THE MITCHELL REPORT

Report of the Sharm el-Sheikh Fact-Finding Committee

Full text of the report completed on April 30, 2001 and published on May 20, 2001

- Summary of recommendations
- Introduction
- Discussion
- What Happened?
- Why Did it Happen?
- End the Violence
- Rebuild Confidence
- Resume Negotiations
- Recommendations
- Footnotes
- Comment by the government of Israel
- Official response of the PLO

SUMMARY OF RECOMMENDATIONS

The Government of Israel (GOI) and the Palestinian Authority (PA) must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations.

During this mission our aim has been to fulfil the mandate agreed at Sharm el-Sheikh. We value the support given our work by the participants at the summit, and we commend the parties for their cooperation. Our principal recommendation is that they recommit themselves to the Sharm el-Sheikh spirit and that they implement the decisions made there in 1999 and 2000. We believe that the summit participants will support bold action by the parties to achieve these objectives.

The restoration of trust is essential, and the parties should take affirmative steps to this end. Given the high level of hostility and mistrust, the timing and sequence of these steps are obviously crucial. This can be decided only by the parties. We urge them to begin the process of decision immediately.

Accordingly, we recommend that steps be taken to:

END THE VIOLENCE

· The GOI and the PA should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence.

· The GOI and PA should immediately resume security cooperation.

REBUILD CONFIDENCE

· The PA and GOI should work together to establish a meaningful "cooling off period" and implement additional confidence building measures, some of which were detailed in the October 2000 Sharm el-Sheikh Statement and some of which were offered by the U.S. on January 7, 2001 in Cairo (see Recommendations section for further description).

· The PA and GOI should resume their efforts to identify, condemn and discourage incitement in all its forms.

· The PA should make clear through concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make a 100 percent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.

· The GOI should freeze all settlement activity, including the "natural growth" of existing settlements.

· The GOI should ensure that the IDF adopt and enforce policies and procedures encouraging non-lethal responses to unarmed demonstrators, with a view to minimizing casualties and friction between the two communities.

· The PA should prevent gunmen from using Palestinian populated areas to fire upon Israeli populated areas and IDF positions. This tactic places civilians on both sides at unnecessary risk.

· The GOI should lift closures, transfer to the PA all tax revenues owed, and permit Palestinians who had been employed in Israel to return to their jobs; and should ensure that security forces and settlers refrain from the destruction of homes and roads, as well as trees and other agricultural property in Palestinian areas. We acknowledge the GOI's position that actions of this nature have been taken for security reasons. Nevertheless, the economic effects will persist for years.

· The PA should renew cooperation with Israeli security agencies to ensure, to the maximum extent possible, that Palestinian workers employed within Israel are fully vetted and free of connections to organizations and individuals engaged in terrorism.

· The PA and GOT should consider a joint undertaking to preserve and protect holy places sacred to the traditions of Jews, Muslims, and Christians.

· The GOT and PA should jointly endorse and support the work of Palestinian and Israeli non-governmental organizations involved in cross-community initiatives linking the two peoples.

RESUME NEGOTIATIONS

· In the spirit of the Sharm el-Sheikh agreements and understandings of 1999 and 2000, we recommend that the parties meet to reaffirm their commitment to signed agreements and mutual understandings, and take corresponding action. This should be the basis for resuming full and meaningful negotiations.

INTRODUCTION

On October 17, 2000, at the conclusion of the Middle East Peace Summit at Sharm el-Sheikh, Egypt, the President of the United States spoke on behalf of the participants (the Government of Israel, the Palestinian Authority, the Governments of Egypt, Jordan, and the United States, the United Nations, and the European Union). Among other things, the President stated that:

> The United States will develop with the Israelis and Palestinians, as well as in consultation with the United Nations Secretary General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. The committee's report will be shared by the U.S. President with the U.N. Secretary General and the parties prior to publication. A final report shall be submitted under the auspices of the U.S. President for publication.[1]

On November *7*, 2000, following consultations with the other participants, the President asked us to serve on what has come to be known as the Sharm el-Sheikh Fact-Finding Committee. In a letter to us on December 6, 2000, the President stated that:

> The purpose of the Summit, and of the agreement that ensued, was to end the violence, to prevent its recurrence, and to find a path back to the peace process. In its actions and mode of operation, therefore, the Committee should be guided by these overriding goals.. . [T]he Committee should strive to steer clear of any step that will intensify mutual blame and finger-pointing between the parties. As I noted in my previous letter, "the Committee should not become a divisive force or a focal point for blame and recrimination but rather should serve to forestall violence and confrontation and provide lessons for the future." This should not be a tribunal whose purpose is to determine the guilt or innocence of individuals or of the parties; rather, it should be a fact-finding committee whose purpose is to determine what happened and how to avoid it recurring in the future.[2]

After our first meeting, held before we visited the region, we urged an end to all violence. Our meetings and our observations during our subsequent visits to the region have intensified our convictions in this regard. Whatever the source, violence will not solve the problems of the region. It will only make them worse. Death and destruction will not bring peace, but will deepen the hatred and harden the resolve on both sides. There is only one way to peace, justice, and security in the Middle East, and that is through negotiation.

Despite their long history and close proximity, some Israelis and Palestinians seem

not to fully appreciate each other's problems and concerns. Some Israelis appear not to comprehend the humiliation and frustration that Palestinians must endure every day as a result of living with the continuing effects of occupation, sustained by the presence of Israeli military forces and settlements in their midst, or the determination of the Palestinians to achieve independence and genuine self-determination. Some Palestinians appear not to comprehend the extent to which terrorism creates fear among the Israeli people and undermines their belief in the possibility of co-existence, or the determination of the GOI to do whatever is necessary to protect its people.

Fear, hate, anger, and frustration have risen on both sides. The greatest danger of all is that the culture of peace, nurtured over the previous decade, is being shattered. In its place there is a growing sense of futility and despair, and a growing resort to violence.

Political leaders on both sides must act and speak decisively to reverse these dangerous trends; they must rekindle the desire and the drive for peace. That will be difficult. But it can be done and it must be done, for the alternative is unacceptable and should be unthinkable.

Two proud peoples share a land and a destiny. Their competing claims and religious differences have led to a grinding, demoralizing, dehumanizing conflict. They can continue in conflict or they can negotiate to find a way to live side-by-side in peace.

There is a record of achievement. In 1991 the first peace conference with Israelis and Palestinians took place in Madrid to achieve peace based on UN Security Council Resolutions 242 and 338. In 1993, the Palestine Liberation Organization (PLO) and Israel met in Oslo for

the first face-to-face negotiations; they led to mutual recognition and the Declaration of Principles (signed by the parties in Washington, D.C. on September 13, 1993), which provided a road map to reach the destination agreed in Madrid. Since then, important steps have been taken in Cairo, in Washington, and elsewhere. Last year the parties came very close to a permanent settlement.

