

CPTI NEWS Number 3 October 2006

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INTERNATIONAL CONFERENCE

With just two weeks to go, the official deadline for registrations for the Eleventh International Conference of War Tax Resisters and Peace Tax Campaigns has now passed, but some places may still be available. So if you are interested in attending, hurry to download a registration form from the official conference website www.peacetax-2006.com. The Conference takes place from **26th to 29th October** at Woltersdorf, Berlin, and as is customary the General Assembly of CPTI will take place during the weekend, with all conference participants welcome.

Much of this edition of CPTI News is a foretaste of some of the issues and campaigns about which the people directly involved will be updating us at the conference, starting with the recent CPTI research project...

MILITARY RECRUITMENT AND CONSCIENTIOUS OBJECTION: A THEMATIC GLOBAL STUDY

The final report on this research project will be introduced at the opening session of the Conference on the Thursday evening by its author, Derek Brett (CPTI representative to the United Nations in Geneva), and copies will be available. Those who are not able to be at the Conference may either download the report from the CPTI website at http://cpti.ws/cpti_docs/brett/recruitment_and_co_A4.pdf or http://cpti.ws/cpti_docs/brett/recruitment_and_co_usletter.pdf, depending on preferred format, or the printed edition (price € / \$ 10) may be ordered from CPTI (see payment details at the end of the newsletter).

The official launch of the report took place at a meeting on 10th May hosted by the Quaker United Nations Office in Geneva, and was attended by people from international agencies, non-governmental organisations and a number of government missions. Some of the government representatives present were encountering the idea of conscientious objection to taxation for military purposes for the first time, and were very interested to hear about the campaigns of CPTI and our national partner organisations.

BRITAIN

The Peace Tax Seven go European!

The Peace Tax Seven's call for a judicial review of the implications of the Human Rights Act for their tax withholding cases (see CPTI News 2) was finally rejected by the Appeal Court on 2nd March. This may sound like bad news, but in fact the wording of the Appeal Court judgement was very encouraging. The Human Rights Act makes the European Convention on Human Rights part of British law. However, the English legal system under which the Seven brought their case is firmly based upon precedent, and several cases of conscientious objection to the paying of taxes for military purposes had in the 1980's and 1990's been brought to the European Court of Human Rights in Strasbourg. All had been declared inadmissible, and the English Court of Appeal did not feel able itself to override these rulings from the body which is responsible for the definitive interpretation of the European Convention. However, in summing up on behalf of himself, Lord Justice Scott Baker and Sir Charles Mantell, Lord Justice Mummery stated that *"the Strasbourg authorities... have taken what may be thought to be a rather strict or narrow line on the manifestation of religious and philosophical belief in a number of areas central to the daily life of the individual citizen in the modern state, such as employment, education and fiscal responsibilities. In some respects the reasoning may be legally and logically unsound."* He encouraged the Seven to seek a reconsideration of the past jurisprudence by the European Court of Human Rights itself. *"In the meantime,"* he added, *"the applicants are not without rights... to manifest their pacifist beliefs by peaceful protests against war and against expenditure by central government on military purposes and by publicly declaring that the payment of their taxes in full without segregation is by compulsion, under protest and against their strongly held religious beliefs and consciences."* This they have continued to do -see next item. The full judgement can be read on the Peace Tax Seven's website at: <http://peacetaxseven.com/appealjudgmt.html>.

With a subsequent ruling having refused permission to appeal to the House of Lords, the highest court in the British system, "domestic remedies have now been exhausted", as the legal jargon puts it, and the Seven are free to take their case to Strasbourg. Most, if not all, of them will be at the Berlin conference, keen to link up with the other European campaigns, all of which will benefit if the Seven manage to persuade the Court to a better interpretation of the European Convention. They will be bringing with them an updated edition of their DVD and video "Contempt of Conscience", with subtitles available in French, German or Dutch thanks to translation by the Quaker Council for European Affairs in Brussels.

"Down the drain" protests spread

Meanwhile the individual battles of the Seven with "the Revenue" continue. Most recently,

Simon Heywood appeared in Sheffield County Court this Monday, 9th October, and was ordered to pay a total of £463.09, representing the tax he had withheld, plus interest. We often talk of military expenditure as "pouring money down the drain". So on 5th May, when Robin Brookes, another of the Seven, was faced with a final demand for payment of the military portion of his taxes he and his supporters brought a large mock drain to the local tax office in Swindon in the west of England, and symbolically delivered the money through that. His drain was in use again three weeks later, when it was borrowed by Liz Davidson - not one of the Seven - in order to make a payment under protest in the northern city of Liverpool.

