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COMMISSION ON HUMAN RIGHTS
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Item 8 of the provisional agenda**QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE****Report of the Special Rapporteur on the situation of human rights in the
Palestinian territories occupied by Israel since 1967, John Dugard****Summary**

On 8 February 2005 the Palestinian Authority President, Mahmoud Abbas, and the Prime Minister of Israel, Ariel Sharon, meeting in Sharm el-Sheikh, agreed on a ceasefire by whose terms Palestine agreed to stop all acts of violence against Israelis and Israel agreed to cease all military activity against Palestinians.

At the time of writing, the ceasefire continues to hold, despite violations on both sides. It has already resulted in important improvements in the human rights situation in the Palestinian Territory; 500 prisoners have been released and there are reports that 400 more will soon be released. Forty-five (45) Palestinians deported to Gaza and overseas, following the siege of the Church of the Nativity in 2002, have been allowed to return to the West Bank. The targeted killings or assassinations of militants by IDF have been discontinued. IDF has announced that it will cease the punitive demolition of houses belonging to persons who have committed acts of violence against Israelis. An increased number of Palestinian workers and merchants have been allowed to enter Israel from the Gaza Strip. Some checkpoints in the West Bank have been lifted and there are plans to hand over the control of five cities to the Palestinian Authority.

Important as these changes or reforms may be, they fail to address the main violations of human rights and humanitarian law in the Occupied Palestinian Territory - settlements, the Wall, checkpoints and roadblocks, the imprisonment of Gaza and the continued incarceration of over 7,000 Palestinians.

There are over 100 settlements in the West Bank and Gaza, inhabited by almost 400,000 settlers, of whom some 180,000 live in the East Jerusalem area. Despite assurances from the Government of Israel that settlement growth has been frozen or limited to natural growth, the reality is that the settler population has grown more than the Israeli population itself. Unfortunately, Israel allows the interests of its settlers to determine its policies toward Palestine. For example, the Wall that Israel is presently building in Palestine is largely designed to protect settlements. It is becoming increasingly clear that settlements stand in the way of a two-State solution in the Middle East.

The Wall that Israel is building in the West Bank has been found to be contrary to international law by the International Court of Justice. Despite this, Israel is pressing ahead with the construction of the Wall, although it has recently decided to take less Palestinian land in the process. The Wall, according to Israel, is a security measure. As such it requires immediate attention since the present focus of attention, according to the Sharm el-Sheikh agreement, is security. There is a distinction between legitimate security measures and illegitimate security measures. The construction of the Wall, within Palestinian territory (as opposed to along the Green Line or within Israel), is an illegitimate security measure and should be discontinued immediately and not relegated to the realm of "permanent status talks". Failure to do so will provide further evidence of Israel's intention to annex Palestinian territory and jeopardize a fragile truce.

Several hundred checkpoints, roadblocks, ditches and other obstructions have made travel in the Palestinian Territory a nightmare for residents. Israel claims to have substantially reduced the number of checkpoints in recent times. But most permanent checkpoints manned by IDF remain in force; "flying checkpoints" (that is, temporary road checkpoints) continue; and most road blockages, in the form of concrete blocks, earth mounds or ditches, and closing by-roads remain. Moreover enforcement of road closures and obstructions by IDF remains as vigorous as ever. Indeed, the Special Rapporteur experienced a more rigorous enforcement of checkpoints than on previous visits.

The character of Jerusalem and Bethlehem has been substantially changed by the construction of the Wall and the lives of their residents substantially affected by travel restrictions, closures and property confiscations. Moreover, there is a threat to require East Jerusalemites to obtain special permits from the Israeli military authorities to travel to Ramallah. This will compel East Jerusalemites to choose between maintaining their ties with Ramallah and giving up their residence rights in Jerusalem and is part of a series of measures designed to entrench Israel's illegal annexation of East Jerusalem.

At present there are over 7,000 Palestinian prisoners in Israeli jails, of whom over 850 are administrative detainees (that is, persons held without trial). In February 2005, 500 prisoners were released. However, these were mainly short-term prisoners or prisoners who had nearly completed their sentences. What is required of Israel is a bold step, of the kind taken by other transitional societies, which have released prisoners in order to further

peace.

