

# Death Traps

## Landmines in Golan

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### **Al-Haq: Law in the Service of Man**

Al-HAQ, West Bank Affiliate of the International Commission of Jurists - Geneva, is a Palestinian human rights and legal research organization located in the West Bank City of Ramallah. It was established in 1979 with the goal of protecting and promoting Palestinian human rights and respected for the rule of Law.

Al-Haq conducted and disseminates legal and human rights research based on international and humanitarian law as well as on human rights principles and standards. In addition, the organization documents and exposes human rights violations. Also Al-Haq carries out interventions with UN organs and is active, locally and internationally, through alerts, appeals, and press releases. Furthermore, the organization provides to the public a specialized library collection that includes legal, human rights and international law texts. In addition, Al-Haq maintains its tradition of providing free legal services to the community.

## Acknowledgements

Al-Haq would like to thank all the persons and sources that supplied us with information, comments, suggestions, gathered data and affidavits, photocopied, typed and translated the following piece of work. Thank you to Salman Fakher El-Din, Fakhry Al-Makt, Lina Mustaklem, Nizar Ayoub, Naser Reyes, General Director of al-Haq Mohammad Abu-Harthieh, and volunteer Hiedi.

Thank you Salman Fakher El-Din for your persistence and sacrifice in collecting data. We realize it was a difficult time for you and your family as you spent more than two months in jail at the hands of the occupying authority for no reason.

Congratulations to Atef Safada for gathering the photograph used for this cover. (Photo taken June 10, 2000)

Special thanks and dedication goes out to all of landmine victims and their families. Under the circumstances it took a great deal of courage to provide information regarding family members who have passed away or are permanently disfigured. Without this cooperation it would have been impossible to complete this publication.

## About the Authors

*Shawan Jabarin* has been a human rights officer at al-Haq (Law in the service of Man) for more than 13 years. Shawan has made great contributions in the area of human rights in the West Bank, Gaza Strip and now the occupied Syrian Golan. In 1990, he earned Reebok's human rights award for his activism.

*Mohammed Abdrabboh* is a Palestine-American lawyer working at al-Haq. Mohammed worked in the legal research unit at al-Haq upon arrival to Ramallah in November of 1999. He has conducted research on a variety of topics as they relate to international humanitarian law.

*Cover Photo by Atef Safadi, a reporter from the Golan Heights, 10 June 2000.*

*The photo is of a landmine which slipped in January 2000 from a landmines field located in the center of Majdal Shams into the garden of Mr. Assad Reda's house. This landmine remained in place endangering lives until it was removed at the end of July 2000.*

## Introduction

Landmines constitute a real and lasting danger that threatens the lives of millions of people all over the world. Especially vulnerable are poor countries that are torn with war and agony. Millions of such mines are widespread all over the world. Landmines are usually used by forces of conflicting countries. They cause misery and suffering for humanity killing and mutilating thousands of people every year.

Under Israeli occupation since 1967, the occupied Syrian Golan is an area whose inhabitants have been suffering from landmines and other explosive objects from the Israeli occupation. These landmines have caused death and injury for dozens of people, mostly children.

Since 1979, al-Haq has been documenting and scandalizing the Israeli human rights violations and assaults on basic freedoms. IN early 1998, several occupied Golan residents (many of whom are human rights activists) approached the Palestinian institution of al-Haq for assistance in raising local and international awareness of landmines and its victims in the Golan.

As an occupying power, Israel is clearly responsible for landmine victims. Israel should be committed to its obligations pertaining to the protection of civilians in the occupied Golan pursuant to relative international treaties and standards especially the Fourth Geneva Convention of 1948. Also relevant are the provisions of the Hague Conventions of 1899-1907 relative to the Protection of Civilians and their Properties in Time of War.

In conforming with its mission to defend human rights and liberties, al-Haq took the initiative and began preparing a study related to the victims of landmines and other explosive objects in the occupied Syrian Golan. Al-Haq also documented other related Israeli violations of Arab human rights in the area.

Al-Haq's involvement in the occupied Syria Golan landmine issue stems from al-Haq's belief that landmines should fall under basic human right mandates. As evidenced by this report covering the occupied Syrian

Golan, al-Haq does geographically restrict its commitment to human rights by allowing geographic areas to be a factor.

In early 1999, al-Haq formed a relationship with the International Campaign to Ban Landmines (ICBL). This provided al-Haq the opportunity to join international endeavors aimed at banning landmines. In addition, al-Haq joined the landmine problem at an international level. This opportunity provided al-Haq with ideas carried out by other NGO's throughout the world pertaining to mine awareness, victims and rehabilitation.

