

This was followed by a speech of adv. Pinchuk. “The military system is exhibiting a completely irrational hysteria towards these five guys, as if they carry in their pocket atomic bombs, ready to explode. The claim of “secret intelligence material” is void of any substance. They are not on trial here, they have already been tried and sentenced. They are not here because of any activity on their part, but because of their very essence as refusers, as people who follow the dictates of their conscience. Their integrity and courage to refuse is perceived as a threat.”

Lieutenant Colonel Inbar addressed an identical question to each of the five in turn: “If

A bone in the throat of the military prison | 3

you stay in Prison-6, would you be willing to oblige yourself to the prison commandant to adhere to military discipline without exception?" The answers were very much alike: "In the month and half that we are in Prison-6 we have obeyed the orders given to us, but we can't give a blanket promise for the future. If we get an order contradicting our conscience, we will not obey."

Colonel Ochana pounced upon this answer. "You see! They are not willing to abide by the most basic obligation, keeping military discipline in the prison. For example, we have started a project of taking prisoners out to do work on the Security Fence. Do you think that if we ordered these five to do it, they would obey?" The faces of some of the other officers present showed some consternation. To threaten imprisoned refusers with being sent to work on the very disputed fence, due next week to be on the agenda of the International Court in The Hague, that seemed to be going a bit far for them.

The members of the military committee remained closeted for more than an hour, to come out and announce that the decision will be given on another day.

On March 3, the next act is due on the same place: the appeal prepared by adv. Dov Chenin against both the conviction of the five and the length of their term.

The High School Draft Resistance Parents Forum is composed of parents, and family members of the high school senior (shministim) conscientious objectors who are in military prison in Israel. For more information, visit their web site at <http://www.refuz.org.il>