So much has been achieved. So much is at risk. If the parties are to succeed in completing their journey to their common destination, agreed commitments must be implemented, international law respected, and human rights protected. We encourage them to return to negotiations, however difficult. It is the only path to peace, justice and security.

DISCUSSION

It is clear from their statements that the participants in the summit of last October hoped and intended that the outbreak of violence, then less than a month old, would soon end. The U.S. President's letters to us, asking that we make recommendations on how to prevent a recurrence of violence, reflect that intention.

Yet the violence has not ended. It has worsened. Thus the overriding concern of those in the region with whom we spoke is to end the violence and to return to the process of shaping a sustainable peace. That is what we were told, and were asked to address,

by Israelis and Palestinians alike. It was the message conveyed to us as well by President Mubarak of Egypt, King Abdullah of Jordan, and UN Secretary General Annan.

Their concern must be ours. If our report is to have effect, it must deal with the situation that exists, which is different from that envisaged by the summit participants. In this report, we will try to answer the questions assigned to us by the Sharm el-Sheikh summit: What happened? Why did it happen?

In light of the current situation, however, we must elaborate on the third part of our mandate: How can the recurrence of violence be prevented? The relevance and impact of our work, in the end, will be measured by the recommendations we make concerning the following:

· Ending the Violence.

· Rebuilding Confidence.

· Resuming Negotiations.

WHAT HAPPENED?

We are not a tribunal. We complied with the request that we not determine the guilt or innocence of individuals or of the parties. We did not have the power to compel the testimony of witnesses or the production of documents. Most of the information we received came from the parties and, understandably, it largely tended to support their arguments.

in this part of our report, we do not attempt to chronicle all of the events from late September 2000 onward. Rather, we discuss only those that shed light on the underlying causes of violence.

In late September 2000, Israeli, Palestinian, and other officials received reports that Member of the Knesset (now Prime Minister) Ariel Sharon was planning a visit to the Haram al Sharif/Temple Mount in Jerusalem. Palestinian and U.S. officials urged then Prime Minister Ehud Barak to prohibit the visit.[3] Mr. Barak told us that he believed the visit was intended to be an internal political act directed against him by a political opponent, and he declined to prohibit it.

Mr. Sharon made the visit on September28 accompanied by over 1,000 Israeli police officers. Although Israelis viewed the visit in an internal political context, Palestinians saw it as highly provocative to them. On the following day, in the same place, a large number of unarmed Palestinian demonstrators and a large Israeli police contingent confronted each other. According to the U.S. Department of State, "Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring about 200."[4] According to the GOI, 14 Israeli policemen were injured.[5]

Similar demonstrations took place over the following several days.[6] Thus began what has become known as the "Al-Aqsa Intifada" (Al-Aqsa being a mosque at the Haram al-Sharif/Temple Mount).

The GOI asserts that the immediate catalyst for the violence was the breakdown of the Camp David negotiations on July *25,* 2000 and the "widespread appreciation in the international community of Palestinian responsibility for the impasse. In this view, Palestinian violence was planned by the PA leadership, and was aimed at "provoking and incurring Palestinian casualties as a means of regaining the diplomatic initiative."[8]

The Palestine Liberation Organization (PLO) denies the allegation that the intifada was planned. it claims, however, that "Camp David represented nothing less than an attempt by Israel to extend the force it exercises on the ground to negotiations,"[9] and that "the failure of the summit, and the attempts to allocate blame on the Palestinian side only added to the tension on the ground ...[10]

From the perspective of the PLO, Israel responded to the disturbances with excessive and illegal use of deadly force against demonstrators; behavior which, in the PLO's view, reflected Israel's contempt for the lives and safety of Palestinians. For Palestinians, the widely seen images of the killing of 12-year-old Muhammad al Durra in Gaza on September 30, shot as he huddled behind his father, reinforced that perception.

From the perspective of the GOI, the demonstrations were organized and directed by the Palestinian leadership to create sympathy for their cause around the world by provoking Israeli security forces to fire upon demonstrators, especially young people. For Israelis, the lynching of two military reservists, First Sgt. Vadim Novesche and First Cpl. Yosef Avrahami, in Ramallah on October 12, reflected a deep-seated Palestinian hatred of Israel and Jews.

What began as a series of confrontations between Palestinian demonstrators and Israeli security forces, which resulted in the GOI's initial restrictions on the movement of people and goods in the West Bank and Gaza Strip (closures), has since evolved into a wider array of violent actions and responses. There have been exchanges of fire between built-up areas, sniping incidents and clashes between Israeli settlers and Palestinians. There have also been terrorist acts and Israeli reactions thereto (characterized by the GOI as counter-terrorism). including killings, further destruction of property and economic measures. Most recently, there have been mortar attacks on Israeli locations and IDF ground incursions into Palestinian areas.

From the Palestinian perspective, the decision of Israel to characterize the current crisis as "an armed conflict short of war"[11] is simply a means "to justify its assassination policy, its collective punishment policy, and its use of lethal force."[12] From the Israeli perspective, "The Palestinian leadership have instigated, orchestrated and directed the violence. It has used, and continues to use, terror and attrition as strategic tools."[13]

In their submissions, the parties traded allegations about the motivation and degree of

control exercised by the other. However, we were provided with no persuasive evidence that the Sharon visit was anything other than an internal political act; neither were we provided with persuasive evidence that the PA planned the uprising.

Accordingly, we have no basis on which to conclude that there was a deliberate plan by the PA to initiate a campaign of violence at the first opportunity; or to conclude that there was a deliberate plan by the GOI to respond with lethal force.

However, there is also no evidence on which to conclude that the PA made a consistent effort to contain the demonstrations and control the violence once it began; or that the GOI made a consistent effort to use non-lethal means to control demonstrations of unarmed Palestinians. Amid rising anger, fear, and mistrust, each side assumed the worst about the other and acted accordingly.

The Sharon visit did not cause the "Al-Aqsa Initifada." But it was poorly timed and the provocative effect should have been foreseen; indeed it was foreseen by those who urged that the visit be prohibited. More significant were the events that followed: the decision of the Israeli police on September 29 to use lethal means against the Palestinian demonstrators; and the subsequent failure, as noted above, of either party to exercise restraint.

WHY DID IT HAPPEN?

The roots of the current violence extend much deeper than an inconclusive summit conference. Both sides have made clear a profound disillusionment with the behavior of the other in failing to meet the expectations arising from the peace process launched in Madrid in 1991 and then in Oslo in 1993. Each side has accused the other of violating specific undertakings and undermining the spirit of their commitment to resolving their political differences peacefully.

Divergent Expectations: We are struck by the divergent expectations expressed by the parties relating to the implementation of the Oslo process. Results achieved from this process were unthinkable less than 10 years ago. During the latest round of negotiations, the parties were closer to a permanent settlement than ever before.