Armed forces bill introduces life imprisonment for refusal to serve in an army of occupation

At regular intervals a new Armed Forces Bill has to be placed before the British Parliament. This is a routine matter; the changes from the previous Act are usually matters of technical detail. Article 8 of the Bill currently passing through the British Parliament is however most disturbing. As compared with the normal maximum of two years, it introduces a possible sentence of life imprisonment for "desertion" in certain circumstances, these being defined as being absent without leave in order to avoid "(a) actions or operations against an enemy; (b) operations outside the British Islands for the protection of life or property; or (c) **military occupation of a foreign country or territory.**" This definition is obviously intended to encompass refusal of deployment to Iraq, for which Flight Lieutenant Malcolm Kendall-Smith, an air force surgeon, was court-martialled in February. He was found guilty of "disobeying lawful orders" - this despite his argument, based on the Attorney-General's advice to the British Government, that the war was illegal, so that orders to participate in it could therefore not be lawful. CPTI was among the organisations which raised this issue at a cross-party briefing on the Bill at the House of Commons on 17th May, but there is still every indication that the Bill will complete its passage with the offending article unamended. The current text of the Bill can be read at:

<http://www.publications.parliament.uk/pa/ld200506/ldbills/113/2006113a.pdf>

New Conscience website

Conscience, the British peace tax campaign, has launched a new website, www.peacepays.org which focusses on non-violent ways to resolve conflict. Please visit!!

CANADA -

World Peace Forum and CO refugees

John Randall represented CPTI at the World Peace Forum, held in Vancouver from 23rd to 28th June, making many contacts and helping to spread awareness about conscientious objection to military taxation. The availability of the CPTI brochure in French was much appreciated. The conclusions of the Veterans and War Resisters Work Group at the Conference included: *"We call for respect for the Human Right of Conscientious Objection to War, including "selective objection" to particular conflicts and means of warfare, and call on Canada and all other states to grant sanctuary to soldiers from countries which deny them that right."* This conclusion was particularly relevant given the rejection by the Canadian Federal Court in February of Jeremy Hinzman's appeal against the decision by Canada's Immigration and Refugee Board to deny him political asylum; Hinzman's had been seen as a test case for more than 200 United States servicemen who have gone to Canada because of conscientious objection to being deployed in the Iraq war, and Amnesty International had indicated that if he was returned to the United States and imprisoned they would consider him a prisoner of conscience. Forty years ago, Canada was more accommodating; Jeffrey House, lawyer for Hinzman and other COs, himself came to Canada as a conscientious objector to the war in Vietnam. So did Allen Abney, now a Canadian citizen, who has lived in Kingsgate, British Columbia, close to the US border. Like most people who live near a border, he makes regular cross-border shopping trips, without any problem until 9th March this year when he was suddenly arrested and shipped to the US Marines custody centre at Fort Pendleton, California, on the desertion charge dating back to 1968. He was subsequently released, and his detention blamed on an over-zealous border guard who had discovered the outstanding charge. Following so closely on the case of the 65-year-old Jerry Texiero, another deserter from the Marines, living in Florida under a false name, who was arrested on December 21st and shipped to the

notorious Camp Lejeune, on the basis of fingerprint records from a 1998(!) criminal conviction to do with used-car dealing, this cannot but bring to mind the old American phrase, "Go tell it to the Marines". Just as with the British Armed Forces Bill (see above) the message to potential selective objectors is clear, "We will pursue you to the grave!"

Bill "respecting conscientious objection to the use of taxes for military purposes"

On 22nd June, a Private Member's Bill brought forward by Mr Siksay (Bill C348) received its first reading in the House of Commons of Canada. The full text may be read at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Docid=2332072&file=4>. Conscience Canada, the Qubecois campaign "Nos Impots Pour La Paix", and the Bill's other supporters are now amending various sections in the light of comments received before the Bill is brought back before the House; we will hear more details in Berlin.

Canadian Peace Tax returns

The representatives of Conscience Canada and Nos Impots Pour La Paix who attended the Tenth International Conference, in Brussels in 2004, took back with them to Canada copies of the "peace tax returns" produced by Conscience in the United Kingdom and the National War Tax Resisters Co-ordinating Committee (NWTRCC) in the USA, and have adapted these forms to the Canadian system. It was ready - in English and French - in time for the 2005 tax return date and large numbers of copies were distributed to supporters. An excellent example of the job the International Conferences can do in spreading campaigning ideas from one country to another!