## Research in the Golan

Al-Haq has been involved in the mine issue in the Israeli Occupied Syrian Golan since 1998, when the landmine problem was brought to the attention of al-Haq by Arab citizens of the Golan. There were no other human rights organizations operating in the Golan at that time, and the Golan people are cut off from Syria, having no access to their proper government that could defend their rights. Al-Haq has since tried to gather information on the mine problem in the Golan and to defend the rights of Golan mine victims. Taking part in the research for the Landmine Monitor was a chance for al-Haq to get deeper into this subject and to bring the landmine problem in the Golan to local and international attention. Furthermore, in exposing the landmines in the Golan, al-Haq is hopeful that the landmine issue will be a top agenda for Israel and Syria as they negotiate Israeli withdrawal from the Golan.

Due to the political situation this in the occupied Syrian Golan, fieldwork was met with great difficulties. Generally, Palestinian staff members are not allowed to enter Israel and thus to travel to the Golan, complicating the cooperation with our local field researcher Salman Fakhr ad-Din. Israel, has declared a state of permanent security alert, giving military needs a high priority and treating its defense system, including landmines, as a state secret.<sup>1</sup> This makes it extremely difficult to get official information on the issue of landmines.<sup>2</sup> For the first time the Israeli State Comptroller Report of 1998 included a chapter on landmines. It is the first official document published by the State on the landmine situation in Israel and the occupied areas under its control. Therefore, the report is an important source for our research. Still, this document was presented to the Israeli Parliament and the general public only partially, as some parts were declared to invoke matters of military security and thus kept secret.

Al-Haq's field research also had encountered the meaning of state security personally during his field research on the location and marking of

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<sup>1</sup>State Comptroller's Report No. 50. 1999, 1. (Hereinafter C.R.)

<sup>2</sup>C.R. See Full Report

minefields in the Golan. Salman Fahr ad-Din was arrested under the suspicion of being a Syrian spy. He was held in prison almost three months, during which time he was interrogated and tortured.

As a result of these hardships, al-Haq obtained their information via affidavits and questionnaires that were distributed by our field workers. There are still many topics such as exact information about the location, size and number of mine fields, that have not been covered yet in their entirety by al-Haq.

### **Location, history and political background of the Occupied Syrian Golan**

Located on the Syrian border next to Israel, the Golan has been an area of conflict since the establishment of Israel in 1948. During the Six-Day War in 1967 Israel occupied most of this area, but had to give up a small part in 1973, leaving 1150 km<sup>2</sup> under its control.<sup>3</sup> Due to the occupation, 123,500 of the approximately 130,000 inhabitants during the 1967 War were displaced to Syria and all but six villages were destroyed.<sup>4</sup> The remaining 6,500 Golanis lived under Israeli military rule until 1981, when the Golan was annexed by Israel. Subsequently, they were offered Israeli citizenship, which was rejected by the vast majority.<sup>5</sup> Today, most of the 16,000 Golanis hold Israeli identity cards instead of passports, similar to the Palestinians of East Jerusalem, and thus do not enjoy full citizen rights.<sup>6</sup> In addition to the Arab Golan residents, around 14,000 Israeli settlers have moved into settlements built as a result of Israeli occupation. In the current peace negotiations between Israel and Syria (which began in Madrid) the possibility of an Israeli withdrawal and the return of the Golan to Syria are being discussed.

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<sup>3</sup>Fakhr, Salman, Facts on the Golan. (AIC) Alternative Information Center. 1999.

<sup>4</sup>Id.

<sup>5</sup>This is evidenced by the fact that only a small percentage of Golanis have Israeli citizenship.

<sup>6</sup>They carry an I.D. card that does not enable them to enjoy the same rights as a holder of Israeli citizenship.

<sup>7</sup>Sherif, United Nations Resolutions On Palestine and the Arab-Israeli Conflict. Volumes I-4 starting from 1948. See U.N. Resolutions from 1967 until present.



## **Legal responsibility to defend the Golani people under the Geneva Convention**

Although Israel has attempted to create arguments and legal positions that they are not legally bound by the 4<sup>th</sup> Geneva Convention with regards to the Golan, there is overwhelming evidence that this argument is flawed. Without going into a lengthy debate on interpretation and applicability of international law, highlighted below are some points.

Although the military occupation of the Golan has not been denied by Israel, there does appear to be a denial of applicable international law to protect the citizens in the Golan. There exists however, an established international consensus among all the High Contracting Parties, and a variety of United Nations resolutions that there are certain laws that bind Israel. The applicability of the 4<sup>th</sup> Geneva Convention to the Occupied Palestinian Territories the Golan has been clearly established by several UN resolutions. From a legal perspective, this applicability has been reaffirmed in 25 U.N. Security Council resolutions as well as several other resolutions of the General Assembly and other bodies of the U.N.<sup>7</sup>

The primary objective of the 4<sup>th</sup> Geneva Convention is to protect the civilian population, individually and collectively, who find themselves in the hands of a belligerent State or occupying power of which they are not nationals "at any given moment and in any manner whatsoever" (Art. 4) and in "all cases of partial or total occupation" (Art 2).<sup>8</sup> In applying Articles 2 and 4 to the Golan, it is clear that the protection of the Golani population is an Israel obligation. Article 2 is satisfied because Israel has total occupation of the Golan and Article 4 is satisfied because Israel's occupation of the Golan affords them the power and authority in almost every aspect of Golani life including security. This principle is further