Nonetheless, Palestinians and Israelis alike told us that the premise on which the Oslo process is based-- that tackling the hard "permanent status" issues be deferred to the end of the process has gradually come under serious pressure. The step-by-step process agreed to by the parties was based on the assumption that each step in the negotiating process would lead to enhanced trust and confidence. To achieve this, each party would have to implement agreed-upon commitments and abstain from actions that would be seen by the other as attempts to abuse the process in order to predetermine the shape of the final outcome. If this requirement is not met, the Oslo road map cannot successfully lead to its agreed destination. Today, each side blames the other for having ignored this fundamental aspect, resulting in a crisis in confidence. This problem became even more pressing with the opening of permanent status talks.

The GOI has placed primacy on moving toward a Permanent Status Agreement in a

nonviolent atmosphere, consistent with commitments contained in the agreements between the parties. "Even if slower than was initially envisaged, there has, since the start of the peace process in Madrid in 1991, been steady progress towards the goal of a Permanent Status

Agreement without the resort to violence on a scale that has characterized recent weeks."[14] The "goal" is the Permanent Status Agreement, the terms of which must be negotiated by the parties.

The PLO view is that delays in the process have been the result of an Israeli attempt to prolong and solidify the occupation. Palestinians "believed that the Oslo process would yield an end to Israeli occupation in five years,"[15] the timeframe for the transitional period specified in the Declaration of Principles. Instead there have been, in the PLO's view, repeated Israeli delays culminating in the Camp David summit, where, "Israel proposed to annex about 11.2% of the West Bank (excluding Jerusalem) ..." and offered unacceptable proposals concerning Jerusalem, security and refugees. "In sum, Israel's proposals at Camp David provided for Israel's annexation of the best Palestinian lands, the perpetuation of Israeli control over East Jerusalem. a continued Israeli military presence on Palestinian territory, Israeli control over Palestinian natural resources, airspace and borders, and the return of fewer than 1% of refugees to their homes."[16]

Both sides see the lack of full compliance with agreements reached since the opening of the peace process as evidence of a lack of good faith. This conclusion led to an erosion of trust even before the permanent status negotiations began.

Divergent Perspectives: During the last seven months, these views have hardened into divergent realities. Each side views the other as having acted in bad faith; as having turned the optimism of Oslo into the suffering and grief of victims and their loved ones. In their statements and actions, each side demonstrates a perspective that fails to recognize any truth in the perspective of the other.

The Palestinian Perspective: For the Palestinian side, "Madrid" and "Oslo" heralded the prospect of a State, and guaranteed an end to the occupation and a resolution of outstanding matters within an agreed time frame. Palestinians are genuinely angry at the continued growth of settlements and at their daily experiences of humiliation and disruption as a result of Israel's presence in the Palestinian territories. Palestinians see settlers and settlements in their midst not only as violating the spirit of the Oslo process, but also as an application of force in the form of Israel's overwhelming military superiority, which sustains and protects the settlements.

> The Interim Agreement provides that "the two parties view the West Bank and Gaza as a single territorial unit, the integrity and status of which will be preserved during the interim period." Coupled with this, the Interim Agreement's prohibition on taking steps which may prejudice permanent status negotiations denies Israel the right to continue its illegal expansionist settlement policy. In addition to the Interim Agreement, customary international law, including the Fourth Geneva Convention, prohibits Israel (as an occupying power) from establishing settlements in occupied territory pending an end to the

> conflict.[17]

The PLO alleges that Israeli political leaders "have made no secret of the fact that the Israeli interpretation of Oslo was designed to segregate the Palestinians in non-contiguous enclaves, surrounded by Israeli military-controlled borders, with settlements and settlement roads violating the territories' integrity."[18] According to the PLO, "In the seven years since the (Declaration of Principles], the settler population in the West Bank, excluding East Jerusalem and the Gaza Strip, has doubled to 200,000, and the settler population in East Jerusalem has risen to 170,000. Israel has constructed approximately 30 new settlements, and expanded a number of existing ones to house these new settlers."[19]

The PLO also claims that the GOI has failed to comply with other commitments such as the further withdrawal from the West Bank and the release of Palestinian prisoners. In addition, Palestinians expressed frustration with the impasse over refugees and the deteriorating economic circumstances in the West Bank and Gaza Strip.

The Israeli Perspective: From the GOI perspective, the expansion of settlement activity and the taking of measures to facilitate the convenience and safety of settlers do not prejudice the outcome of permanent status negotiations.

> Israel understands that the Palestinian side objects to the settlements in the West Bank and the Gaza Strip. Without prejudice to the formal status of the settlements, Israel accepts that the settlements are an outstanding issue on which there will have to be agreement as part of any permanent status resolution between the sides. This point was acknowledged and agreed upon in the Declaration of Principles of 13 September 1993 as well as mother agreements between the two sides. There has in fact been a good deal of discussion on the question of settlements between the two sides in the various negotiations toward a permanent status agreement.[20]

Indeed, Israelis point out that at the Camp David summit and during subsequent talks the GOI offered to make significant concessions with respect to settlements in the context of an overall agreement.

Security, however, is the key GOI concern. The GOI maintains that the PLO has breached its solemn commitments by continuing the use of violence in the pursuit of political objectives. "Israel's principal concern in the peace process has been security. This issue is of overriding importance.. . [S]ecurity is not something on which Israel will bargain or compromise. The failure of the Palestinian side to comply with both the letter and spirit of the security provisions in the various agreements has long been a source of disturbance in Israel."[21]

According to the GOL, the Palestinian failure takes several forms: institutionalized anti-Israel. anti-Jewish incitement; the release from detention of terrorists; the failure to control illegal weapons; and the actual conduct of violent operations, ranging from the insertion of riflemen into demonstrations to terrorist attacks on Israeli civilians. The GOI maintains that the

PLO has explicitly violated its renunciation of terrorism and other acts of violence,[22] thereby significantly eroding trust between the parties. The GOI perceives "a thread, implied but nonetheless clear, that runs throughout the Palestinian submissions. It is that Palestinian violence against Israel and Israelis is somehow explicable, understandable, legitimate."[23]

END THE VIOLENCE

For Israelis and Palestinians alike the experience of the past several months has been intensely *personal*. Through relationships of kinship, friendship, religion, community and profession, virtually everyone in both societies has a link to someone who has been killed or seriously injured in the recent violence. We were touched by their stories. During our last visit to the region, we met with the families of Palestinian and Israeli victims. These individual accounts of grief were heart-rending and indescribably sad. Israeli and Palestinian families used virtually the same words to describe their grief.

When the widow of a murdered Israeli physician - a man of peace whose practice included the treatment of Arab patients - tells us that it seems that Palestinians are interested in killing Jews for the sake of killing Jews, Palestinians should take notice. When the parents of a Palestinian child killed while in his bed by an errant .50 caliber bullet draw similar conclusions about the respect accorded by Israelis to Palestinian lives, Israelis need to listen. When we see the shattered bodies of children we know it is time for adults to stop the violence.