COLOMBIA

Following publication of the report on Conscientious Objection and Military Service (see above), Derek Brett was invited to speak on "International Standards on Conscientious Objection to Military Service" at the International Encounter of Solidarity with Conscientious Objection in Colombia on 18th and 19th July.

Armed conflict has been going on in Colombia for more than half a century.

The government does not recognise any conscientious objectors to military service. Those who declare themselves as conscientious objectors are therefore not just resisting being themselves forced into the conflict, whether with the government forces, the guerrillas or any of the other armed political groups in the country. They are also taking a brave public stand against the pervasive militarisation of society which does so much to perpetuate the state of war. On the 20th July Independence Day holiday, the centre of Bogota is taken over by a massive military parade. Alongside the conference sessions, the objectors were preparing a street theatre. First, it was to depict some of the victims of the conflict, those whose loved ones have disappeared, the "displaced" (more than *three million* Colombians have been forced by the conflict to abandon their homes) and people imprisoned without trial. Then a military "fashion parade" recognised some of those overlooked during the official military parade, such as the informers, who would point out random members of the audience to the "security police", who seized them. Finally, dancing schoolgirls in rainbow colours pointed the way to a happier future. The plan was that to give this performance they would simply add themselves on to the end of the military parade!

Afterwards, they reported by e-mail *"Everything went well during the nonviolent action. The weather was good and there were many people in the street so that we could give our message to all these people. The actors did a good job showing the hidden reality of the military structures and the carnival was a real party. Through the interviews we did with the people in the street and the reactions we received, we know that many people support our actions and way of thinking. During the action we didn't have any problems with the police. Only after the action when we were returning we had a little confrontation with a police agent because some of us were walking in the middle of the street, but as we were about 80 persons he couldn't take us with him to the police station and after 10 minutes of discussion he let us go."*

A major concern of the conscientious objection campaign in Colombia is the massive spending by all sides on arms and other war materials. They are thinking hard about the practicalities of war tax resistance in the Colombian context. We hope that, with the generous support of NWTRCC (National War Tax Resisters Co-ordinating Committee) in the USA, Milena Romero of ACOCC (Collective Action for CO

in Colombia) will be able to attend the Berlin conference and tell us more about the exciting developments there.

GERMANY

Hannelore Morgenstern and Derek Brett represented CPTI at the War Resisters International Triennial Conference held at Eringerfeld, near Paderborn, Germany from 23rd to 27th July, on the theme of "Globalising nonviolence". In the course of the conference they assisted Gertie Brammer of Netzwerk Friedenssteuer in some of the daily workshops she presented on peace tax.

Regarding what is going on on the "domestic" front, in terms of Peace Tax court cases, legislative proposals, and arguments about the extent to which Germany is being drawn into international military action in defiance of the excellent anti-militarist clauses in the 1949 constitution, we will certainly hear a lot at the Berlin Conference, and with the help of essentially the same translation team who did such an excellent job at the last two Conferences. Details can wait for CPTI News Number 4!

SWEDEN

Skattebetalare för fred, the Swedish peace tax campaign, have now translated the CPTI Brochure into Swedish. This has joined the English, French, and Dutch versions on the CPTI website at http://cpti.ws/about/about_cpti.html.

USA

Breakthrough in New York

As of last month, Dan Jenkins (see CPTI News 1) was still waiting for a date for his case to be heard in the New York Appeal Court. However in April this year it received a major boost with the official backing of New York Yearly Meeting of the Society of Friends, the umbrella organisation of Quakers in the States of New York, New Jersey and Connecticut. In a Minute approved at its Spring Business Meeting, and quoted in a press release issued afterwards, the Yearly Meeting stated: "*We acknowledge that paying for war violates our religious conviction. We will witness to this religious conviction in each of our communities.*" Subsequently, New York Yearly Meeting prepared an "amicus brief" for Dan Jenkins' case, which gives an impressive review of the historical recognition particularly of Quaker objections to taxation for military purposes in New York and other states. That, and other documents relating to the case, can be read on the CPTI website at http://cpti.ws/court_docs/court_list.html. Dan Jenkins himself will be at the Berlin conference and will be able to update us on the progress of his case and on the arguments he is elaborating that the freedom of conscience not to pay towards military expenditure is protected by the United States' Constitution, having already become firmly established in individual states.

"Granny Brigade" in Court

Just one of those lighter stories with a serious moral. The trial opened in New York on 20th April of eighteen women aged between 50 and 91, for disorderly conduct - blocking a recruiting station door and refusing to obey a police order. The women, who call themselves the "Granny Peace Brigade", insist that they were queuing to enlist for Iraq...

