

**Update on *The right to freedom of movement*, Part III, Section 5 D 1, 1967-
Occupied Arab Territories, p. 67**

New Military Order regarding the transport of Palestinians in private Israeli vehicles in the West Bank.

On 19 November 2006, a new Israeli military order was made public which would prohibit Israelis from driving Palestinians in private vehicles in the West Bank.¹ The ostensible purpose of the order was to stop the smuggling of Palestinians into Israel in cars belonging to Israelis. The order additionally defines "Israeli" to include Palestinians resident in East Jerusalem, as well as anyone who holds an Israeli visa, meaning the restriction would also apply to all foreign nationals who are legally present in the Occupied Palestinian Territory (OPT). As such, the order in practice would prevent non-Palestinians, and Palestinians resident in East Jerusalem, from transporting "West Bank" Palestinians within the West Bank itself. Further, the Military Order entrenches Israel's illegal, and unrecognised, annexation of East Jerusalem by treating East Jerusalem as part of Israel, and not as occupied territory, as established under international law.

In placing these restrictions on Palestinians even within the West Bank, the order is not practical as a security measure. Not only would it prevent Palestinians from being transported across the border into Israel, but from one point within the OPT to another, including East Jerusalem. Private vehicles with "Palestinian" license plates are already prohibited from using numerous roads which link West Bank population centres to each other, and are often prohibited from travelling through checkpoints. As such, this order would further restrict the freedom of movement of Palestinians, adding an additional obstacle to their movement inside the West Bank.

The Military Order constitutes clear discrimination on the grounds of national origin as it affects only the movement of Palestinians, and is therefore in clear violation of Article 5(d)(i) of the International Convention on the Elimination of All Forms of Racial Discrimination relating to freedom of movement.

The order was scheduled to take effect on 19 January, but has since been frozen, with GOC Central Command Yair Naveh, who issued the order, citing "operational and unsettled legal issues."² However, the law, in its present form or an altered version, can be activated at any time.

¹ Order on Security Provisions (Judea and Samaria) (no. 3780, 5730 – 1970, Order on Movement and Travel (Restriction of Travel in an Israeli Vehicle), 19 November 2006. An unofficial translation of the full order is available at: <http://www.yesh-din.org/site/images/Military%20order%20-%20eng.pdf>

² Harel, Amos. "IDF freezes ban on Israelis carrying West Bank residents in their cars." *Haaretz*. 17 Jan. 2001