With widespread violence, both sides have resorted to portrayals of the other in hostile stereotypes. This cycle cannot be easily broken. Without considerable determination and readiness to compromise, the rebuilding of trust will be impossible.

Cessation of Violence: Since 1991, the parties have consistently committed themselves, in all their agreements, to the path of nonviolence. They did so most recently in the two Sharm el-Sheikh summits of September 1999 and October 2000. To stop the violence now, the PA and GOI need not "reinvent the wheel." Rather, they should take immediate steps to end the violence, reaffirm their mutual commitments, and resume negotiations.

Resumption of Security Cooperation: Palestinian security officials told us that it would take some time - perhaps several weeks - for the PA to reassert full control over armed elements nominally under its command and to exert decisive influence over other armed elements operating in Palestinian areas. Israeli security officials have not disputed these assertions. What is important is that the PA make an all-out effort to enforce a complete cessation of violence and that it be clearly seen by the GOI as doing so. The GOI must likewise exercise a 100 percent effort to ensure that potential friction points, where Palestinians come into contact with armed Israelis. do not become stages for renewed hostilities.

The collapse of security cooperation in early October reflected the belief by each party that the other had committed itself to a violent course of action. If the parties wish to attain the standard of 100 percent effort to prevent violence, the immediate

resumption of security cooperation is mandatory.

We acknowledge the reluctance of the PA to be seen as facilitating the work of Israeli security services absent an explicit political context (i.e., meaningful negotiations) and under the threat of Israeli settlement expansion. Indeed, security cooperation cannot be sustained without such negotiations and with ongoing actions seen as prejudicing the outcome of negotiations. However, violence is much more likely to continue without security cooperation. Moreover, without effective security cooperation, the parties will continue to regard all acts of violence as officially sanctioned.

In order to overcome the current deadlock, the parties should consider how best to revitalize security cooperation. We commend current efforts to that end. Effective cooperation depends on recreating and sustaining an atmosphere of confidence and good personal relations.

It is for the parties themselves to undertake the main burden of day-to-day cooperation, but they should remain open to engaging the assistance of others in facilitating that work. Such outside assistance should be by mutual consent, should not threaten good bilateral working arrangements, and should not act as a tribunal or interpose between the parties. There was good security cooperation until last year that benefited from the good offices of the U.S. (acknowledged by both sides as useful), and was also supported indirectly by security projects and assistance from the European Union. The role of outside assistance should be that of creating the appropriate framework, sustaining goodwill on both sides, and removing friction where possible. That framework must be seen to be contributing to the safety and welfare of both communities if there is to be acceptance by those communities of these efforts.

REBUILD CONFIDENCE

The historic handshake between Chairman Arafat and the late Prime Minister Rabin at the White House in September 1993 symbolized the expectation of both parties that the door to the peaceful resolution of differences had been opened. Despite the current violence and mutual loss of trust, both communities have repeatedly expressed a desire for peace. Channeling this desire into substantive progress has proved difficult. The restoration of trust is essential, and the parties should take affirmative steps to this end. Given the high level of hostility and mistrust, the timing and sequence of these steps are obviously crucial. This can be decided only by the parties. We urge them to begin the process of decision immediately.

Terrorism: In the September 1999 Sharm el-Sheikh Memorandum, the parties pledged to take action against "any threat or act of terrorism, violence or incitement." Although all three categories of hostilities are reprehensible, it was no accident that "terrorism" was placed at the top of the list.

Terrorism involves the deliberate killing and injuring of randomly selected noncombatants for political ends. It seeks to promote a political outcome by spreading

terror and

demoralization throughout a population. It is immoral and ultimately self defeating. We condemn it and we urge that the parties coordinate their security efforts to eliminate it.

In its official submissions and briefings, the GOI has accused the PA of supporting terrorism by releasing incarcerated terrorists, by allowing PA security personnel to abet, and in some cases to conduct terrorist operations, and by terminating security cooperation with the GOI. The PA vigorously denies the accusations. But Israelis hold the view that the PA's leadership has made no real effort over the past seven months to prevent anti-Israeli terrorism. The belief is, in and of itself, a major obstacle to the rebuilding of confidence.

We believe that the PA has a responsibility to help rebuild confidence by making clear to both communities that terrorism is reprehensible and unacceptable, and by taking all measures to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.

Settlements: The GOI also has a responsibility to help rebuild confidence. A cessation of Palestinian-Israeli violence will be particularly hard to sustain unless the GOI freezes all settlement construction activity. The GOI should also give careful consideration to whether settlements that are focal points for substantial friction are valuable bargaining chips for future negotiations or provocations likely to preclude the onset of productive talks.

The issue is, of course, controversial. Many Israelis will regard our recommendation as a statement of the obvious, and will support it. Many will oppose it. But settlement activities must not be allowed to undermine the restoration of calm and the resumption of negotiations.

During the half-century of its existence, Israel has had the strong support of the United States. In international forums, the US. has at times cast the only vote on Israel's behalf. Yet, even in such a close relationship there are some differences. Prominent among those differences

is the U.S. Government's long-standing opposition to the GOI's policies and practices regarding settlements. As the then-Secretary of State, James A. Baker, III, commented on May 22, 1991:

> Every time I have gone to Israel in connection with the peace process, on each of my four trips, I have been met with the announcement of new settlement activity. This does violate United States policy. It's the first thing that Arabs - Arab Governments, the first thing that the Palestinians in the territories - whose situation is really quite desperate - the first thing they raise when we talk to them. I don't think there is any bigger obstacle to peace than the settlement activity that continues not only unabated but at an enhanced pace.[24]

The policy described by Secretary Baker, on behalf of the Administration of President George H. W. Bush. has been, in essence, the policy of every American administration over the past quarter century.[25]

Most other countries, including Turkey, Norway, and those of the European Union, have also been critical of Israeli settlement activity, in accordance with their views that such settlements are illegal under international law and not in compliance with previous agreements.

On each of our two visits to the region there were Israeli announcements regarding expansion of settlements, and it was almost always the first issue raised by Palestinians with whom we met. During our last visit, we observed the impact of 6,400 settlers on 140,000 Palestinians in Hebron [26] and 6,500 settlers on over 1,100,000 Palestinians in the Gaza Strip.[27] The GOI describes its policy as prohibiting new settlements but permitting expansion of existing settlements to accommodate "natural growth." Palestinians contend that there is no distinction between new' and "expanded" settlements; and that, except for a brief freeze during the tenure of Prime Minister Yitzak Rabin, there has been a continuing, aggressive effort by Israel to increase the number and size of settlements.

The subject has been widely discussed within Israel. The *Ha'aretz* English Language Edition editorial of April 10, 2001 stated:

> A government which seeks to argue that its goal is to reach a solution to the conflict with the Palestinians through peaceful means, and is trying at this stage to bring an end to the violence and terrorism, must announce an end to construction in the settlements.[28]

The circumstances in the region are much changed from those which existed nearly 20 years ago. Yet, President Reagan's words remain relevant: "The immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed

Beyond the obvious confidence-building qualities of a settlement freeze, we note that many of the confrontations during this conflict have occurred at points where Palestinians, settlers, and security forces protecting the settlers, meet. Keeping both the peace and these friction points will be very difficult.