FURTHER UPDATES ON CPTI NEWS NO.2

BOLIVIA. Conscientious objector not subject to military tax!

We now have details of the "friendly settlement" which was reached before the Inter-American Commission on Human Rights on 27th October last year in the Bustos case - and it is indeed a landmark in the campaign for conscientious objection to military taxation. In the settlement, the Bolivian State made a general commitment "*in accordance with international human rights law to include the right to conscientious objection to military service in the preliminary draft of the amended regulations for military law...*". Meanwhile, in the absence of any existing law on the subject, Bolivia agreed not only that the conscientious objector Alfredo Díaz Bustos would not be required to perform armed or unarmed military service, even in the event of a future armed conflict, but that he would be

provided with the necessary document of "completed" military service **"free of charge, without requiring for its delivery payment of the military tax stipulated in the National Defense Service Act, or the payment of any other amount for any reason or considerations of any other nature, whether monetary or not"**. At least in modern times, this is perhaps the first instance of a conscientious objector being successful in a legal challenge to the requirement to pay a military tax. The full case report and text of the friendly settlement can be read in Spanish or English in the Annual Report of the Inter-American Commission - the web address for the English version is:
<http://www.cidh.org/annualrep/2005eng/bolivia14.04eng.htm>

ISRAEL -

Back in the 1980s, it was being asked to participate in the Israeli invasion of Lebanon which caused the first Israeli soldiers to say "*Yesh gvul!* - that's enough!" and lay down their arms. When Israel went into Lebanon again this year, it was not long before new "refusniks" were emerging. An article in Ha'aretz on 19th July reported that Staff Sergeant Itzik Shabbat had refused call-up for reserve duty, stating "*I know people will attack me and ask how could I not take part in this war when Qassams are falling on my hometown and Katyushas on the towns in the north. In my opinion, only this type of opposition that I've chosen will put an end to the madness that is going on now and will shatter the false feeling that the entire home front supports this unnecessary war that is based on deceptive considerations.*" The first soldier to be imprisoned for his conscientious objection to the war in Lebanon is however believed to be Captain Amir Paster, who at the end of the month was given a sentence of 28 days by a court martial. (Information from a CO Alert sent out by WRI on 3rd August). Stories have also leaked out from Israel of various instances where members of the armed forces disobeyed orders to shell or bomb civilian targets.

As many of us are learning, all societies when they feel under threat become intolerant of dissent. Israel has more reason to feel under threat than most, and the brave groups within Israeli society which stand up against the atrocities committed in its name suffer a double isolation - they endure vilification from uncritical supporters of the Israeli regime both inside and outside the country, while many peace and human rights activists around the world at best ignore them to focus exclusively on the sufferings of the Palestinians. The Israeli viewpoint is not however as homogenous as it is often portrayed. There is a vigorous and critical dissident movement within the country which needs all the international upholding it can get. A very good index with links to these organisations can be found on the Washington DC based website www.refusersolidarity.net. Check it out!

TURKEY -

The good news is that conscientious objector Mehmet Tarhan was unexpectedly released from military prison on 9th March. An article in Peace News No.2472 (April 2006), quoted by War Resisters International's CO Update (subscribe at www.wri-irg.org), speculated this might have been in recognition of the fact that he had already spent longer in military custody than the probable sentence. There is of course no sign yet that Turkey is doing anything to amend its military recruitment procedures in the light of the European Court on Human Rights decision in the case of Ossi Ulke (see CPTI News 2), so Mehmet cannot count on being safe from a further call up to military service and further punishment for refusal, whatever international law may say.

The really bad news is that it is now the journalists who have reported in the country on Mehmet Tarhan and on the Ulke decision and the implications for Turkey who are being persecuted. Following an international outcry, leading newspaper columnist Perihan Magden was acquitted on 27th July from a charge of "turning society against military service", over an article last December on Mehmet's case in which she had the temerity to argue that conscientious objection to military service was elsewhere regarded as a human right. Attention then turned to another journalist, Birgul Ozbaris, who faces similar charges over seven separate articles in the newspaper *Ozgur Gundem*, with more under investigation. Worse, under the Anti-Terrorism Act passed in July this year, "turning society against military service", which has hitherto carried a three-year maximum prison sentence, is defined as a terrorist offence, which means that it will henceforth be tried under tight restrictions in a special security court and incur even heavier possible

penalties.