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<sup>8</sup>Convention relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 UST 3516, TIAS No. 3365, 75 UNTS 287. See COMMENTARY ON THE GENEVA CONVENTIONS OF 12 AUGUST 1949: GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR 22 (J. Pictet ed. 1958); G. VON GLAHN, THE OCCUPATION OF ENEMY TERRITORY: A COMMENTARY ON THE LAW AND PRACTICE OF BELLIGERENT OCCUPATION 281, 283 (1957); UK WAR OFFICE, THE LAW OF WAR ON LAND: BEING PART III OF THE MANUAL OF MILITARY LAW 140 (1958); and M. GREENSPAN, THE MODERN LAW OF LAND WARFARE 21617, 22427 (1959).

reaffirmed in Additional Protocol I, which clearly specifies the scope of the application of both the Convention and the Protocol. Moreover, the status of the Palestinian territory, including the Golan, as which states in Article 42 (Hague 1899 and 1907) that "Territory is considered occupied when it is actually placed under the authority of the hostile army."<sup>9</sup> Without dispute, Israeli army in the Golan is a hostile authority to the local Arab population.

Israel, the occupying power, has defied the foregone international consensus and has instead at times tried to mistakenly claim that the 4<sup>th</sup> Geneva Convention does not apply to the Occupied Territories and the Golan. Israel argues the lack of applicability of the laws to the territories because Arab countries were not sovereigns over the West Bank, Gaza Strip and the Syrian Golan. These claims, however, are not legally valid. The 4<sup>th</sup> Geneva Convention, as indicated above, was intended to protect the right of people who find themselves "in the hands of a Party to the conflict or occupying Power of which they are not nationals" (Art. 4), irrespective of the competing claims to sovereignty over the territory.<sup>10</sup> It does not exclusively refer to territory whose "legal sovereign" has been displaced by the occupant and the term "territory" in the Convention is not restricted to territory where the displaced government has the complete formal title as the "legitimate sovereign" as is the case with the Golan.

The above mentioned principles of relevant international humanitarian law make it clear that Israel's position is illegal. Over the years, Israel has used these frivolous arguments in order to ease international pressure. This is evidenced by the fact that of all the Occupied Territories and Arab land occupied by Israel in 1967, it appears that the Syrian Golan may be the first to be fully returned.<sup>11</sup>

It is also of note that the State Comptroller's report of Israel has indicated that there are several hundred mine fields that exist in the Occupied Territories and the Golan that Israel is aware of.<sup>12</sup> Mentioned in the

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<sup>9</sup>Roberts, *The applicability of Human Rights During Military Occupation*, 13 Rev. Int'l Study 39 (1937).

<sup>10</sup>Id.

<sup>11</sup>Based on current negotiation with Syria regarding the return of the Golan.

<sup>12</sup>C.R.3.8

Comptrollers report are 76 known mine fields in the Golan. The legal significance of this is that Israel not only acknowledges that these minefields exist, but goes on further to indicate that there is not a security need for them to exist. Therefore, it is the obligation of the party who laid the minefields as well as the 'occupying power' where mines are located to protect thier civilian population. In the case of the Golan, Israel is bound because they planted the mines and because they are the 'occupying power' and have an obligation to protect the civilian population.

The landmine issue in the Golan also violates Israeli law. Military activity in training area, including the use of landmines, naturally creates a grave danger to persons entering those areas. The danger of injury increases where the mines are located in close proximity to towns and villages, where they are not properly marked and where they include areas used for grazing or agriculture. The IDF, as possessor and user of these areas, has the responsibility, pursuant to paragraphs 35 and 36 of the Civil Wrongs Ordinance, which deal with negligence, to eliminate this type of danger.

*According to these provisions, where a person ..... 'fails to use such skill or to take such care in the exercise of any occupation as a reasonable prudent person qualified to exercise such occupation would in the circumstances use or take, then such act or failure constitutes carelessness and a person's carelessness as aforesaid in relation to another person to whom he owes a duty in the circumstance not to act as he did constitutes negligence. Any person who causes damage to any person by is negligence commits a civil wrong.'*<sup>13</sup>

The laws dealing with negligence apply to everyone, the Civil Wrongs (State Liability) Law provides that they also apply to the State,<sup>14</sup> and consequently to the IDF, an organ of the State.<sup>15</sup> The IDF must, therefore, take the appropriate measures that will ensure that mined areas do not cause injury to people or property.

### **Israel policy towards the use of landmines**

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<sup>13</sup>B'Tselem, Incidents of Death and Injury resulting from exploding Muniton Remnants, 1995.

<sup>14</sup>Tedeski, Gad, The law of Torts, 1970 p. 405

<sup>15</sup>Civil Wrong (State Liability) Law, 1952, paragraph 2 and 3.

