INCIDENTS OF DEATH AND INJURY RESULTING FROM 
EXPLODING MUNITIONS' REMNANTS

Information Sheet, July 1995

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INTRODUCTION

In recent months, several incidents have occurred in which Palestinians living in the Occupied Territories were injured when munitions' remnants lying in fields nearby their homes exploded.

B'Tselem's data shows that since the beginning of the Intifada, there have been more than 60 such incidents, which caused the death of 23 Palestinians and injury to dozens of others. Most of the injured were children who stumbled across the objects while grazing their flocks or working in the fields. The munitions exploded after the person injured handled, stepped on, or tried to ignite them. The majority of the incidents occurred in, or near, Israel Defense Forces (IDF) camps or fire zones, where the military regularly conducts training.

The information sheet will survey the phenomenon since the beginning of the Intifada (December, 1987) by analyzing the documented cases and detailing the circumstances of the incidents that resulted in Palestinian deaths.

The phenomenon of abandoned munitions' remnants, and the IDF’s responsibility for these incidents, will be examined according to international law. In addition, this report will survey the IDF’s existing procedures and orders relating to munitions' remnants, in particular the degree to which they are implemented, as shown by B’Tselem's research and from testimonies of injured persons.

The manner in which the IDF relates to the subject will also be considered by examining the steps the IDF took following incidents, and by the responses of the IDF Spokesperson to the phenomenon over the years. Two recent cases, which demonstrate the severe nature of the phenomenon, will be presented at length.

The IDF’s failure to enforce military orders, its habitual breach of Israeli law, and its disregard for international law, all of which are clearly portrayed in this information sheet, show the

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1 Similar incidents also occurred prior to the Intifada. Because B’Tselem began to document incidents in the Occupied Territories at the outbreak of the Intifada, this information sheet will relate only to cases that have occurred since then.
negligence and indifference of the IDF. These acts, and the failure to act, have added over the years, and continue to add, to a lengthy toll of victims.
STATISTICS

Since the beginning of the Intifada, more than 60 incidents occurred in which Palestinians were injured by abandoned munitions. The total number of Palestinians injured amounted to 88, among them 64 children aged 16 and under.

23 Palestinians were killed, among them 16 children. More than 60 persons were wounded, the majority of whom suffered injuries defined as moderate to severe. About half of those injured received burns of varying degrees, and at least four persons had limbs amputated.

36 of the incidents occurred in the northeast region of the West Bank, most of them near villages located between Nablus and Jenin. A particularly large concentration of cases occurred near the villages of Tamun, Tubas, and Tiasir, which are located between Nablus and Jenin. 15 cases occurred in the region of Mt. Hebron, primarily in the area of the villages Yatta and Bani Naim. 10 cases occurred in the areas near Bethlehem, Ramallah, and Tulkarm.

Military bases and fire zones in which the IDF regularly conducts training are located in close proximity to most of the locations where the incidents occurred. In the majority of cases, a person entered an unmarked training area, handled the munitions' remnants, and was injured when they exploded.

The three most recent incidents in which explosions caused injuries to Palestinians, however, occurred in refuse dumps near their homes. These dumps, in the Hebron region, serve the area's towns and villages as well as nearby military bases. Local area children regularly come to the dumps and search for metal scraps, which they sell. The munitions thrown into the dumps were exploded by the children, causing injury to them and to nearby persons. Since April of 1995, two children were killed and eight persons injured, three of them seriously, in this way.
PALESTINIANS KILLED BY EXPLOSIONS OF MUNITIONS' REMNANTS