Reducing Tension: We were told by both Palestinians and Israelis that emotions generated by the many recent deaths and funerals have fueled additional confrontations, and. in effect, maintained the cycle of violence. We cannot urge one side or the other to refrain from demonstrations. But both sides must make clear that violent demonstrations will not be tolerated. We can and do urge that both sides exhibit a greater respect for human life when demonstrators confront security personnel. In addition, a renewed effort to stop the violence might feature, for a limited time, a "cooling off' period during which public demonstrations at or near friction points will be discouraged in order to break the cycle of violence. To the extent that demonstrations. continue, we urge that demonstrators and security personnel keep their distance from one another to reduce the potential for lethal

confrontation.

Actions and Responses: Members of the Committee staff witnessed an incident involving stone throwing in Ramallah from the perspectives, on the ground, of both sides. The people confronting one another were mostly young men. The absence of senior leadership on the IDF side was striking. Likewise, the absence of responsible security and other officials counseling restraint on the Palestinian side was obvious.

Concerning such confrontations, the GOI takes the position that "Israel is engaged in an armed conflict short of war. This is not a civilian disturbance or a demonstration or a riot. It is characterized by live-fire attacks on a *significant scale* [emphasis added] . . . [T]he attacks are carried out by a well-armed and organized militia..."[29] Yet, the GOI acknowledges that of some 9,000 "attacks" by Palestinians against Israelis, "some 2,700 [about 30 percent] involved the use of automatic weapons, rifles, hand guns, grenades, [and] explosives of other kinds."[30]

Thus, for the first three months of the current uprising, most incidents *did not* involve Palestinian use of firearms and explosives. B'Tselem reported that, "according to IDF figures, 73 percent of the incidents [from September 29 to December 2, 2000] did not include Palestinian gunfire. Despite this, it was in these incidents that most of the Palestinians [were] killed and wounded ..."[31] Altogether, nearly 500 people were killed and over 10,000 injured over the past seven months; the overwhelming majority in both categories were Palestinian. Many of these deaths were avoidable, as were many Israeli deaths.

Israel's characterization of the conflict, as noted above, is overly broad, for it does not adequately describe the variety of incidents reported since late September 2000. Moreover, by thus defining the conflict, the IDF has suspended its policy of mandating investigations by the Department of Military Police Investigations whenever a Palestinian in the territories dies at the hands of an IDF soldier in an incident not involving terrorism. In the words of the GOI, "Where Israel considers that there is reason to investigate particular incidents, it does so, although, given the circumstances of armed conflict, it does not do so routinely."[32] We believe, however, that by abandoning the blanket "armed conflict short of war" characterization and by re-instituting mandatory military police investigations, the GOI could help mitigate deadly violence and help rebuild mutual confidence. Notwithstanding the danger posed by stone-throwers, an effort should be made to differentiate between terrorism and protests.

Controversy has arisen between the parties over what Israel calls the "targeting of individual enemy combatants."[33] The PLO describes these actions as "extra-judicial executions,"[34] and claims that Israel has engaged in an "assassination policy" that is "in clear violation of Article 32 of the Fourth Geneva Convention ..."[35] The GOI states that, "whatever action Israel has taken has been taken firmly within the bounds of the relevant and accepted principles relating to the conduct of hostilities."[36]

With respect to demonstrations, the GOI has acknowledged "that individual instances of excessive response may have occurred. To a soldier or a unit coming under Palestinian attack, the equation is not that of the Israeli army versus some stone

throwing Palestinian protesters. It is a personal equation."[37]

We understand this concern, particularly since rocks can maim or even kill. It is no easy matter for a few young soldiers, confronted by large numbers of hostile demonstrators, to make fine legal distinctions on the spot. Still, this "personal equation" must fit within an organizational ethic; in this case, *"The Ethical Code of the Israel Defense Forces,* which states, in part:

> The sanctity of human life in the eyes of the IDF servicemen will find expression in all of their actions, in deliberate and meticulous planning, in safe and intelligent training and in proper execution of their mission. In evaluating the risk to self and others, they will use the appropriate standards and will exercise constant care to limit injury to life to the extent required to accomplish the mission.[38]

Those required to respect the IDF ethical code are largely draftees, as the IDF is a conscript force. Active duty enlisted personnel, noncommissioned officers and junior officers - the categories most likely to be present at friction points - are young, often teenagers. Unless more senior career personnel or reservists are stationed at friction points, no IDF personnel present in these sensitive areas have experience to draw upon from previous violent Israeli-Palestinian confrontations. We think it is essential, especially in the context of restoring confidence by minimizing deadly confrontations, that the IDF deploy more senior, experienced soldiers to these sensitive points.

There were incidents where IDF soldiers have used lethal force, including live ammunition and modified metal-cored rubber rounds, against unarmed demonstrators throwing stones. [39] The IDF should adopt crowd-control tactics that minimize the potential for deaths and casualties, withdrawing metal-cored rubber rounds from general use and using instead rubber baton rounds without metal cores.

We are deeply concerned about the public safety implications of exchanges of fire between populated areas, in particular between Israeli settlements and neighboring Palestinian villages. Palestinian gunmen have directed small arms fire at Israeli settlements and at nearby IDF positions from within or adjacent to civilian dwellings in Palestinian areas, thus endangering innocent Israeli. and Palestinian civilians alike. We condemn the positioning of gunmen within or near civilian dwellings. The TIDF often responds to such gunfire with heavy caliber weapons, sometimes resulting in deaths and injuries to innocent Palestinians. An IDF officer told us at the Ministry of Defense on March 23, 2001 that, "When shooting comes from a building we respond, and sometimes there are innocent people in the building." Obviously, innocent people are injured and killed during exchanges of this nature. We urge that such provocations cease and that the IDF exercise maximum restraint in its responses if they do occur. Inappropriate or excessive uses of force often lead to escalation.

We are aware of IDF sensitivities about these subjects. More than once we were asked:

"What about Palestinian rules of engagement? What about a Palestinian code of ethics for their military personnel?" These are valid questions.

On the Palestinian side there are disturbing ambiguities in the basic areas of responsibility and accountability. The lack of control exercised by the PA over its own security personnel and armed elements affiliated with the PA leadership is very troubling. We urge the PA to take all necessary steps to establish a clear and unchallenged chain of command for armed personnel operating under its authority. We recommend that the PA institute and enforce effective standards of conduct and accountability, both within the uniformed ranks and between the police and the civilian political leadership to which it reports.

Incitement: In their submissions and briefings to the Committee, both sides expressed concerns about hateful language and images emanating from the other, citing numerous examples of hostile sectarian and ethnic rhetoric in the Palestinian and Israeli media, in school curricula and in statements by religious leaders, politicians and others.