Israel did not join the Mine Ban Treaty and at times has openly declared that it still considers landmines a necessary means of defense. This is Israel's prevailing philosophy towards landmines.<sup>16</sup>

The State Comptroller Report for 1998 criticizes that the Protocol II of the Convention on Conventional Weapons, that Israel joined in 1995, was never implemented, and the only Hebrew copy is still lying on the government desk waiting for implementation.<sup>17</sup> Although Israel is a signatory, according to the Comptrollers Report, there are not any measures or procedure in place to implement Protocol II of 1996.<sup>18</sup>

In Israel and the Occupied areas within its control-there are numerous minefields. The Israeli State Comptroller Report speaks about hundreds of them, although the exact numbers are not publicly known.<sup>19</sup> Part of these minefields originate from the period of the British Mandate, some were laid by Jordan, Syria or Egypt prior to the 1967 Israeli occupation of the West Bank, Gaza Strip, and the Syrian Golan.<sup>20</sup> In addition, Israel planted huge amounts of landmines along borders, military areas, settlements in the occupied areas, and electricity and water stations. The report also indicates that mines were planted in water pipelines as well.<sup>21</sup>

Although not wanting to give up the use of landmines in general, the Israeli occupying authority admits that there are no security needs for many of these minefields due to the peace process in the region.<sup>22</sup> Minefields not planted by Israel, and those planted by Israel on its borders before 1967 have long ceased to have military importance. The State Comptroller Report indicates that there are at least 350 such minefields, for which there is clearly no longer a security need. In the meantime, they

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<sup>16</sup>FMSP Convention 3 May 1997.

<sup>17</sup>C.R. 12

<sup>18</sup>Id.

<sup>19</sup>Id at 8.

<sup>20</sup>Id.

<sup>21</sup>Id.

<sup>22</sup>Id.

for which there is clearly no longer a security need.<sup>24</sup> In the meantime, they continue to be a major obstacle to the civil use and development of the land and its resources.<sup>25</sup> Thus there are numerous requests from civil bodies like the Agricultural Ministry, the Israeli Land Administration and the Israeli water company, Makorot, for mine clearance.<sup>26</sup>

As a result of unclear responsibilities and the lack of an official state policy for mine clearance, only a handful of minefields have been cleared.<sup>27</sup> Although Israel has not necessarily put obstacles to civil bodies to clear mine fields, by waiting for private companies to do so, the Israeli army evades any financial responsibility for mine clearance.<sup>28</sup> The Israeli army further claims that the risk for the soldiers while clearing mines far outweighs the risk of injury to civilians.<sup>29</sup> This is an astonishing declaration because of the fact that Israel provides mine clearance assistance to other countries.<sup>30</sup>

It appears that Israel is discriminating in mine protection measurements and mine clearance between the interests and security of Jewish Israeli citizens and other civilians living in the areas under its control. This is, for example, expressed openly in an IDF (Israeli Defense Forces) statement related to the danger of Israeli mine use for civilians in the "security zone" in south Lebanon.<sup>31</sup> Although occupying southern Lebanon, Israel will not demine the numerous mine fields there because of its claim that there is not any danger for Israeli soldiers or civilians in the area.<sup>32</sup>

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<sup>23</sup>Id.

<sup>24</sup>Id.

<sup>25</sup>Id.

<sup>26</sup>Id at 9,10.

<sup>27</sup>Id at 8,9.

<sup>28</sup>Id at 9,10.

<sup>29</sup>Id at 8.

<sup>30</sup>Look at charts provided by Landmine Monitor listing countries who send financial assistance abroad.

<sup>31</sup>C.R. 3.

<sup>32</sup>Id.

It should also be noted that al-Haq sent letters of invitation to discuss various landmine issues to those listed below without a single response.

H.E. Mr. David Peleg                      Ambassador, Permanent Representative,  
Geneva

Mr. Amnon Efrat                              Minister-Counsellor, Permanent  
Mission, Geneva

Mr. Meir Itzchaki                            Reg. Sec. and Arms Control Dept.,  
Ministry of Defense

Major Sharon Afek      Legal Advisor, International Law Division,  
Military Advocate General Headquarters

Ehud Barak                                      Israeli Prime Minister

### **Current location of mines in the Golan**

The Golan is considered by Israel as an area of high strategic importance. The Israeli-Syrian border is characterized by military presence and security installations, including landmines. Location and extent, time of planting, types of mines and exact security measures are not precisely known regarding most mines. There are several areas fenced off covering several kilometers of land.<sup>33</sup> There are also fenced off landmine areas near schools and in some of Golani resident's back yards.<sup>34</sup>

In the village known to Golani's as Ein Al-Hamreh (destroyed by Israel in 1947), there are landmine fields scattered throughout. Ein Al-Hamreh is the location where an Israeli soldier was killed by a mine accident in 1990. It is also the location where two landmine victims were injured and one killed. Until now, there are several areas with mines that are not fenced off. Furthermore, between the area of Ein Al-Hamreh and Al-Mansurah (approximately 1000 dunams) is an area filled with landmines. Much of this area is without signs and it is a known grazing area.