<table>
<thead>
<tr>
<th>Date of Incident</th>
<th>Name of Person Killed</th>
<th>Age</th>
<th>Circumstances of the Incident</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 24.12.88</td>
<td>Hussein Ahmad Abu Furush</td>
<td>16</td>
<td>Explosion of landmine or old bomb</td>
<td>Marj- Na'jah/ Jenin</td>
</tr>
<tr>
<td>2 24.12.88</td>
<td>Saleh Amr'i</td>
<td>16</td>
<td>Explosion of landmine or old bomb</td>
<td>Marj- Na'jah/ Jenin</td>
</tr>
<tr>
<td>3 30.12.88</td>
<td>Bassem Salman 'Awadallah</td>
<td>11</td>
<td>Shepherd, killed by exploding landmine</td>
<td>Fahmeh/ Jenin</td>
</tr>
<tr>
<td>4 30.12.88</td>
<td>Nidal Mahmud 'Awadallah</td>
<td>16</td>
<td>Shepherd, killed by exploding and mine</td>
<td>Fahmeh/ Jenin</td>
</tr>
<tr>
<td>5 4.2.89</td>
<td>Talal Muhammad Fahed Bisharat (died from his injuries – 9 February 1989)</td>
<td>8</td>
<td>Explosion of mortar shell with which he played</td>
<td>Tamun/ Jenin</td>
</tr>
<tr>
<td>6 13.2.89</td>
<td>Makmud Amin Abu a-Rub</td>
<td>16</td>
<td>Explosion of mortar shell that he found in the field</td>
<td>Kabati-yah/ Jenin</td>
</tr>
<tr>
<td>7 13.2.89</td>
<td>Iktimal Na'im Wahdan</td>
<td>5</td>
<td>Explosion of mortar shell with which she played next to her house</td>
<td>Tayasir/ Jenin</td>
</tr>
<tr>
<td>8 20.8.89</td>
<td>Muhammad 'Awad Mleihat</td>
<td>5</td>
<td>Explosion of object in the field</td>
<td>Dir- Diibwan</td>
</tr>
<tr>
<td>9 2.12.89</td>
<td>Ziyad Abu Rmeis</td>
<td>9</td>
<td>Explosion of a dud while shepherding</td>
<td>Za'tarah/ Bethlehem</td>
</tr>
<tr>
<td>10 2.12.89</td>
<td>Muhammad Saleh 'Assaf</td>
<td>25</td>
<td>Explosion of munitions' object left in his field</td>
<td>Kufur Laqef/ Tulkarm</td>
</tr>
<tr>
<td>11 27.1.92</td>
<td>Mahmud Mar'it Samudi</td>
<td>32</td>
<td>Explosion of munitions' object while shepherding</td>
<td>Yamun/ Jenin</td>
</tr>
<tr>
<td>12 9.4.92</td>
<td>Muhammad 'Abdallah Hafith Abu Hasan</td>
<td>13</td>
<td>Explosion of dud bomb with which he played while shepherding</td>
<td>Tamun/ Jenin</td>
</tr>
<tr>
<td>13 6.9.92</td>
<td>Mahmud Yunes Mahmud a-Rashaydeh</td>
<td>24</td>
<td>Explosion of munitions' object which he handled</td>
<td>'Arabeh/ Jenin</td>
</tr>
<tr>
<td>14 19.6.93</td>
<td>Ibrahim Na'im Mas'ud</td>
<td>8</td>
<td>Explosion of munitions' object in agricultural area</td>
<td>Tubas/ Jenin</td>
</tr>
<tr>
<td>15 26.8.93</td>
<td>Maher 'Atiyyah Hamayel</td>
<td>17</td>
<td>Explosion of grenade he found in the field</td>
<td>Khirbet Abu-Falah/ Ramallah</td>
</tr>
<tr>
<td>16 26.8.93</td>
<td>Mashur Muhammad Ibrahim</td>
<td>15</td>
<td>Explosion of grenade he ound in the field</td>
<td>Khirbet Abu-Falah/ Ramallah</td>
</tr>
<tr>
<td>17 19.3.94</td>
<td>Ala Muhammad Ibrahim al'Amur</td>
<td>15</td>
<td>Explosion of munitions object he stepped on in the field</td>
<td>Tubas/ Jenin</td>
</tr>
<tr>
<td>18 30.5.94</td>
<td>Muhammad Fawzi Mar'i</td>
<td>11</td>
<td>Explosion of munitions' object he found and threw into the fire</td>
<td>Kufur Dan/ Jenin</td>
</tr>
<tr>
<td>19 21.7.94</td>
<td>Ali Muhammad Ibrahim al'Amur</td>
<td>14</td>
<td>Explosion of bomb he handled</td>
<td>Yatta/ Hebron</td>
</tr>
<tr>
<td>20 21.1.95</td>
<td>Hussein 'Ali a-Rashaydeh</td>
<td>28</td>
<td>Explosion of dud he lifted</td>
<td>Taqu/ Bethlehem</td>
</tr>
<tr>
<td>21 28.1.95</td>
<td>Issa 'Ali Abu 'Arram</td>
<td>18</td>
<td>Explosion of dud with which he played while shepherding</td>
<td>Yatta/ Hebron</td>
</tr>
<tr>
<td>22 7.4.95</td>
<td>Yusuf 'Issa Muhammad al-Hamamdeh</td>
<td>11</td>
<td>Explosion of munitions' object he found in refuse dump</td>
<td>Hebron</td>
</tr>
<tr>
<td>23 4.6.95</td>
<td>Khaldun 'Ali Harb Shattat</td>
<td>14</td>
<td>Explosion of munitions' object he found in refuse dump</td>
<td>Dahriyah/ Hebron</td>
</tr>
</tbody>
</table>
ABANDONED MUNITIONS AND INTERNATIONAL LAW

International law does not relate directly to the phenomenon of the abandonment of munitions. However, since many cases involve munitions that did not explode when discharged, these munitions are similar to delayed-action weapons, like landmines. This similarity is evident in the danger to passers-by, the manner in which they are detonated by accidently being stepped on or handled, and the amount of damage they do when exploded.

