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# **Israel/Occupied Palestinian Territories**

**70th Session of the UN Committee on the Elimination of Racial  
Discrimination (CERD), 19 February to 9 March 2007: Update to  
Comments by Amnesty International on Israel's compliance with its  
obligations under the International Convention on the Elimination of all  
Forms of Racial Discrimination (ICERD)**



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## Introduction

This *Update to Amnesty International's briefing to the Committee on the Elimination of Racial Discrimination* contains information on certain aspects of racial discrimination in Israel and the Occupied Palestinian Territories from January 2006 to February 2007. It does not attempt to provide a comprehensive assessment covering all areas in which the Israeli authorities have failed to respect the provisions of the Convention on the Elimination of Racial Discrimination, but contains information relevant particularly to Articles 2, 3, 5(d) and (e) and 6 of the Convention.

In its 2005 Periodic Report to the Committee on the Elimination of Racial Discrimination (CERD) the Israeli government failed to submit information relative to the Occupied Palestinian Territories (OPT).<sup>1</sup> International treaty bodies, including the Human Rights Committee and to CERD, have repeatedly stressed that Israel remains in effective occupation of the Occupied Palestinian Territories and is obliged to implement the human rights treaties to which it is a Party in Israel and the Occupied Territories, including East Jerusalem.

The Israeli authorities did not take steps to comply with the recommendations made by CERD in its Concluding observations of 30/03/98.<sup>2</sup>

## 1. Increasing Barriers to Entry to the OPT

Discriminatory laws and measures barring or restricting entry to the OPT to spouses of Palestinians, which have been in place for decades, were significantly increased in 2006, denying the possibility of family life to Palestinians who marry spouses from outside the OPT. The great majority of those barred from entry to the OPT are Jordanian women of Palestinian origin who are married to Palestinian men. Though the Israeli authorities have tended to justify such restrictions on security grounds, Amnesty International knows of no cases in which women within this category have been responsible for or involved in any important security incident. Such restrictions do not target specific individuals but apply to spouses of Palestinians in general and appear, therefore, to be wholly discriminatory. As such, they may constitute a form of collective punishment against Palestinians in the OPT.

Recently, these discriminatory and disproportionate restrictions on entry to the OPT have been extended by the Israeli authorities to deny entry to foreign nationals, mostly US and European nationals, who normally do not require advance visas to enter Israel and the OPT. These restrictions on entry to the OPT have a severely disruptive and damaging effect on the family life of those involved, and they also affect other spheres of life – for example, they bar non-residents from working in education or economic development and so assisting with the provision of improved conditions and facilities for the Palestinian residents of the Occupied Territories.

### 1.1 Right to family life arbitrarily curtailed or denied

During 2006, the policy which for many years has prevented family unification for Palestinians married to spouses from countries which require advance visas to enter Israel and the OPT (in particular, Jordan) was extended to restrict entry to foreign spouses from countries whose nationals do not require advance visas (mostly the US and European countries).

Amnesty International expressed concern about the restrictions relating to family unification in the OPT in its briefing to CERD in 2006. As the organization stated, “no new law was

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<sup>1</sup> CERD/C/471/Add.2

<sup>2</sup> CERD/C/304/Add.45

implemented; the policy on the ground was simply changed. Family unification procedures for Palestinians that had operated there were simply suspended in 2000, and remain suspended.”

Since Palestinian residents of the OPT who go to live abroad for prolonged periods of time risk losing their residency rights, the consequences of the refusal by the Israeli authorities to allow foreign spouses of Palestinians to reside in the OPT is all the more serious. In the absence of justifiable security reasons for refusing permits to reside in the OPT to thousands of spouses and children of Palestinians, such refusal seems to be intended to put pressure on Palestinians to leave the OPT and to make their lives elsewhere – an option which, for those who pursue it, would incur the risk that they would lose their right to return to and reside in the OPT.