STOP PRESS - even worse news. Just as this newsletter was going out word came through that Sivas Military Court had on 10th October reconsidered the Tarhan case, had overruled (!) the previous appeal court decision, and sentenced him to 25 months of "heavy imprisonment". We have no more details as yet.

CONCLUDING REFLECTIONS: NUKES IN NORTH KOREA, IRAN, INDIA AND ELSEWHERE

Going to press just days after North Korea joined the select "club" of nations which have successfully detonated a nuclear weapon, we can hardly ignore the news which is shaking the world, nor the longer-term rhetorical build-up towards a US-led war against Iran on the pretext of the latter's breach of its obligations under the nuclear non-proliferation treaty. But really there is not much distinctive that we have to say on the issue. There are many voices to point out the absurd obscenity of suggesting, as some hotheads in the United States Congress apparently have, that nuclear weapons might be deployed to halt the spread of nuclear weapons, and there has been much comment on the complete failure of the nuclear non-proliferation treaty (NPT) to do anything to deter the development of nuclear weapons by non-signatories. The not-so-covert nuclear arms race between Iran and Israel cannot be successfully countered by addressing only one side. Greatest absurdity of all, the US administration this Spring put a Bill before congress to authorise the transfer (for peaceful purposes, of course!) of nuclear materials and technology to India, in direct breach of the NPT - India is a non-signatory and has exploded a nuclear weapon - and despite the fact that, although India is not one of the "usual suspects", it is hinted that some nuclear material from there has in the past turned up in Iran, and this could well happen again!

Just two thoughts. Although doubtless the North Korean test will be used in the South to justify further persecution of conscientious objectors, on the grounds that the country will only be safe against this nuclear threat if every able-bodied man, willing or not, can be sent to the border with a rifle, this really has to be the final *reductio ad absurdum* which shows what nonsense this sort of argument was all along. Which illustrates in a most telling way that if all the armies of the world ceased to have any foot soldiers it would not spell the end of the most terrible threat of war of all, as long as there are those of us who are conscripted through our taxes to pay for nuclear weapons. That - in its most extreme form - is why CPTI exists.

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**CPTI News** is the occasional (two or three times a year) e - newsletter of **Conscience and Peace Tax International**, the United Nations accredited non - governmental organisation (ngo) which works for recognition of the right to have a conscientious objection to taxation for military purposes. The newsletter goes out on the wtr-ptc listserve and also to selected addressees with whom CPTI has been in contact over recent months, including participants at conferences we have attended. Back editions can be found on the CPTI website - [www.cpti.ws](http://www.cpti.ws).

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### **How Can I Help CPTI?**

First, if you are not already a member, **join your local or national War Tax Resisters or Peace Tax Campaign organisation**. You can find a full up-to-date directory on our website: [www.cpti.ws](http://www.cpti.ws).

Second, **become a "Friend of CPTI"**. Our lobbying work at the United Nations is not cheap. New York, and Geneva, are expensive cities. Also, as an international ngo we function very economically, making extensive use of e-mail, and most of our conferring is done that way. But not everything can be

done electronically. Some travel is essential if we are to keep in touch with other and function effectively at the international level. In the past a lot of travel on CPTI business has not been charged to CPTI. We cannot however go confidently forward to the future depending on our members always being willing - or indeed able - to subsidise us in this way. For a donation as little as five Euros or US dollars (or as large as you wish!) you can be listed as a "Friend of CPTI": just make sure that your name and contact details accompany your donation or are sent in an e-mail entitled "Friends of CPTI" to this newsletter address.

**How to give:** In the USA and Canada Make out your check to "PTF for CPTI" and send it to: CPTI, in care of NCPTF, 2121 Decatur Place NW, Washington, D.C. 20008-1923, USA. (The Peace Tax Foundation (PTF) is a registered non-profit 501 (c) (3) organization)

In the rest of the world (no cheques, please!): Send payment either by bank transfer to Bank van De Post, (agency: Diestesteenweg, Kessel-Lo) to the credit of Conscience and Peace Tax International, Bruineveld 11, 3010 Leuven (Belgium): IBAN (International Bank Account Number): BE12 0001 7098 1492. BIC (Bank Identification Code): BPOTBEB1, or by International Postal Money Order (IPMO): At your local post office in any country you can send an IPMO in euros to CPTI. Outside the euro zone this method is usually cheapest.

Third, ***this newsletter needs your input.*** Please send or forward news of what is happening - good or bad - in **your** part of the world to [news@cpti.ws](mailto:news@cpti.ws) or by post to Derek BRETT, CPTI's permanent representative to the United Nations Geneva office, at :  
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Switzerland.

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