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<sup>33</sup>This has been documented and photographed by al-Haq field workers.

<sup>34</sup>Id.

## Landmine and UXO victims

Apart from this report within the Arab Golani community there has not been a comprehensive research on landmine victims in the Golan. The State Comptroller's Report for 1998 covers mine incidents in Israel based on military data for the period of December 1997 until May 1998 and reports one incident, in which a "member of the minority" was killed in southern Golan while entering a known minefield together with another person.<sup>35</sup> This incident is not included in our statistics about the mine victims within the Arab Golani community.

Four other incidents have been reported in the State Comptroller Report involving Israeli soldiers and employees of the Israeli water company Makorot. The Israeli Land Administration have specifications about the area, but it is unclear exactly where these incidents occurred. Information about landmine victims that are not from the Arab Golani community (Israeli soldiers and civil employees, local Israeli civilians, tourists and soldiers of the international peacekeeping forces in the Golan) are not known due to the obvious difficulty of obtaining such results.

Al-Haq collected information about 66 Arab Golani landmine and UXO victims since the beginning of the Occupation in 1967, of whom 16 died and 50 were injured. The only injuries counted in these statistics are injuries of great magnitude.<sup>36</sup>

It was not possible in all cases to find out what exactly caused the explosion, as the victims are not always able to differentiate between landmines and the different kinds of UXO.<sup>37</sup> Our data indicates that among the 50 victims who survived, 86% (43 victims) were under the age of 18. Eight of the 16 fatally wounded were under the age of 18. The following is a chart set according to ages and type of injury.

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<sup>35</sup> C. R. 6.7.

<sup>36</sup> These numbers were obtained as a result of the May 1999 questionnaires collected by al-Haq.

<sup>37</sup> This is evident by reading through affidavits of accident victims.

### **Recorded landmine victims in the Golan:**

1 victim lost both eyes and both legs  
6 victims lost at least an eye  
1 victim lost one leg, one eye and both hands  
6 victim lost at least one leg  
16 victim lost one hand  
1 victim lost one hand, a leg and an eye  
18 people suffered from burns and fragments entering their body.  
1 victim lost both arms and both eyes.<sup>38</sup>

### ***Breakdown of victims by age:***

#### **SURVIVOR VICTIMS**

Age of victims-	<u>1-10</u>	<u>11-15</u>	<u>16-18</u>	<u>18-up</u>
Number of victims-	15	14	14	7

#### **FATALLY WOUNDED VICTIMS**

Age of victims-	<u>1-10</u>	<u>11-15</u>	<u>16-18</u>	<u>18-up</u>
Number of victims-	5	2	1	8

Fifty percent of the 16 fatal victims were children under 18, six of them aged between four and eleven.<sup>39</sup> These numbers indicate a high risk for Golan children to have accidents with Landmines or UXO. Especially at risk are small children, who are more likely to suffer serious or even fatal injuries than for adults, because of their small body size. Children are a high-risk group in any mined area. This due to their curiosity, unawareness of danger and need to play outside. Children in the Golan are no exception to this. An example of this is 4 year old Amir Abu-Jabel, who was killed by

<sup>38</sup>Data obtained from al-Haq fieldworker station in Golan Heights. Information is based on affidavits and questionnaires from May of 1999.

<sup>39</sup>Id..



a landmine in 1989 while playing in the backyard of his house.<sup>40</sup> It appears that the mine was swept to the area by the rain from a nearby minefield. The last known accident with mines occurred in November of 1999, when teenagers brought a landmine they found outside their village to a local sports club, where it exploded injuring three of them slightly and one seriously in the foot.<sup>41</sup>

Golani Arab children are at an even higher risk because they are traditionally responsible for grazing cattle and helping with the harvest and therefore are exposed more frequently to the danger of mines. Research has revealed that of the 16 incidents in which Golanis were killed by mines or UXO, seven happened while the victims were grazing cattle, two on agricultural roads and one on agricultural land.

The high number of children involved in mine accidents during agricultural work can be explained by several factors apart from natural risks due to a child's lack of maturity. First, as mentioned above, many minefields in the Golan are not marked and fenced sufficiently and are thus easily entered by mistake.<sup>42</sup> In addition mines get moved from their original location by rain and erosion and can end up outside marked areas. Second, the awareness about mines and their dangers is hardly developed, as there are no official programs to teach school children in the Golan or the residents in general about this subject.<sup>43</sup> Finally, the use of mined areas in despite warning signs and official closures could indicate the high degree of economic dependence of the local population on these areas. Without referring to any of these explanations, the State Comptroller Report of 1998, mentions that traces of agricultural activity were discovered in 19 minefields in the Golan.<sup>44</sup> This has occurred even though these areas have been officially declared closed for civilians, as

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<sup>40</sup> Al-Haq Affidavit #3 2000. (Amir Abu-Jabel's father)

<sup>41</sup> Id.