Before the outbreak of the second *intifada* in 2000, non-residents who wished to live in the OPT with their Palestinian spouses and families, could apply for family reunification residence permits from the Israeli authorities. In most cases, it took many years for such permits to be granted, if they were granted at all, but the foreign spouses were able to remain in the OPT by obtaining successive three-month visitor’s visas, though they were required to travel abroad and then return to the OPT each time they needed to renew their visa. However, following the outbreak of the second *intifada* in September 2000, the Israeli authorities stopped renewing such visitor’s visas in the cases of foreign spouses who were nationals of countries other than those from which advance entry visas are required to enter Israel – that is, countries other than the US, most European states and certain other countries. Spouses who left upon expiry of their visitor’s permit were no longer allowed to return to the OPT and re-enter by renewing their visitor’s visa. As a result, those with foreign nationality who wished not to be separated from their Palestinian spouses and children, and who had not yet been granted family unification, were left with no option other than to remain in the OPT illegally after the expiry of their visitor’s visa. But those who have done so live in constant fear of being apprehended and deported and are effectively unable, therefore, to move about within the OPT, due to the presence of Israeli army checkpoints between towns and villages, and they are essentially confined by their uncertain status to remain in their homes and immediate surroundings.

This situation has continued for more than six years. While it impacts severely on Palestinian family life, it does not affect Jewish settlers in the OPT (whose presence there is illegal under international law) who face no restrictions in obtaining authorisation for their spouses to enter and reside with them in the OPT.

These restrictions have had a devastating impact on the Palestinians who are affected, making it virtually impossible for them to exercise their right to a normal family life. Families are forcibly broken up; wives and husbands are separated from one another; children are separated for long periods from one or both parents and from the wider family including parents, grandparents, uncles and aunts.

This violation of family life, estimated to affect more than 120,000 families, is entirely disproportionate.<sup>3</sup> It has no discernible basis in security considerations, and targets a whole community and not specific individuals. The Israeli authorities have not claimed that foreign spouses<sup>4</sup> who now are not allowed to return to the OPT are considered to pose a security risk

<sup>3</sup> According to the estimate of the PA’s Ministry for Civil Affairs, since the outbreak of the second *intifada* in September 2000, it received more than 120,000 requests for family reunification. *Perpetual Limbo: Israel's Freeze on Unification of Palestinian Families in the Occupied Territories*, Joint Report by B’Tselem and Hamoked - Center for the Defence of the Individual, July 2006 p.18.

<sup>4</sup> Because it is the custom for a wife to live with the husband most spouses affected by this regulation are wives, the majority of whom are Palestinian refugees in Jordan who have strong family links with

to Israelis. Further, the Israeli authorities are aware that thousands of spouses have overstayed their permits but have made no serious effort to locate and deport them. However, spouses who remain in the OPT beyond expiry of their permits may be deported, and some have been, and such cases are enough to make others in that situation feel vulnerable and live in fear of deportation.

The reasons for refusal of entry given by the Israeli authorities to those who try to take a case for family reunification to court appear arbitrary. Over the past six years the authorities have frequently changed the requirements which must be met by those applying for family unification with their spouses in the OPT. For instance, in 2004 the Israeli authorities required the family to show that the centre of their lives was in the OPT. Previously, however, these same authorities had required that those applying for family reunification had to be outside the OPT at the time of submitting their application.

No case involving denial of entry of foreign spouses to the OPT has yet come before the Israeli High Court of Justice (HCJ), though a number of petitions have been lodged with the court. In such cases, however, the Israeli authorities have generally granted authorization to the appellants to remain in the OPT on “exceptional specific humanitarian circumstances,” when it appeared, after several years, that the case would soon go before the court.

In 2006, the restrictions on entry were further extended to foreign spouses who are nationals of countries, such as the US and most European states, who do not require advance visas to enter Israel and the OPT. Spouses who had formerly been able to remain in the OPT by travelling abroad every three months and receiving a new three-month visa each time on re-entry, increasingly found that when they returned their passports were stamped “Last Permit”. Those who left and attempted to return were denied entry and their passports stamped “Entry Denied”. Family members of OPT residents were also met with the same ban.

One example is the case of Enaya Samara, a 56-year-old US national of Palestinian origin. For 31 years, until May 2006, she lived in Ramallah in the West Bank with her husband, Adel Samara, who is a resident of the OPT, and their two children. For three decades she had to travel abroad every three months in order to renew the three-month tourist visa commonly granted to US nationals (as well as nationals of European and other countries) when they enter Israel and the OPT, as the family’s repeated attempts over many decades to obtain family reunification and establish Enaya Samara’s right to reside in the OPT had been unsuccessful. On 26 May 2006, after more than 120 such trips, Enaya was denied entry when she tried to return home to the OPT.

## **1.2 Denial of entry to foreigners working or visiting the OPT**

The policy of restricting entry to the OPT also impacts on foreign nationals, including many who are of Palestinian origin, who work in the OPT, mostly assisting with education, health and other institutions and in non-profit organizations. Like foreign spouses of Palestinians, previously they too were able to remain in the OPT by obtaining successive short-term visas, exiting and re-entering the OPT at regular intervals for this purpose. However, the increased restrictions imposed in the past year have also targeted foreign nationals, whose skills and experience over many years have made an important contribution to development in the OPT.