The Government of Israel's determination to evacuate 8,500 settlers from Gaza and to dismantle its Gazan settlements is, understandably, the focus of international attention. It is a brave move on the part of Israel, and one that divides Israeli society. But it is the right thing to do and should be acknowledged as such by those concerned about human rights and humanitarian law in the Palestinian Territory. The dismantling of settlements in Gaza does not, however, mean that Gaza will be freed from Israeli control or that Israel will cease to be an occupying Power in terms of the Fourth Geneva Convention of 12 August 1949.

This is a time of hope for both Israel and Palestine. If the ceasefire is to hold it is essential that the Palestinian Authority exercise control over militant groups responsible for violence against IDF and settlers within Palestine and for suicide bombings within Israel. It is equally important that Israel keep its side of the bargain. However, it is not sufficient for Israel to only cease its military activity against Palestinians. It must address, with great expedition, the causes of Palestinian militancy, the issues that have given rise to terrorism against the Israeli people. Israel must address the release of prisoners, the abandonment of checkpoints, the dismantling of the Wall and the evacuation of all settlements in Palestinian territory. If it fails to do so, it will forfeit an opportunity for peace that may not again arise.

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Introduction

1. This addendum is based on a visit by the Special Rapporteur to the Occupied Palestinian Territory from 13 to 20 February 2005. The Special Rapporteur spent two days in Gaza and five days in the West Bank and Israel. During this time, he met the President of the Palestinian Authority, Mr. Mahmoud Abbas, and other Palestinian officials; interviewed independent interlocutors and NGOs in both Palestine and Israel; and spoke with the representatives of international agencies. He made a statement on house demolitions to a Knesset Committee and participated in a debate on this subject before the Committee. In Gaza he visited United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools and the remains of demolished homes in Rafah, Khan Younis and Jabaliya. In the West Bank he travelled widely in order to obtain first-hand information about the construction of the Wall, closures and checkpoints. In the course of this exercise he visited the Wall in the Jerusalem/Bethlehem region, Nablus and Salfit, Ramallah, and the Wall on both the western and eastern sides of Jenin.

I. THE INTIFADA

2. The second intifada, which commenced in September 2000, has resulted in great suffering for the peoples of Palestine and Israel: 3,300 Palestinians have lost their lives at the hands of the Israel Defence Forces (IDF) and settlers. Nearly 1,000 Israelis have been killed by suicide bombers and Palestinian militants. Children have suffered disproportionately: 627 Palestinian children and 112 Israeli children have been killed in the conflict. (The impact of the intifada upon children was brought home starkly to the Special Rapporteur on this visit by meetings with the classmates of 10-year-old Noran Iyan Deeb, killed by IDF fire while in the school yard of UNRWA Rafah Elementary Co-ed "B" School on 31 January 2005, and with the father of a 15-year-old Israeli girl killed by a suicide bomber in Jerusalem.) Civilians in both societies have been subjected to terror: Israelis have lived in fear of suicide bombers and Qassam missiles while Palestinians' lives have been menaced by IDF and settlers. Great destruction has been caused to Palestinian property: 4,170 homes have been demolished by the military, and agricultural lands have been stripped of trees and crops. Restrictions on freedom of movement have resulted in the substantial loss of income in Palestine, unemployment and poverty. (Half of the Palestinian population lives below the poverty line.) Health care and education have also suffered drastically as a result of restrictions on movement. Israel has not been unaffected by the siege it has imposed on the Palestinian Territory. Israeli Government spending on the construction of the Wall and its occupation of Palestine have resulted in substantial reductions in the Israeli welfare system, and greater unemployment and poverty.

II. THE TRUCE

3. On 8 February 2005 Palestinian Authority President Mahmoud Abbas and Prime Minister of Israel Ariel Sharon met in Sharm el-Sheikh, Egypt, following which they announced a ceasefire agreement by whose terms Palestine agreed to stop all acts of violence against Israelis and Israel agreed to cease all its military activity against Palestinians.