We call on the parties to renew their formal commitments to foster mutual understanding and tolerance and to abstain from incitement and hostile propaganda. We condemn hate language and incitement in all its forms. We suggest that the parties be particularly cautious about using words in a manner that suggests collective responsibility.

Economic and Social Impact of Violence: Further restrictions on the movement of people and goods have been imposed by Israel on the West Bank and the Gaza Strip. These closures take three forms: those which restrict movement between the Palestinian areas and Israel; those (including curfews) which restrict movement within the Palestinian areas; and those which restrict movement from the Palestinian areas to foreign countries. These measures have disrupted the lives of hundreds of thousands of Palestinians; they have increased Palestinian unemployment to an estimated 40 percent. in part by preventing some 140,000 Palestinians from working in Israel; and have stripped away about one-third of the Palestinian gross domestic product. Moreover, the transfer of tax and customs duty revenues owed to the PA by Israel has been suspended, leading to a serious fiscal crisis in the PA.

Of particular concern to the PA has been the destruction by Israeli security forces and settlers of tens of thousands of olive and fruit trees and other agricultural property. The closures have had other adverse effects, such as preventing civilians from access to urgent medical treatment and preventing students from attending school.

The GOI maintains that these measures were taken in order to protect Israeli citizens from terrorism. Palestinians characterize these measures as "collective punishment." The GOI denies the allegation:

> Israel has not taken measures that have had an economic impact simply for the sake of taking such measures or for reasons of harming the Palestinian economy. The measures have been taken for reasons of security. Thus, for example. the closure of the Palestinian territories was taken in order to prevent, or at least minimize the risks of, terrorist attacks ... The Palestinian leadership has made no attempt to control this activity and bring it to an end.[40]

Moreover, the GOI points out that violence in the last quarter of 2000 cost the Israeli economy $1.2 billion (USD), and that the loss continues at a rate of approximately $150 million (USD) per month.[41]

We acknowledge Israel's security concerns. We believe, however, that the GOI should lift closures, transfer to the PA all revenues owed, and permit Palestinians who have been employed in Israel to return to their jobs. Closure policies play into the hands of extremists seeking to expand their constituencies and thereby contribute to escalation. The PA should resume cooperation with Israeli security agencies to ensure that Palestinian workers employed within Israel are fully vetted and free of connections to terrorists and terrorist organizations.

International development assistance has from the start been an integral part of the peace process, with an aim to strengthen the socio-economic foundations for peace. This assistance today is more important than ever. We urge the international community to sustain the development agenda of the peace process.

Holy Places: It is particularly regrettable that places such as the Temple Mount/Haram al-Sharif in Jerusalem, Joseph's Tomb in Nablus, and Rachel's Tomb in Bethlehem have been the scenes of violence, death and injury. These are places of peace, prayer and reflection which must be accessible to all believers.

Places deemed holy by Muslims, Jews, and Christians merit respect, protection and preservation. Agreements previously reached by the parties regarding holy places must be upheld. The GOI and the PA should create a joint initiative to defuse the sectarian aspect of their political dispute by preserving and protecting such places. Efforts to develop inter-faith dialogue should be encouraged.

International Force: One of the most controversial subjects raised during our inquiry was the issue of deploying an international force to the Palestinian areas. The PA is strongly in favor of having such a force to protect Palestinian civilians and their property from the IDF and from settlers. The GOI is just as adamantly opposed to an "international protection force," believing that it would prove unresponsive to Israeli security concerns and interfere with bilateral negotiations to settle the conflict.

We believe that to be effective such a force would need the support of both parties. We note that international forces deployed in this region have been or are in a position to fulfil their mandates and make a positive contribution only when they were deployed with the consent of all of the parties involved.

During our visit to Hebron we were briefed by personnel of the Temporary International Presence in Hebron (TIPH), a presence to which both parties have agreed. The TIPH is charged with observing an explosive situation and writing reports on their observations. If the parties agree, as a confidence-building measure, to draw upon TIPH personnel to help them manage other friction points, we hope that TIPH contributors could accommodate such a request.

Cross-Community Initiatives: Many described to us the near absolute loss of trust. It was all the more inspiring, therefore, to find groups (such as the Parent's Circle and

the

Economic Cooperation Foundation) dedicated to cross-community understanding in spite of all that has happened. We commend them and their important work.

Regrettably, most of the work of this nature has stopped during the current conflict. To help rebuild confidence, the GOI and PA should jointly endorse and support the work of Israeli and Palestinian non-governmental organizations (NGOs) already involved in confidence building through initiatives linking both sides. It is important that the PA and GOI support cross-community organizations and initiatives, including the provision of humanitarian assistance to Palestinian villages by Israeli NGOs. Providing travel permits for participants is essential. Cooperation between the humanitarian organizations and the military/security services of the parties should be encouraged and institutionalized.

Such programs can help build, albeit slowly, constituencies for peace among Palestinians and Israelis and can provide safety nets during times of turbulence. Organizations involved in this work are vital for translating good intentions into positive actions.

RESUME NEGOTIATIONS

Israeli leaders do not wish to be perceived as "rewarding violence." Palestinian leaders do not wish to be perceived as "rewarding occupation." We appreciate the political constraints on leaders of both sides. Nevertheless, if the cycle of violence is to be broken and the search for peace resumed, there needs to be a new bilateral relationship incorporating both security cooperation and negotiations.

We cannot prescribe to the parties how best to pursue their political objectives. Yet the construction of a new bilateral relationship solidifying and transcending an agreed cessation of violence requires intelligent risk-taking. It requires, in the first instance, that each party again be willing to regard the other as a *partner*. Partnership, in turn, requires at this juncture something more than was agreed in the Declaration of Principles and in subsequent agreements. Instead of declaring the peace process to be "dead," the parties should determine how they will conclude

their common journey along their agreed "road map!' a journey which began in Madrid and continued in spite of problems — until very recently.

To define a starting point is for the parties to decide. Both parties have stated that they remain committed to their mutual agreements and undertakings. It is time to explore further implementation. The parties should declare their intention to meet on this basis, in order to resume full and meaningful negotiations, in the spirit of their undertakings at Sharm el-Sheikh in 1999 and 2000.

Neither side will be able to achieve its principal objectives unilaterally or without political risk. We know how hard it is for leaders to act — especially if the action can be characterized by political opponents as a concession — without getting something in return. The PA must — as it has at previous critical junctures take steps to reassure

Israel on security matters. The GOI must — as it has in the past — take steps to reassure the PA on political matters. Israelis and Palestinians should avoid, in their own actions and attitudes, giving extremists, common criminals and revenge seekers the final say in defining their joint future. This will not be easy if deadly incidents occur in spite of effective cooperation. Notwithstanding the daunting difficulties, the very foundation of the trust required to re-establish a functioning partnership consists of each side making such strategic reassurances to the other.