The denial of entry to foreign nationals working in the OPT is not based on security considerations – the Israeli authorities do not contend that these university professors, doctors, researchers, NGO workers and other professionals are a security threat. Nor can it be claimed

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OPT Palestinians. Emigration for a husband to be with his wife is normally not an option, even to Jordan, which does not allow Palestinians from the OPT to have residency or, usually, to spend more than a month in the country.

that they are denied entry to the OPT in the framework of procedures regulating immigration to Israel or access to the Israeli labour market, as they live and work in the OPT and do not work or seek to work in Israel. Rather, such restrictions appear to be aimed at weakening Palestinian institutions and further isolating them and the Palestinian population from the outside world.

For example, the University of Bir Zeit in the West Bank has generally had a high number of foreign staff and it has an international programme that attracts foreigners to study Arabic and Palestinian studies. These are now at some risk due to the impact of the new restrictions, which, the university authorities fear, may prevent some 14 academic staff and more than 330 students from continuing at the university. The period from March to September 2006 saw a 50 percent drop in foreign passport holding staff, "leaving most departments at the risk of being forced to drop courses and of losing irreplaceable lecturers on specialist areas". One department in particular risks losing up to 70 percent of its staff.<sup>5</sup>

By preventing foreigners from working in the OPT, the restrictions impact not only on the foreign nationals concerned but have the effect of denying to the Palestinian inhabitants of the OPT the benefits that the teaching and other skills and assistance that these foreign nationals can bring and which could help to improve their everyday lives.

In December 2006, after protests against the policy of restricting entry to foreigners, General Mishlav, the coordinator of government activities in the Territories (COGAT), stated that some foreign nationals would be allowed to renew permits. He said: "Foreign nationals will be permitted through means of the military commander's consent".

Since the beginning of February 2006 there has been some change of procedures and some 200 visa extensions have been approved, including some visas that expired during the last quarter of 2006. However, many persons who have recently tried to enter Israel in order to go to the OPT have been denied entry. At the same time, the Israeli authorities have frequently required those granted visas to deposit relatively large sums of money - up to 30,000 NIS (\$7,086) - as a form of guarantee that they will not overstay their visa. In addition, with few exceptions, most of those who were denied entry during 2006 continue to be denied entry.

Dr Dirgham Abu Ramadan, a German cardiologist of Palestinian origin has worked as one of the few open-heart surgeons in the West Bank since 2001, paid for by the World Bank as part of a project to bring professionals to the OPT. He had to travel abroad every three months in order to acquire a new visitor's visa. On 2 October 2006, however, the Israeli authorities told him that he was denied entry and would be deported. After many people intervened he was issued with a three-month visa, but he was denied an extension. On 15 January 2007, he was given one week to leave the country. He left on 23 January 2007 and returned on 25 January. At Ben Gurion airport, he was denied entry and placed in detention. His lawyer filed an appeal and there was media attention. Eventually, he was given a one-week visa, and later a three-month visa. He was told that no one is receiving work permits.

## 2. Citizenship and Entry into Israel Law

As detailed in *Amnesty International's briefing to the Committee on the Elimination of Racial Discrimination* of January 2006, the impact of the 2003 Citizenship and Entry into Israel Law, which does not allow Palestinians from the OPT to live with their Israeli spouses in Israel, has been extensive.

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<sup>5</sup> *Israel's policy of denying entry to foreign passport holders hits Palestinian higher education hard*, Birzeit University, Right to Education Campaign and News Centre, 11 January 2007.

In May 2006, the Israeli High Court of Justice, in an expanded panel of 11 judges, ruled on the constitutionality of the law. Five judges found that the law violates the constitutional right to family life and equality to a disproportionate extent. Two judges found that the law did not violate constitutional rights to a family, while three judges found that, while it violated constitutional rights to a family, this violation is proportionate. One judge found that the law violates the constitutional rights to family life and equality to a disproportionate extent, but felt that the State should be allowed nine months to formulate an alternative constitutional arrangement. Thus, by a vote of six to five, the law was allowed; however, six of the 11 judges agreed that the law affected family life to a disproportionate extent.<sup>6</sup>

On 15 January 2007, the Knesset extended the law for a further three months, by a majority of 36 to 12. On 16 January 2007, a Member of the Knesset (MK) Zahava Gal-On petitioned the High Court to overrule the Knesset vote. The case remains pending before the High Court and a hearing is scheduled to take place by March 2007.