4. At the time of writing, the ceasefire continues to hold, despite violations on both sides. (On 25 February a suicide bombing in Tel Aviv killed 4 and wounded 50 persons. During the Special Rapporteur's visit 4 Palestinians were killed by Israeli forces - one a 15-year-old boy killed for throwing stones at Israeli vehicles in protest against the Wall near Beituniya - and there were 11 military incursions resulting in 10 arrests.) The ceasefire has already resulted in important improvements in the human rights situation in the Palestinian Territory: 500 prisoners have been released and there are reports that 400 more will soon be released. Forty-five (45) Palestinians deported to Gaza and overseas, following the siege of the Church of the

Nativity in 2002, have been allowed to return to the West Bank. The targeted killings or assassinations of militants by IDF, which to date has resulted in 469 deaths (181 targeted persons and 288 innocent bystanders), has been discontinued. IDF has announced that it will cease the punitive demolition of houses belonging to persons who have committed acts of violence against Israelis. An increased number of Palestinian workers and merchants have been allowed to enter Israel from the Gaza Strip. Some checkpoints in the West Bank have been lifted and there are plans to hand over the control of five cities to the Palestinian Authority (Ramallah, Jericho, Bethlehem, Tulkarem and Qalqiliya). In general it can be said that the level of military violence against the Palestinian people has been substantially reduced, but not altogether eliminated.

5. Important as these changes or reforms may be, they fail to address the principal institutions and instruments that violate human rights and humanitarian law in the Occupied Palestinian Territory - settlements, the Wall checkpoints and roadblocks, the imprisonment of Gaza and the continued incarceration of over 7,000 Palestinians.

III. SETTLEMENTS

6. There are over 100 settlements in the West Bank and Gaza, inhabited by almost 400,000 settlers, of whom some 180,000 live in the East Jerusalem area. The Special Rapporteur has carefully refrained from using the terms colonies and colonists, preferred by more radical critics, to describe settlements and settlers. However, one wonders whether the time has not come for the international community to change its use of language, for settlements do constitute a form of colonization in a world that has outlawed colonialism. The policies of the Western imperial powers were once determined or influenced both at home and abroad by colonial interests. So too with Israel. The protection and advancement of the interests of its colonists/settlers determines its policies towards Palestine. Without settlements, a two-State solution is possible; with them, it becomes impossible.

7. Despite assurances from the Government of Israel that settlement growth has been frozen or limited to natural growth, the reality is that the settler population has grown more than the Israeli population itself. In 2004, according to the Israeli Interior Ministry's Population Registry, the number of settlers increased by 6 per cent as compared with a growth rate of less than 2 per cent in Israel itself. Existing settlements are being expanded and new settlements built, either with the express approval of the Government or with the tacit approval by the Government of caravan outposts that in due course become settlements. According to the group Peace Now, there are 99 settlement outposts of this kind in the West Bank.

8. As pointed out in my main report to the sixty-first session of the Commission (E/CN.4/2005/29) bypass roads have been built to link settlements to each other and settlements to Israel which are closed to Palestinian traffic. Palestinians have been compelled to use secondary roads in poor repair - or blocked by checkpoints or roadblocks. Aware of this problem, the Government of Israel has approached donors with the request that they fund the construction of new roads for the Palestinian population. This further illustrates the manner in which Israel allows the interests of its settler community to outweigh its manifest responsibility as occupying Power to provide basic facilities for the protected persons under its control.

9. Settlements are contrary to article 49, sixth paragraph, of the Fourth Geneva Convention of 12 August 1949 which prohibits the transfer of "parts of its own civilian population into the territory it occupies". The illegality of settlements and of the construction of the Wall to protect settlements has been unanimously confirmed by the International Court of Justice (ICJ) in its [Advisory Opinion](#) on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (paras. 120 and 122; Judge Buerghenthal's dissenting opinion, para. 9). Settlements constitute an illegality in the removal of which the international community has a legal and moral interest. The dismantling of settlements in the West Bank cannot be left to "permanent status talks" between Israelis and Palestinians in the indefinite future. Like the settlements in Gaza, they must be dismantled.

IV. THE WALL

10. The Wall that Israel is presently constructing in the Palestinian Territory is unlawful (see the Advisory Opinion of the ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, as discussed in the main report (E/CN.4/2005/29, paras. 2-4)). The Government of Israel has, however, refused to accept this Opinion and has instead preferred to follow the decision of its own High Court in the *Beit Sourik* case (also discussed in the main report, paras. 5 and 6) which required that the Wall's route should reflect a proportionality between Israel's security needs and Palestinians' humanitarian needs. (Unlike the ICJ, the Israeli High Court held that Israel as the occupying Power had the right to construct the Wall as a security measure.) As a consequence the Government of Israel decided on 20 February 2005 to construct new sections of the Wall nearer to the Green Line - the recognized border between Israel and Palestine.