The Red Cross is among those organizations that consider the danger from delayed-action weapons to be comparable to the danger inherent in munitions that did not explode: "In reality, all delayed-action devices or those which have notexploded, for whatever reason, have a similar effect on the environment, with ominous consequences."\(^2\)

Because of their unique characteristics, the Landmines Protocol,\(^3\) the appendix to the U.N.'s "weapons convention" which has been in force since 1983,\(^4\) sets forth general rules relating to landmines. Several provisions of the Protocol deal with the duty to prevent injury to civilians: Article 4(2) prohibits the use of landmines in every city, town, village, or any other area which contains civilian population centers. Under this article, the use of landmines is permitted in these areas only where the means are taken to defend the civilians from their effects, for example by posting warning signs, or sentries, by issuing warnings, and providing fences. Articles 7(1) and 7(2) require the recording of the location of all the areas in which landmines are laid.\(^5\) Article 7(3) requires that all the necessary and appropriate measures, including the use of such records, be taken to protect civilians from the effects of landmines.

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\(^3\) *Protocol on Prohibitions or Restrictions on the use of Mines, Booby Traps and other Devices.*

\(^4\) *U.N. Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects.* Israel is a signatory to the Convention and the Convention's Protocol.

\(^5\) Under the Protocol, "recording" means "a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mines and booby traps."
Implementation of the Protocol's provisions relating to munitions require the release of information about the location of the training areas, fencing the areas, posting of signs, and warning the residents of the danger inherent in entering the areas.

Abandonment of munitions is also inconsistent with several rules of international humanitarian law, which are intended to protect the civilian population during war, as expressed in various international conventions:

1. The responsibility of the occupying power for the lives of persons under its authority.\(^6\)

2. Prohibition on attacks that do not discriminate between military and civilian targets.\(^7\)

3. Prohibition on causing damage to the natural environment, and thereby prejudicing the health or survival of the population.\(^8\)

Rule number two above relates to the prohibition on types of various attacks, but the term "attack" in this sense does not relate necessarily to the moment the weapon is discharged. In a hearing that dealt with the application of Protocol Additional I as regards landmines, the participants of the Conference of the International Society of Military Law and the Law of Warfare (Lausanne, 1982) decided that, legally, the use of landmines is an attack where a person is directly endangered by such a mine, so long as there is direct imminent danger from such a landmine, and not only when the landmine is laid.\(^9\) Munitions' remnants lying in fields also subject persons to direct danger comparable to the danger caused by landmines, and in this regard, constitute an attack within the meaning set by the Lausanne conference.

\(^6\) Hague Convention of 1907, Part Three, Article 46.

\(^7\) Protocol Additional I of the 1977 Geneva Convention, Rules No. 51(4) and 51(5).

\(^8\) Ibid, Rule 55(1). This prohibition is not yet considered part of international customary law, but it is found in various international agreements, and in recent years there has been increasing awareness of its importance.

Most of the persons injured from the munitions' remnants in the Occupied Territories are children. This reality is not happenstance, insofar as the children consider the remnants to be unusual, curious objects, while being totally unaware, because of their age, of their inherent danger. Another reason is that many incidents occurred in areas used for grazing flock, the work often being done by children.

The Convention on the Rights of the Child, which took force in Israel on 2 November 1991, defines the duty of the States Parties to protect every child within their jurisdiction. Article 38(4) provides that the States Parties "will take all possible means to ensure the protection and concern for children wounded by armed combat." The existence of munitions' remnants in places in which they are likely to injure persons is not, therefore, consistent with several important rules of international law, and clearly violates them.

B'Tselem calls on the Israeli government to sign the Protocols Additional to the Geneva Convention and to enact them into law. By taking such action, Israel would undertake to protect all civilians from injuries resulting from the use of military weapons. In addition, Israel must honor its undertakings to implement the provisions of the Convention on the Rights of the Child, to which she is a signatory.
ISRAELI LAW

Military activity in training areas, including the use of live ammunition, naturally creates a grave danger to persons entering those areas. The danger of injury increases where the fire zones are located in close proximity to towns and villages, where they are not properly marked, and where they include areas used for grazing or agricultural. 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 these dangers.