### **3. House Demolitions**

#### **3.1 Demolition of homes within Israel**

The discriminatory policy of house demolition has continued to target Israeli Arabs (Palestinian citizens of Israel), as described in *Amnesty International's briefing to the Committee on the Elimination of Racial Discrimination* of January 2006, and in the past year it has been most acute in the Negev region, where some 60-70,000 Bedouins live in approximately 45 "unrecognised" villages.

Whereas Jewish Israelis have been allowed to build homes and commercial properties, with or without permits in areas of the Negev previously not zoned for building purposes, Israeli Arab villages inhabited by Bedouins for generations continue to be denied recognition and basic services by the Israeli authorities, and houses in these villages have continued to be destroyed.

For instance, on 9 January 2007 Bedouin homes were demolished for the fifth time in the hamlet of Twail Abu Jarwal in the northern Negev; the remaining houses - in all 21 homes, shacks, brick-rooms, and tents, housing 30 adults and 63 children - were torn down by Israeli forces. The inhabitants of this hamlet had previously moved away from the area in the late 1970s, having been promised plots of land in nearby Laqiya by the authorities. However, still not having been allocated the land some 25 years later and their number having grown too great for where they were settled in Laqiya, some 90 members of the tribe returned to live in Twail Abu Jarwal, where they had lived prior to moving to Laqiya.

#### **3.2 Demolitions of homes in the OPT including East Jerusalem**

The Israeli authorities give several reasons for demolitions of Palestinian homes in the Occupied Palestinian Territories: lack of a building permit; too close proximity to Israeli settlements in the West Bank or to the fence/wall being built by the Israeli army through the West Bank; or as part of military operations. The underlying reasons for the demolition of Palestinian homes given in Amnesty International's 2006 briefing to CERD remain valid: the appropriation of large areas of Palestinian land and the expansion of Israeli settlements unlawfully built for the sole benefit of Israeli Jewish citizens; the creation of buffer zones around Israeli settlements, settlers' roads and the fence/wall; and as a policy of collective

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<sup>6</sup> One of the judges who believed that the violation to family life was proportional also stressed that the law would expire in a short period of time. Summary of Court Ruling on Nationality Law – HCJ 7052/03, translated by Adalah.

punishment against families or communities in reprisal for attacks committed by Palestinians against Israeli targets.

In 2006, at least 63 Palestinian homes were demolished in East Jerusalem. The figure is lower than the average number of demolitions carried out in East Jerusalem in previous years; the Jerusalem Municipality has explained this reduction as evidence that its enforcement measures (that is the demolitions and threat of demolition) are working, but other sources suggest that the real reason for the reduction compared to previous years stem from staffing changes within the department of the Jerusalem Municipality, which is responsible for implementing house demolition orders.

Since the beginning of January 2007, however, nine Palestinian structures, housing some 151 families, have been demolished by the Jerusalem Municipality, suggesting that the rate of home demolitions in East Jerusalem may be set to rise. Amnesty International is not aware of the demolition of any homes belonging to Jewish Israelis in East Jerusalem.

The 2006 report of the Jerusalem Municipal Comptroller on the functioning of the Building Inspection Department of the Municipality states that the use of demolition orders “are not always equal”:

The number of orders signed and implemented in East Jerusalem are far more than in the west of the city and the number of orders which remain unsigned, and which it is therefore unfeasible to implement, is far greater in the east than the west of the city.

As in previous years, no planning applications submitted by Palestinians for re-zoning privately owned land classified as agricultural land, in order to allow them to build homes on their land, were approved in 2006, whereas large-scale construction of apartment blocks and commercial properties continued in Israeli settlements in East Jerusalem on expropriated Palestinian land.

The Israeli Committee Against House Demolitions (ICAHD) has noted that, during 2006, the amount of financial guarantees required of Palestinians greatly increased:

Another phenomenon, which stood out during the past year, was the high level set for financial guarantees paid to the Court on the spot by people seeking freeze or prevention of demolition orders, when the bulldozers were already standing by to demolish. Today, the average price of a financial guarantee at Court is between 30,000 to 50,000 shekels, which is the cost assessed by the Municipality for the bulldozers to demolish a home. In this prohibitively expensive situation, people are prevented from undertaking this path to save their homes.