11. Under terms of this decision, the Wall, once completed, will be 670 kilometres long, compared to 622 km of the previous route. The new route runs for 135 km on the Green Line compared to 48 km of the previous route. The new route of the Wall will follow the Green Line, or be close to the Green Line, in the locality of the Hebron Hills. It will penetrate more deeply into Palestinian territory further north to include settlements in the Gush Etzion bloc near Bethlehem, housing over 50,000 settlers. This decision will reduce the area of land seized from Palestinians to about 7 per cent, compared with the initially seized total of 12.7 per cent. A decision on the inclusion of the settlements of Ariel, Emmanuel and Ma'ale Adumim on the Israeli side of the Wall is "still pending completion of detailed staff work". When this occurs, some 10 per cent of Palestinian land will be included within Israel. The Wall will enclose, on the Israeli side, 170,100 settlers (not including those in East Jerusalem) and 49,400 Palestinians. The determination to build the Wall around 56 settlements simply confirms the view of the Special Rapporteur expressed in his main report that the main purpose of the Wall is not security but the incorporation of settlements (para. 27).

12. There is no sign of halting either the construction of the Wall or the implementation of its regime to take account of the Sharm el-Sheikh accord. The Special Rapporteur saw bulldozers at work on the Wall in many places - including at Anata, in defiance of a court injunction to cease construction of the Wall. In some places construction has ceased (as near Salfit/Iskaka on the eastern end of the "Ariel finger", visited by the Special Rapporteur) but these are temporary discontinuations occasioned by court injunctions. Moreover, the construction of major "terminals" along the Wall has commenced. Some (as at Beituniya) will be "commercial" for trucks while others will be for pedestrians and vehicles. (Apparently Israel has tried, unsuccessfully to date, to secure foreign funding for these terminals.) Access to the seam zone or closed zone (the area between the Wall and Green Line) is largely through agricultural gates, numbering 55 at present, of which only 21 are open to Palestinians. The military-administered regime in the seam zone continues to raise serious humanitarian concerns. According to Oxfam, "For farmers and residents of the closed zone, life is grinding to a halt. Many are becoming dependent on food aid, unable to farm, travel to work, or earn an income" (Oxfam, Briefing Paper 62: "Protecting civilians: a cornerstone of Middle East peace", p. 19). A new, and unforeseen, consequence of the Wall has recently appeared: in Qalqiliya the Wall prevented rainwater from dispersing, causing heavy floods and severe damage to property adjacent to the Wall.

13. The Special Rapporteur visited Barta'a ash Sharqiya in the "closed zone". Its 4,000 residents have main access through only one gate, Reikan, to the West Bank; the gate at Um Al Riham is limited to schoolchildren residing near to the gate. (The Special Rapporteur was denied passage through the latter gate.) This has seriously curtailed access to health services, education, basic consumer goods, food and water in the West Bank. To add insult to injury, Barta'a ash Sharqiya's only olive mill was destroyed in 2004 despite a court injunction and difficulties are placed in the way of marketing its olive harvest by restrictions placed on the transportation of olives into Israel or the West Bank.

14. Increasingly, the Wall is coming to be seen as the new border between Israel and Palestine instead of the Green Line. The fact that the course of the Wall follows the ruling of the Israeli High Court in the *Beit Sourik* case is seen as giving legitimacy to the new "boundary". In 2003 the Special Rapporteur warned that the Wall constituted "a visible and clear act of territorial annexation under the guise of security" (E/CN.4/2004/6, para. 6). At the time this warning was dismissed with scorn by many as an exaggeration. Today it is fast becoming accepted wisdom.

15. The construction of the Wall postdates the Oslo agreement, with its notion of leaving certain matters for “permanent status talks” at some later, unforeseeable date. The Wall, according to Israel, is a security measure. As such it requires immediate attention since the present focus of attention, according to the Sharm el-Sheikh agreement, is security. There is a distinction between legitimate security measures and illegitimate security measures. Israel has rightly halted targeted killings/assassinations and house demolitions as illegitimate security measures. But the construction of the Wall within Palestinian territory (as opposed to along the Green Line or within Israel) is likewise an illegitimate security measure and should be discontinued immediately and not relegated to the realm of “permanent status talks”. Failure to do so will provide further evidence of Israel’s intention to annex Palestinian territory and jeopardize a fragile truce.