<sup>42</sup> This can be seen by anyone who visits this area

<sup>43</sup> Three al-Haq field workers who visited schools and spoke with community leaders noted that it is not adequately brought to peoples attention.

<sup>44</sup> C.R. 7.

military research was being conducted for updating maps on the location of mines on the land.<sup>45</sup>

### **Case of Saleh Abu-Arrar**

Of particular interest to al-Haq was landmine victim Saleh Abu-Arrar. Saleh is a victim who discussed at length his trials and tribulations of being a child landmine victim. It is because Saleh's strong passion for life, he has overcome lack of most of his sight and limbs to become a successful accountant in the Golan. Saleh went into great detail how he was victimized and what he felt like immediately afterwards. He described to al-Haq field workers the morning after the accident as he lay in the hospital bed. He talked about waking up and asking his brother to scratch his right leg. His brother scratched his left. After requesting for his brother again to scratch his right leg, once again he scratched his left one. At that time Saleh brother told him that he had lost his right leg. When Saleh arrived home from the hospital he remembers people from the community walking by him thinking that he could not hear them say by 'Saleh would have been better off dead than to have survived and be handicapped forever. Realizing he would never be 'normal' by societal standards Saleh stopped feeling sorry for himself and is now quite a success story for all landmine survivors.

### **Social and economic damage caused by mines**

Apart from the personal and social hardship caused by mine blasts, the communities in the Golan are suffering due to the mere presence of landmines that render the land useless for civil purposes such as agriculture and construction of houses and roads.

This came specific hardship for the Golan people who are primarily farmers, depending for their livelihood mainly on growing crops and grazing cattle. They are, through the nature of these activities, at a higher risk of being involved in mine accidents, unfortunately, it is children are

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<sup>45</sup> Id at 6,7.

<sup>46</sup> Al-Haq Affidavit #1, 2/14/2000 (Saleh Salman Youssef Abu-Arrar), as well as a taped documentary of Mr. Abu-Arrar.

<sup>47</sup> This is also something that can be seen by anyone who travels to the Golan.

traditionally responsible for grazing cattle and helping in the harvest. Another problem is that they lose fertile land and thus their ability to provide for themselves is reduced and endangered. Furthermore, areas inside and around villages, that could be used to build the houses needed for growing population, are blocked by mines. The Israeli army used to confiscate land for the purpose of planting mines. The compensations that were offered to the owners of these lands were far below the actual value.<sup>48</sup> Most landowners rejected accepting any compensation in order to retain their ownership rights. At the time of the offers by Israel, justification for this was in the name of military needs. Some other areas are declared closed for civilians by military order, as they are mined or suspected of being mined - either from the Israeli army or from the Syrians before 1967.<sup>49</sup> Furthermore, other areas are avoided by the residents themselves out of the fear that they could contain mines.

Due to the lack of awareness of the danger of mines and the insufficient marking of mined areas, there are also frequent incidents of cattle being killed by mine blasts, thus resulting in immense economic loss. For example, Sheepherder Najeeb Tareeba estimates that since 1967 he has lost more than 50 cattle due to landmines. The most recent explosion killed one of his livestock in February of 2000.<sup>50</sup>

Living with landmines directly next to houses, schools, and streets as is the case for some Golan villages, mines serve as an effective restriction of the freedom of movement. Once again, children are clearly the main victims, as they get deprived of their space to roam and play. The ever-lurking danger of landmines also creates an atmosphere of permanent insecurity and fear, especially for parents, and it presents an additional psychological burden for the community.<sup>51</sup> The situation is worsened by the fact that the Golan is a mountainous area, allowing rain and natural earth movements to cause landmines to move from their original places and slide into areas that are believed to be safe, into areas that are believed

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<sup>48</sup> Documented by al-Haq fieldwork and May 1999 questionnaires.

<sup>49</sup> C.R. 2.

<sup>50</sup> Al-Haq Affidavit #4, 2/15/2000 (Najeeb Saleh Taraba).

<sup>51</sup> Information obtained from May 1999 questionnaires.

to be safe, sometimes even into the back yards of the houses. This heightens the risk as well as the fear and can lead to the abandonment of more land.

In addition to this, the problem of landmines in the Golan has to be understood regarding the political background of military occupation and the status of the Arab Golani people as an ethnic minority, who do not enjoy full citizenship rights as a result of their refusal to give up their Syrian nationality. This leads to a lack of trust by the Syrian Golani's. They don't trust that the Israeli authorities are or even feel responsible for protecting the Arab-Syrian inhabitants of the Golan from the danger of landmines. Moreover, the way the Israeli Army planted mines in and around Arab villages restricts the extension of these villages in accordance with the natural growth of their population. As there is not always an apparent security need for these minefields, it is unclear to the inhabitants, if this restriction is just a side effect of mining, or part of its intention. Thus the landmine problem also deepens the feeling of suppression and discrimination on the side of the Arab Golan residents and further the social rift between them and the Israeli society.