RECOMMENDATIONS

The GOI and the PA must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations. What we are asking is not easy. Palestinians and Israelis - not just their leaders, but two publics at large - have lost confidence in one another. We are asking political leaders to do, for the sake of their people, the politically difficult: to lead without knowing how many will follow.

During this mission our aim has been to fulfil the mandate agreed at Sharm el-Sheikh. We value the support given our work by the participants at the summit, and we commend the parties for their cooperation. Our principal recommendation is that they recommit themselves to the Sharm el-Sheikh spirit, and that they implement the decisions made there in 1999 and 2000. We believe that the summit participants will support bold action by the parties to achieve these objectives.

END THE VIOLENCE

· The GOI and the PA should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence.

Anything less than a complete effort by both parties to end the violence will render the effort itself ineffective, and will likely be interpreted by the other side as evidence of hostile intent.

· The GOI and PA should immediately resume security cooperation.

Effective bilateral cooperation aimed at preventing violence will encourage the resumption of negotiations. We are particularly concerned that, absent effective, transparent security cooperation, terrorism and other acts of violence will continue and may be seen as officially sanctioned whether they are or not. The parties should consider widening the scope of security cooperation to reflect the priorities of both communities and to seek acceptance for these efforts from those communities.

We acknowledge the PA’s position that security cooperation presents a political difficulty absent a suitable political context, i.e., the relaxation of stringent Israeli security measures combined with ongoing, fruitful negotiations. We also acknowledge the PA’s fear that, with security cooperation in hand., the GOI may not be disposed to deal forthrightly with Palestinian political concerns. We believe that security cooperation cannot long be sustained if meaningful negotiations are

unreasonably deferred, if security measures "on the ground" are seen as hostile, or if steps are taken that are perceived as provocative or as prejudicing the outcome of negotiations.

REBUILD CONFIDENCE

· The PA and GOI should work together to establish a meaningful "cooling off period" and implement additional confidence building measures, some of which were proposed in the October 2000 Sharm el-Sheikh Statement and some of which were offered by the U.S. on January 7, 2001 in Cairo.

· The PA and GOI should resume their efforts to identify, condemn and discourage incitement in all its forms.

· The PA should make clear through concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make a 100 percent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.

· The GOI should freeze all settlement activity, including the "natural growth" of existing settlements.

The kind of security cooperation desired by the GOI cannot for long co-exist with settlement activity described very recently by the European Union as causing "great concern" and by the U.S. as "provocative."

> 0 The GOI should give careful consideration to whether settlements which are focal points for substantial friction are valuable bargaining chips for future negotiations. or provocations likely to preclude the onset of productive talks.
>
> 0 The GOI may wish to make it clear to the PA that a future peace would pose no threat to the territorial contiguity of a Palestinian State to be established in the West Bank and the Gaza Strip.

· The IDF should consider withdrawing to positions held before September 28, 2000 which will reduce the number of friction points and the potential for violent confrontations.

· The GOI should ensure that the IDF adopt and enforce policies and procedures encouraging non-lethal responses to unarmed demonstrators, with a view to minimizing casualties and friction between the two communities. The IDF should:

> 0 Re-institute, as a matter of course, military police investigations into Palestinian deaths resulting from IDF actions in the Palestinian territories in incidents not involving terrorism. The IDF should abandon the blanket characterization of the current uprising as "an armed conflict short of war," which fails to discriminate between

terrorism and protest.

0 Adopt tactics of crowd-control that minimize the potential for deaths and casualties, including the withdrawal of metal-cored rubber rounds from general use.

0 Ensure that experienced, seasoned personnel are present for duty at all times at known friction points.

0 Ensure that the stated values and standard operating procedures of the IDF effectively instill the duty of caring for Palestinians in the West Bank and Gaza Strip as well as Israelis living there, consistent with *The Ethical Code of The IDF*.

· The GOI should lift closures, transfer to the PA all tax revenues owed, and permit Palestinians who had been employed in Israel to return to their jobs; and should ensure that security forces and settlers refrain from the destruction of homes and roads, as well as trees and other agricultural property in Palestinian areas. We acknowledge the GOI's position that actions of this nature have been taken for security reasons. Nevertheless, their economic effects will persist for years.

· The PA should renew cooperation with Israeli security agencies to ensure, to the maximum extent possible, that Palestinian workers employed within Israel are fully vetted and free of connections to organizations and individuals engaged in terrorism.

· The PA should prevent gunmen from using Palestinian populated areas to fire upon Israeli populated areas and IDF positions. This tactic places civilians on both sides at unnecessary risk.

· The GOI and IDF should adopt and enforce policies and procedures designed to ensure that the response to any gunfire emanating from Palestinian populated areas minimizes the danger to the lives and property of Palestinian civilians, bearing in mind that it is probably the objective of gunmen to elicit an excessive IDF response.

· The GOI should take all necessary steps to prevent acts of violence by settlers.

· The parties should abide by the provisions of the Wye River Agreement prohibiting illegal weapons.

· The PA should take all necessary steps to establish a clear and unchallenged chain of command for armed personnel operating under its authority.

· The PA should institute and enforce effective standards of conduct and accountability, both within the uniformed ranks and between the police and the civilian political leadership to which it reports.

· The PA and GOI should consider a joint undertaking to preserve and protect holy places sacred to the traditions of Muslims, Jews, and Christians. An initiative of this nature might help to reverse a disturbing trend: the increasing use of religious themes

to encourage and justify violence.

· The GOI and PA should jointly endorse and support the work of Palestinian and Israeli non-governmental organizations (NGOs) involved in cross-community initiatives linking the two peoples. It is important that these activities, including the provision of humanitarian aid to Palestinian villages by Israeli NGOs, receive the full backing of both parties.

RESUME NEGOTIATIONS

· We reiterate our belief that a 100 percent effort to stop the violence, an immediate resumption of security cooperation and an exchange of confidence building measures are all important for the resumption of negotiations. Yet none of these steps will long be sustained absent a return to serious negotiations.

It is not within our mandate to prescribe the venue, the basis or the agenda of negotiations. However, in order to provide an effective political context for practical cooperation between the parties, negotiations must not be unreasonably deferred and they must, in our view, manifest a spirit of compromise, reconciliation and partnership, notwithstanding the events of the past seven months.

· In the spirit of the Sharm el-Sheikh agreements and understandings of 1999 and 2000, we recommend that the parties meet to reaffirm their commitment to signed agreements and mutual understandings, and take corresponding action. This should be the basis for resuming full and meaningful negotiations.

The parties are at a crossroads. If they do not return to the negotiating table, they face the prospect of fighting it out for years on end, with many of their citizens leaving for distant shores to live their lives and raise their children. We pray they make the right choice. That means stopping the violence now. Israelis and Palestinians have to live, work, and prosper together. History and geography have destined them to be neighbors. That cannot be changed. Only when their actions are guided by this awareness will they be able to develop the vision and reality of peace and shared prosperity.