V. CHECKPOINTS, CLOSURES AND ROADBLOCKS

16. Several hundred checkpoints, roadblocks, ditches and other obstructions have made travel in the Palestinian territory a nightmare for residents. Israel claims to have substantially reduced the number of checkpoints in recent times. There is evidence of this: for instance, the Special Rapporteur found that the checkpoint at Shave Shomeron in the Nablus district had been removed. But most permanent checkpoints manned by IDF remain in force; “flying checkpoints” (that is, temporary road checkpoints) continue; and most road blockages in the form of concrete blocks, earth mounds or ditches and closing by-roads, remain. Moreover, enforcement of road closures and obstructions by IDF remains as vigorous as ever. Indeed the Special Rapporteur experienced a more rigorous enforcement of checkpoints than on previous visits. In Gaza the Abu Houli checkpoint severing the central Gazan highway caused longer delays than usual; the Al Tuffah checkpoint guarding the entrance to Al-Mawasi was crowded with women, children and elderly men who had been patiently waiting, in some cases for several days, to return to their homes (men between the ages of 16 and 35 are not permitted to return to Al-Mawasi); and there was a long wait at Erez where we met a woman with permission to visit a hospital in Israel who had been waiting in an ambulance for over six hours for permission from IDF to cross. Moreover, we were not permitted to visit the Wall along the Egyptian-Gazan border in Rafah as this area has recently been closed to foreign visitors. Nablus remains sealed off from the outside world: passage through the Huwwara checkpoint was as unpleasant as ever; and our vehicle was intercepted by an IDF Humvee on the road to Al Badan and instructed to return to Nablus. In the Jenin district we were denied passage through an agricultural crossing in the seam zone at Um Al Rihan and at Tayasir, near Tubas, we encountered a sick Bedouin woman with an Israeli identification document who had been denied permission to visit a hospital in Tubas. (She was subsequently allowed to enter the West Bank by a visibly troubled IDF soldier at our request.) Checkpoints in the Jerusalem, Bethlehem and Ramallah districts were enforced in the customary arbitrary manner: at some checkpoints, we encountered no difficulties with our papers but at others difficulties were raised by IDF soldiers in respect of international travel documents. And, one day, at the Beit El crossing to Ramallah, the soldiers on duty at the checkpoint lay down in the road, feigning sleep, in a clear show of contempt for our United Nations vehicle. These personal experiences demonstrate that the enforcement of checkpoints has not been relaxed. They also provide a picture of the experiences encountered by travellers in United Nations marked vehicles. If privileged travellers receive such treatment, and witness such events, it is difficult to imagine the humiliation, frustration and agony caused to ordinary Palestinians in their daily lives. Important as the Sharm el-Sheikh accord may be to restoring peace between Israelis and Palestinians, it will have little impact on Palestinian life until restrictions on the freedom of movement of Palestinians are addressed.

VI. JERUSALEM AND BETHLEHEM

17. The character of Jerusalem and Bethlehem has been substantially changed by the construction of the Wall and the lives of their residents substantially affected by travel restrictions, closures and property confiscations. The Special Rapporteur visited the Wall in the precincts of Biddu, Beit Surik, Beituniya, Qalandiya, Ar Ram, Hizma, Anata, Abu Dis, Al Walaja, Betar Illit settlement and Rachel’s Tomb in Bethlehem. He was informed by a local councillor in Biddu of the difficulties farmers will experience in farming their land across the Wall; met with a man in Anata who was compelled to watch a Caterpillar bulldozer destroy his land for the construction of the Wall despite a court injunction to stop construction; spoke with a family in Abu Dis whose hotel on the Jerusalem side of the Wall had been seized by the IDF as a security outpost; and witnessed the monstrous Wall around Rachel’s Tomb that has killed a once vibrant commercial neighbourhood of Bethlehem. Although Rachel’s Tomb is a site holy to Jews, Muslims and Christians, it has effectively been closed to Muslims and Christians. Moreover, 72 of the 80 businesses in the neighbourhood have been compelled to close.

18. Palestinian Jerusalemites have reason to fear that their properties will be confiscated and their freedom of movement radically impaired. In June 2004 the Government of Israel at the insistence of two ministers, decided to apply an absentee-property law in East Jerusalem enabling the State to confiscate property with no compensation for the owners on the grounds that the owner was not resident in Jerusalem. In February 2005 the Israeli Attorney-General cancelled this decision but Jerusalemites fear that it might be re-imposed.