Next to agriculture, tourism is an important source of income for many Israeli settlers in the Golan, as the mountainous area is ideal for hiking and skiing. This business, is also restricted as a result of landmines. Some attractive areas are closed for civilians, while others are open but non-the less dangerous due to the insufficient marking of existing mine fields. Tourists hiking in the Golan are at a high risk of entering a minefield unintentionally. Apart from the resulting personal tragedies, news of hikers endangered, injured or even killed by landmines are unlikely to encourage tourism.

Another restriction for the civil use of the Golan and its natural resources, especially its rich water resources that supply a good part of the water used in Israel, is a result of the policy to mine the surrounding electricity, and water stations and water pipes. Due to the danger for the workers, this leads to difficulties in maintaining and extending these stations.

## Victim Assistance

Research in the Arab Golani community shows first aid for mine and UXO victims was delivered by the army in 22 cases and the others by civilians, one of them being an Israeli settler.<sup>52</sup> If the victim lies in a minefield or an area suspected to contain more mines, rescuing the victim is a highly dangerous undertaking itself. In those cases the army has to bring the ambulance through to the victim. There is documentation of one instance, where a second mine exploded under a military vehicle trying to reach a mine victim and killed an Israeli soldier.<sup>53</sup>

The closest hospital to the Golan is in Safed, approximately 80 km from the Golani villages. In the Golan there is only a small emergency clinic. Thus the special medical help needed for serious mine injuries is not available quick enough to be of effective assistance. Many UXO and mine explosions result in injuries like maiming, that also require highly specialized and long term medical help and rehabilitation measures.<sup>54</sup> In the Golan there are no governmental or local rehabilitation facilities for mine victims. This adds to the social and financial burden of maimed victims and their families.

Many Golani families were at the time of the accidents, either unaware of their rights, or afraid to deal with Israeli authorities and institutions.<sup>55</sup> Thus many of them never tried to get any compensation or to make use of the facilities and benefits provided by the state of Israel to handicapped victims. Even if victims or their families tried to get compensation, Israeli is generally unwilling to acknowledge any responsibility for mine accidents involving civilians and thus generally do not pay compensation.<sup>56</sup> In fact, 19 mine victims who had to be treated in a hospital after a mine or UXO explosion, were subsequently investigated by the police on the circumstances of the accident.<sup>57</sup>

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<sup>52</sup>Al-Haq Questionnaire, May 1999.

<sup>53</sup>Id.

<sup>54</sup>In reading through victim affidavits, this was an underlying theme.

<sup>55</sup>Id.

<sup>56</sup>Based on what victims indicated in their May 1999 questionnaires.

<sup>57</sup>The results of these investigations are not known to al-Haq as most of the affiants did not know the final outcome

### **Mine awareness**

Currently, there are no governmental or local programs or initiatives to teach Golan school children or the residents in general about the dangers of mines. Furthermore, there is not a landmine policy in place should the Israeli withdrawal of the Golan occur in the near future. Education in schools, lectures to community leaders and pamphlet distribution is a minimum that could be done for the Golan people. In addition, mine awareness, clearance, rehabilitation and compensation is something that Israel should provide.

## LANDMINE DEATHS IN THE OCCUPIED GOLAN: 1967-1999

Name	Address	Birth Date	Date of Injury	Place of injury	Kind of injury	Notes
Hasan Fares Hasan Aoumran	Ain Kinieh	1960	1967	Ain Kinieh	Martyr	Explosion near the House
Salim hasan Yousef zidan	Ain Kinieh	1956	1967	Ain Kinieh	Martyr	Explosion near the House
Nazeih Hani Abd Allah Abu Zeid	Majdal Shams	1960	1976	Majdal Shams	Martyr	Explosion on the troops line near Majdal Shams
Mhana Hussein Yousef Abu Awad	Bkata	1940	1982	Aioun at Hajal	Martyr	Explosion of landmine in grassing area
Milhem Yousef Hussein Al Saludi	Majdal Shams	1925	1973	Jiser Banat Yacoub	Martyr	Explosion of landmine in grassing area near the bridge
Ameer Fandi Fares Abu Jabal	Majdal Shams	1985	1989	Majdal Shams	Martyr	Explosion near the House
Zeid Al Kheir Milhem Shkeir (Albatmeish)	Masadah	1921	1971	Al Baloua	Martyr	Explosion in an agricultural road
Suleiman Yousef Hussein Tarabieh	Masadah	1903	1971	Banias	Martyr	Explosion of landmine at his working place
Nidal Fares Mahmoud Al Goutani	Bkata	1966	1977	Thleiji	Martyr	Explosion in grassing area