In the rest of the Occupied Palestinian Territories, demolition of homes has continued near the line of the fence/wall that Israel is building, mostly inside the occupied West Bank. Since 80 percent of the fence/wall runs on the West Bank side of the Green Line (which separates Israel from the OPT), the homes that are demolished in order to make way for the fence/wall and associated infrastructure are invariably Palestinian homes; no Israeli-owned homes are known to have been demolished to make way for the fence/wall. In villages near the fence/wall, such as Far'un and Walaje, many houses, even some 200 metres distant from the line of the fence/wall, have demolition orders pending.

Houses in Area C of the West Bank also continue to be demolished on grounds that they were constructed although no building permit had been obtained from the Israeli authorities – from whom such permits are rarely, if ever, forthcoming when sought by Palestinians. On 14 February 2007, Israeli forces demolished several homes and other structures, including animal pens and a stone oven used by villagers to bake bread, in three Palestinian villages in the

southern Hebron Hills. The demolished homes, in the villages of Um Zeinil, Qawawis and Um al-Kheir, were located near road 317, a road which is reserved for the use of Israeli settlers.

As in East Jerusalem and other areas of the OPT, the reason given by the Israeli authorities for the demolition of these Palestinian homes is that they are built without permits – which are impossible to obtain because the land is classified as agricultural. However, not far from the demolished Palestinian homes in these three villages, illegal Israeli settlements continue to be expanded – with the apparent acquiescence of the Israeli authorities - on land which is also classified as agricultural.

## 4. Settlements

The establishment and maintenance of Israeli settlements - in effect, colonies - have been repeatedly condemned by UN human rights bodies, yet these settlements remain and continue to be expanded in the West Bank in violation of international humanitarian law and to the detriment of the rights of the local Palestinian population.

In January 2007, the Israeli Ministry of the Interior released figures according to which the number of Israeli settlers in the West Bank increased by 5.8 percent in the previous year.

Repeated undertakings by the Israeli Government to remove all unauthorized Israeli settlement outposts established in the West Bank since 2001 have not been implemented. On the contrary, new unauthorized settlement outposts were established in the past year, seemingly with the tacit approval and encouragement of the Israeli authorities.

In December 2006, Israeli media reported that, according to Israeli army data, more than 200 new buildings had been constructed in unauthorized Israeli settlement outposts in the West Bank in the preceding months.<sup>7</sup>

On 26 December 2006, Israeli Defense Minister Amir Peretz approved the construction of tens of houses in the previously abandoned Israeli settlement of Maskiyot, in the Jordan Valley, on the site of a former Israeli army training base. It was announced that the number of houses to be built there would soon rise to 100. However, on 19 January 2007, seemingly as a result of international diplomatic protests, it was announced that the plan for the new settlement had been suspended.

However, the discriminatory system which the Israeli authorities, especially since 2006, have imposed on the Jordan Valley, blocking off access to all but residents of the area, continues. Traditionally, Palestinians lived on the cooler slopes of the hills overlooking the Jordan Valley in the West Bank, moving down to farm in the valley in the winter and returning to the hills during the height of summer. Now, the Israeli army has instituted a system whereby only those registered as residents of the Jordan Valley on their identity cards are allowed to go there. Those who have been experiencing difficulties gaining access to their homes and land include Palestinian farmers of the Jordan Valley who are registered as resident elsewhere, and wives of Jordan Valley residents who are often still registered as residents in their towns or villages of origin.

These new restrictions have split families – for example, some now have one branch living in a village in the Jordan Valley, while another branch lives in the hills – who no longer have the right to visit their lands or their relatives. At the same time, the farmers and traders of villages like Bardala are no longer allowed to send their produce into Israel by the crossing point only

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<sup>7</sup> Peretz: Timetable for evacuation of outposts to be drawn up soon; Haaretz 5/2/2007.

a few kilometres away; instead they have to send it by the Jalama checkpoint near Jenin, which may be five hours or more away through several checkpoints. This adds to the cost of bringing the produce to market, making it less competitive in the Israeli marketplace. Further, delays caused by checkpoints and road closures often result in produce becoming damaged during transit and no longer fit for sale.