19. More disturbing is the threat to require East Jerusalemites to obtain special permits from the Israeli military authorities to travel to Ramallah. Military Order 378 of 5 October 2000 requires Israeli citizens and permanent residents of Israel to get prior approval to visit cities in the Palestinian Territory. Given the historically strong social ties between East Jerusalem and Ramallah, the order had not previously been applied to Palestinian East Jerusalemites, thousands of whom have strong work, family and cultural links to the Palestinian community in Ramallah. In recent times, however, IDF has begun requiring permits for Palestinian East Jerusalemites who commute to Ramallah on a daily basis through the checkpoint of Qalandiya. Now there are reports that Military Order 378 will be applied after July 2005, when the construction of the Wall around Jerusalem is completed, to all East Jerusalemites wishing to travel to Ramallah. This law, which will compel East Jerusalemites to choose between maintaining their ties with Ramallah and giving up their residence rights in Jerusalem, is part of a series of measures designed to entrench Israel’s illegal annexation of East Jerusalem, and violates Security Council and General Assembly resolutions that have reiterated that administrative and legislative measures taken by Israel to alter the status of East Jerusalem are null and void.

VII. PRISONERS

20. At present there are over 7,000 Palestinian prisoners in Israeli jails, of whom over 850 are administrative detainees (that is, persons held without trial). In February 2005, 500 prisoners were released. However, these were mainly short-term prisoners or prisoners who had nearly completed their sentences. Despite demands that it release all prisoners, Israel has declared that it will not release long-term prisoners or those involved in the killing of Israelis. This is a difficult issue for both Palestinians and Israelis. For Palestinians the good faith of Israel in the present ceasefire is largely to be measured by the release of prisoners. The Israeli Government on the other hand, is confronted with domestic opposition to the release of prisoners. What is required of Israel is a bold step, of the kind taken by other transitional societies, which have released prisoners in order to further peace.

VIII. GAZA

21. The Government of Israel’s determination to evacuate 8,500 settlers from Gaza and dismantle its Gazan settlements is, understandably, the focus of international attention. It is a brave move on the part of Israel, and one that divides Israeli society. But it is the right thing to do and should be acknowledged as such by those concerned about human rights and humanitarian law in the Palestinian Territory.

22. The dismantling of settlements in Gaza does not, however, mean that Gaza will be freed from Israeli control or that Israel will cease to be an occupying Power in terms of the Fourth Geneva Convention. Gaza at present is a prison, with walls, fences and soldiers to control its external borders, and with prison guards in the form of IDF soldiers who impose severe restrictions on the internal movement of Palestinian civilians and police the conduct of Palestinians within Gaza. Israeli disengagement from Gaza will, hopefully, remove the mechanisms of internal coercive control but not end Gaza’s external imprisonment or remedy the humanitarian crisis caused by the closure of Gaza. Moreover, there is a very real fear that Israel will,

before it leaves Gaza, clear a 300-metre wide strip along the Gazan-Egyptian border (the Philadephi route) which would result in the demolition of hundreds of houses in Rafah. In this situation it is imperative that the future status of Gaza be addressed more fully. The Special Rapporteur has previously expressed the opinion that Israel will remain an occupying Power for the purposes of the Fourth Geneva Convention - a view shared by the Government of Israel's legal experts in a report published on 24 October 2004. Not all the provisions of this Convention will be applicable if Israel ceases to exercise internal control over the territory but many will remain applicable in the light of Israel's external control and ability to exercise internal control should it so choose. It is essential therefore that Israel and the international community agree on the humanitarian restraints to which Israel will be subject in its control of Gaza after disengagement.

IX. CONCLUSION

23. **This is a time of hope for both Israel and Palestine. If the ceasefire is to hold, it is essential that the Palestinian Authority exercise control over militant groups responsible for violence against IDF and settlers within Palestine and for suicide bombings within Israel. There are signs that the Palestinian Authority may succeed in this endeavour. Palestinians are exhausted by the second intifada, which has resulted in great suffering, and militant groups, notably Hamas, have now turned their attention to participation in the Palestinian political process. It is equally important that Israel keep its side of the bargain. However, it is not sufficient for Israel to only cease its military activity against Palestinians. It must address, with great expedition, the causes of Palestinian militancy, the issues that have given rise to terrorism against the Israeli people. In the longer term the questions of the return of refugees, the status of Jerusalem and the occupation must be confronted, but in the short term Israel must address the release of prisoners, the abandonment of checkpoints, the dismantling of the Wall and the evacuation of all settlements in Palestinian territory. If it fails to do so, it will forfeit an opportunity for peace that may not again arise.**