Ali Ahmad Sulaiman Shams	Bkata	1967	1975	Al-Salalem	Martyr	Explosion of landmine at an agricultural land
Mhama Fadel Ala Mihem Abu Awad	Bkata	1960	1982	Al-Sabel Al-Sharqi	Martyr	Explosion of landmine in grassing lands
Fouad Ali Hussein Subuh	Bkata	1974	1984	Aradi Ein Al-Hamra	Martyr	Explosion of landmine in grassing lands
Salih Kamel Yousef Farabieh (Al Saladi)	Bkata	1938	1990	Ein Al Hamra	Martyr	Explosion of landmine in grassing area. another one went of in the Israeli army
Hayel Fandi Saeed Abd Wali	Bkata	1972	1981	Al Mansoura	Martyr	Explosion of landmine at his work
Nasr Hussein Mahmoud Khater	Masadah	1949	1969	Tal A'zeizat	Martyr	Explosion of landmine at an agricultural road
Salha Asad Mohammad Abu Saleh (abu Sadah)	Musadah	1911	1971	Al-Baloua	Martyr	



### Listing of Injured Landmine Victims In the occupied Syrian Golan from 1967-1999

Name	Address	Birth Date	Date of Injury	Place of injury	Kind of injury	Notes
Ziad Mazed Khalil Abu Shibli	Bkatata	1956	1967	Bkatata	Loss of his right hand	
Kamel Hamad Amin Abu Awad	Bkatata	1960	27/8/1967	Bkatata	Loss of his left hand	
Karim Ali Hamad Sabra	Masadah	1976	-/5/1986	Masadah	Mutilation of both arms	
Wisam Suleiman Yousef Shams	Bkatata	1981	1987	Bkatata	Shrapnel injury to body	
Yousef Ali Yousef Shams	Bkatata	1971	1988	Farms near Bkatata	Mutilation to left hand	
Ali Suleiman Ahmad Zahwa	Bkatata	1963	1973	Bkatata	Mutilation to his left side	
Suleiman Saleh Suleiman Subuh	Bkatata	1966	1988	Aldlawia Farms	Loss of his right shoulder. both eyes and his ear	
Nabeih Husein Yousef Al-Kutlani	Bkatata	1955	1967	Bkatata East Farms	Lost three fingers from left hand and severe burns to his right hand	
Ayman Hani Mohammad Shams	Bkatata	1978	1987	Bkatata	Mutilation to his body.	
Mahmoud Haye'el Salameh Farahat	Bkatata	1950	1971	Albaloua'	Lost all fingers on left hand	
Suleiman Numan Abu Sadah	Masadah	1902	1987	Bkatata	Broken arms and back.	Landmine was in an agriculture road.
Hasan Jamil Naye'f Mrui	Majdal Shams	1955	1968	Ra'ench Farms	Loss of left eye	

Fawaz Saeed Fares Khater	Masadah	1952	1969	Elzeiziat Hill	Mutilation to his body
Khaled Jamil Nayef Mir'i	Masadah	1967	1979	Masadah	Mutilation to his body
Nayef Jamil Nayef Mir'i	Masadah	1963	1979	Masadah	Mutilation to his body
Saeed Saeed Abd Al Wali	Bka'ala	1956	1967	Sabeia Village	Burns of all of his body
Jihad Salman Ali Alshoufi	Masadah	1968	1985	Al Qalca' Farms	Loss of one eye and mutilation of his body
Tawfiq Ali Yousef Shams	Bka'ala	1971	1988	Bka'ala Farms	Loss of left hand
Mufid Fares Abu Shahin	Bka'ala	16 Years	1999		Lost his left foot
William Muhunoud Amashah	Bka'ala	19 Years	1999		Various body injuries
Nawaf Kamel Fahed	Al Gajar	1953	1976	Al Gajar Farms	Lost one hand and mutilation in the other
Galeb Fahed Yasin Badran	Al Gajar		1976		Lost one eye and one finger
Nasim Shmit	Ein Kinia		1974	Ein Kinia	Injury to body
Isam Almagrebi	Ein Kinia		1974	Ein Kinia	Injury to body
Ali Al Khatib	Ein Kinia		1974	Ein Kinia	Injury to body
Kamal Aulalah Abd Alwali	Bka'ala	16 Years	1999		Injury to body

## Definitions

- The International Campaign to Ban Landmines (ICBL), launched in 1992, is coordinated in by a committee of fifteen organizations. It brings together over 1,300 human rights, humanitarian, children's peace, disability, veterans, medical, humanitarian mine action, development, arms control, religious, environmental, and women's group in over 75 countries who work locally, nationally, regionally, and internationally to ban antipersonnel (AP) landmines.

- In 1997, the Nobel Peace Prize was awarded to the ICBL and its coordinator, Jody Williams.

### **- The Campaign Calls For**

- \* An international ban on the use, production, stockpiling, and sale, transfer, or export of antipersonnel landmines
- \* The signing, ratification, implementation, and monitoring of the Mine Ban Treaty
- \* Increased resources for humanitarian demining and mine awareness programs
- \* Increased resources for landmine victim rehabilitation and assistance