Currently, some 50,000 Palestinians live in the Jordan Valley, half of them in Jericho; the area contains some 5,000 Israeli settlers. Israeli settlements continue to expand; at the same time, the increasing, discriminatory restrictions that curtail access and movement by Palestinians in the Jordan Valley are undermining Palestinian agriculture there, making the living and working conditions of Palestinian farmers unsustainable. These developments, together with statements by Prime Minister Ehud Olmert and other Israeli officials regarding Israel's possible annexation of the Jordan Valley, has raised concern that the measures taken by the Israeli authorities in the past year to cut off this area from the rest of the West Bank and change its demographic composition, may be a prelude to such an annexation.

## 5. The Fence/Wall

The Israeli authorities' construction of the fence/wall has continued, mostly inside the West Bank. In some areas, following protests, increased access to agricultural land for Palestinian farmers was allowed for a time but the Israeli authorities have now, once again, closed agricultural gates and severely restricted access by Palestinians to their lands. Moreover, where Palestinians do have access to land which they own that is located on the other side of the fence/wall, such access is limited because the gates are only opened by Israeli soldiers twice or three times a day for less than an hour at a time.

Currently, the majority of Palestinians who have been separated from their land by the fence/wall have not been able to obtain permits from the Israeli army to access their land.<sup>8</sup> At the same time, Israeli settlers who live in settlements between the Green Line and the fence/wall, have free access to all of the land in the area.

The existence of settlements, the construction of the fence/wall, mostly inside the occupied West Bank, and the presence of military checkpoints and blockades (currently numbering more than 500), to an extent all benefit Israeli settlers residing in the West Bank at the cost of Palestinian human rights – these measures impede the freedom of movement of Palestinians and deny their access to other basic rights.

In Jerusalem, because of the construction of the fence/wall, there has been an influx into the city of Palestinian residents from commuter villages located outside the wall, who now live in increasingly overcrowded quarters within the wall due to the enormous difficulties of transport into Jerusalem and fear of permanently being cut off. As a result, many Palestinians are being forced out of villages cut off by the fence/wall.

In a July 2006 report, B'Tselem described the situation of Sheikh Sa'ad:

Because of the difficult topographical conditions, ash-Sheikh Sa'd is no longer accessible by car and is practically isolated from its environment. All supplies must be carted in by foot; the

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<sup>8</sup> Amnesty International's findings concur with the results of a survey, published in November 2006 by UN OCHA, of 57 communities located close to the West Bank fence/wall in the north of the West Bank found that 60 per cent of farming families with land to the west of the fence/wall could no longer get to it; 30 of the 57 communities have no direct or regular access to their land; only 26 out of 61 existing gates are open for Palestinian use all year round; gates are only open for 64 per cent of the officially stated time.

sick have to be carried to ambulances over the roadblock....A quarter of the residents have already abandoned their homes.<sup>9</sup>

On 31 January 2007, Israeli Prime Minister Ehud Olmert responded positively to a proposed adjustment to the line of the wall in the area of Modiin, near Jerusalem, moving it further into the Palestinian West Bank in order to encompass Nili and Na'aleh, two Israeli settlements some five kilometres beyond the Green Line. If approved by the Israeli Cabinet, three Palestinian villages - Ni'lin, Budrus and Qibya – would become an enclave, cut off from both the West Bank and from Israel. The villagers then would be required to enter and leave through a tunnel. The two Israeli settlements have a population of some 1,500 settlers; the three Palestinian villages which would be isolated as an enclave, seriously disrupting the lives of their inhabitants, are home to some 20,000 Palestinians.

In November 2006, the IDF announced a new Military Order on Movement and Travel (Restriction of Travel in an Israeli Vehicle), which would have prohibited Palestinians without permits from travelling with Israelis on West Bank roads. It is difficult to imagine an order more discriminatory to human relations. Many observers commented that, by this order, discrimination that was hitherto limited to the public sphere would now have been extended to the private sphere. As the preface to the petition against the order, submitted to the HCJ by eight human rights organizations, said:

The order at hand implements the principles of segregation via the law and the creation of criminal sanctions among two different nationalities which meet in the private sphere of their vehicles, without permit from the authorities ...<sup>10</sup>

After protests, the Order was frozen on 17 January 2007, two days before it was due to be implemented. The IDF statement stated that the order “will be postponed until further evaluation... by the official authorities.” There is still a danger that it may be implemented at a later date.

At the same time, rulings from the High Court of Justice requiring that the fence/wall should be moved or that gates be open longer to ease Palestinian difficulties are not being implemented.

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<sup>9</sup> B'Tselem, *A Wall in Jerusalem*, July 2006, p.23.

<sup>10</sup> HCJ 196/07; Petition for the abolition of the order which forbids Palestinians from travelling in Israeli cars.