Suleyman Demirel
9th President of the Republic of Turkey

Thorbjoern Jagland
Minister of Foreign Affairs of Norway

George J. Mitchell, Chairman
Former Member and Majority Leader of the United States Senate

Warren B. Rudman
Former Member of the United States Senate

Javier Solana
High Representative for the Common Foreign and Security Policy,

European Union

FOOTNOTES

1 A copy of the statement is attached.

2 Copies of the President's letters are attached.

3 When informed of the planned visit, Ambassador Dennis Ross (President Clinton's Middle East Envoy) said that he told Israeli Minister of Interior Shlomo Ben-Ami, "I can think of a lot of bad ideas, but I can't think of a worse one." See Jane Perlez, "US Envoy Recalls the Day Pandora's Box Wouldn't Shut," *The New York Times*, January 29, 2001.

4 U.S. Department of State, *Country Reports on Human Rights Practices - 2000 (Israel)*, Bureau of Democracy, Human Rights and Labor, February 2001, http://www.state.gov/g/drl/rlsi/hrrpt/2000/nea/index.

5 Government of Israel, *First Statement*. 28 December 2000 (hereafter "GOI. *First Statement")*, ¶187. B'Tselem (The Israeli Information Center for Human Rights in the Occupied Territories) reported that 70 police were injured. See *Events on the Temple Mount - 29 September 2000: Interim Report*, http://www.btselem.org/files/site/ViolentEvents/Temple_Mount_2000 eng.as

6 Disturbances also occurred within Israel's Arab community, resulting in thirteen deaths. These events do not fall within the mandate of this Committee and are the subject of an official GOI inquiry.

7 GOI. *First Statement*, ¶118.

8 Id., ¶110. According to the GOI, the Palestinian Minister of Posts and Telecommunications declared at a rally in Lebanon in March 2001 that the confrontation with Israel had been planned following the Camp David Summit. See Government of Israel, *Second Statement*, 20 March 2001 (hereafter, "GOI, *Second Statement")*, ¶2. The PA provided the Committee a translation of a letter from the Minister, dated March 12. 2001. in which the Minister denied saying that the intifada was planned, and that his statement in Lebanon was misquoted and taken out of context. We were told by an Israeli Defense Force (IDF) intelligence officer that while the declaration itself was not definitive, it represented an "open-source" version of what was known to the IDF through "other means"; knowledge and means not shared by the IDF with the Committee.

9 Palestine Liberation Organization. *Preliminary Submission of the Palestine Liberation Organization to the International Commission of Inquiry*, December 8, 2000, p. 10. Note: submissions to the Committee from the Palestinian side were made by the PLO.

10 Palestine Liberation Organization. *A Crisis of Faith: Second Submission 0/the Palestine Liberation Organization to the Sharm El-Sheikh Fact-Finding Committee,*

December 30, 2000 (hereafter "PLO, *Second Submission"),* p. 16.

11 See GOI, *First Statement*. ¶286.

12 Palestine Liberation Organization, *Third Submission of the Palestine Liberation Organization to the Sharm El-Sheikh Fact-Finding Committee,* April 3, 2001 (hereafter "PLO, *Third Submission"),* p. *51.*

13 GOI. *Second Statement,* ¶4.

14 GOI, *First Statement,* ¶19.

15 PLO, *Third Submission,* p. 25.

16 Id., pp. *46-50.*

17 Id., pp. 27-28

18 PLO, *Second Submission,* p. 14.

19 Id., pp. 14-15.

20 GOI. *Second Statement,* ¶82.

21 GOI, *First Statement, ¶99.*

22 GOI, *Second Statement,* ¶ 19, referring to the *Exchange of Notes Between the Prime Minister of Israel and the Chairman of the PLO, 9-10 September 1993.*

23 Id.,¶21.

24 Testimony before the United States House of Representatives Committee on Appropriations, 102nd Congress, May 22. 1991.

25 On March 21, 1980, Secretary of State Cyrus Vance, speaking on behalf of the Carter Administration, stated: "U.S. policy toward the establishment of Israeli settlements in the occupied territories is unequivocal and has long been a matter of public record. We consider it to be contrary to international law and an impediment to the successful conclusion of the Middle East peace process."

On September 1, 1982, President Ronald Reagan announced what came to be known as The Reagan Plan for the Middle East, stating that: "[T]he immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated."

On December 16, 1996, at a press conference. President Bill Clinton stated: "It just stands to reason that anything that preempts the outcome [of the negotiations] ... cannot be helpful in making peace. I don’t think anything should be done that would

be seen as preempting the outcome." Asked if he viewed the settlements as an obstacle to peace, President Clinton replied, "Absolutely. Absolutely."

On April 5, 2001, a U.S. State Department spokesman, speaking for the current administration, stated: "Continuing settlement activity does risk inflaming an already volatile situation in the region"; he described that activity as "provocative."

26 There are 400 settlers in the "H2" sector of central Hebron. and 6.000 in the Kiryat Arba settlement on the eastern edge of the city. See "An Introduction to the City of Hebron," published by the Temporary International Presence in Hebron, http://www.tiph.org

27 Central Intelligence Agency. *The World Factbook 2000,* http://www.cia.gov/cia/publications/factbook/geos/gz.html

28 *Ha'aretz,* English Language Edition, April 10. 2001, p. *5.*

29 GOI, *First Statement,* ¶286.

30 Id., ¶189.

31 B'Tselem, *Illusions of Restraint. Human Rig/its Violations During the Events in the Occupied Territories, 29 September-2 December 2000,* December 2000, p. 4.

32 GOI *First Statement,* ¶306. "The stated policy of the IDF is that whenever a Palestinian in the Occupied Territories dies at the hands of a soldier, an investigation is to be made by the Department of Military Police Investigations (MPI), except in cases defined as 'hostile terrorist activity'." See B'Tselem, *Illusions of Restraint,* p. 24. See also, Alex Fishman, "The Intifada, the IDF and Investigations," *Yediot Aharonot* (in English, Richard Bell Press, 1996, Ltd.), January 19, 2001.

33 GOI, *Second Statement.* ¶69-80.

34 PLO, *Third Submission,* p. 69.

35 Id., p. 60.

36 GOI, *Second Statement,* ¶78.

37 GOI. *First Statement,* ¶305.

38 Israel Defense Forces, *The Ethical Code of the Israel Defense Forces.* http://www.idf.il/english/doctrine/doctrine.stm

39 See, e.g., U.S. Department of State, Country Reports on Human Rights Practices, 2000 (Occupied Territories), http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index. See also, B'Tselem, *Illusions of Restraint,* pp. 15-16, reporting on the alleged practice of separating rubber bullets into individual rounds, as opposed to firing them properly in a bound cluster of three. Separation increases range and lethality.

40 GOI, *Second Statement*, 92.

41 Id., 89.