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 circumstances not to act as he did constitutes negligence. Any person who causes damage to any person by his negligence commits a civil wrong."¹⁰

The laws dealing with negligence apply to everyone; the Civil Wrongs (State Liability) Law provides that they also apply to the State,¹¹ and, consequently, to the IDF, an organ of the State.¹² The IDF must, therefore, take the appropriate cautionary measures that will ensure that the acts it performs in the training areas do not cause injury to persons.

According to the suggested interpretation to the law, published in the journal of the IDF legal system, "Law and Military",¹³ the military must act in two ways to fulfill this duty. It must

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¹⁰ Civil Wrongs Ordinance [New Version], paragraph 35.

¹¹ Civil Wrongs (State Liability) Law, 1952, paragraphs 2 and 3.


1. Caution the public not to enter the fire zones: "First, the posting of appropriate signs around the fire zones themselves must be ensured [...] Second, it must be ensured that maps of the closed area are located in the offices serving the public."

2. Take steps to ensure the safety of persons entering these areas.

Paragraph 37A of the Civil Wrongs Ordinance provides an exception to the liability as regards persons entering military areas. Under this paragraph, the "duty under paragraphs 35 and 36 in respect of the condition, maintenance, repair or use of a military area shall not obtain towards a person who entered it as a trespasser unless the plaintiff proves that he entered in good faith and without intent to commit an offense or a civil wrong."14 In the cases with which this report deals, the injured persons did not enter the training areas for the purpose of committing a criminal violation. Their sole purpose was to perform usual and routine acts, like grazing their flock. This exception does not apply to them, therefore, and the IDF remains liable for any injuries they might suffer.

Paragraph 38 of the Civil Wrongs Ordinance concerns damages resulting from negligence in the use of dangerous objects. In several judgments that considered the use of live munitions, it was noted that such weapons are classified within the category of dangerous objects, and that the person in charge is subject to a higher and special degree of caution, and has the duty to foresee the dangers involved in the use of the weapon, and the duty to prevent them.15

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14 Amendment to the Civil Wrongs Ordinance (No. 4), 1970.

IDF ORDERS

The response of the IDF Spokesperson to B’Tselem’s inquiry\(^\text{16}\), and review of the military orders dealing with closed areas in the West Bank, indicate that the orders meet international requirements. The following procedures and orders are intended to ensure that IDF activities in training areas do not cause injuries of the type described in this report:

1. Standing orders relating to marking and bordering fire practice and training areas;

2. Orders relating to extensive combing of the area by the IDF before and after training;

3. Distribution of information leaflets to the mukhtars of the nearby villages stating the cautionary measures to be taken within the fire zone and in the event of finding suspicious objects;

4. Military orders relating to the closing of territories, which satisfy the requirement that the public be allowed to view the map of the closed area. As regards each closed area, the relevant order states that the map of the area "is annexed to this order and constitutes an integral part thereof." It also states that copies of the order and the map will be deposited in various offices (at military command offices, police stations, and with the heads of the towns in the relevant areas), and "will be open there to be viewed by any person who so wishes."\(^\text{17}\)

Notwithstanding the existence of orders intended to prevent injuries to persons who enter the military training areas, injuries to persons under these circumstances are common. The problem lies, therefore, in the enforcement of the orders and procedures.

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\(^{16}\) Letter of 14 May 1995 from Major Avital Margalit, head of the Information Division of the IDF Spokesperson's Unit, to B’Tselem.

\(^{17}\) See, for example, Closing of Area in the Jordan Valley (Area of the West Bank) Order, No. 151, 1967.
A. Background - Recommendations of the Investigating Officer, 1989

From November of 1988 to February of 1989, there were at least 23 cases in which Palestinians were injured by explosions of munitions’ remnants, most of them in the northeast region of the West Bank. These incidents resulted in the death of seven persons, and twenty-four suffered shrapnel wounds and burns. All the persons killed were children under 16, and seventeen children were among the wounded. Their injuries resulted when materials they played with or handled in fields near their villages exploded or ignited.

Because of the public outcry over the series of incidents, the Commanding General of the Central Command, Amram Mitzna, appointed, in February of 1989, an investigating officer to investigate the matter. The investigating officer submitted his report at the end of June, 1989; his principal conclusion was that the injuries resulted from the explosion of dud IDF munitions of two types: 1) burn victims were injured from flares discharged during air force training that did not activate in the air, but ignited after they were touched on the ground by the persons ultimately injured, and 2) the victims of shrapnel were injured from dud 52 mm diameter mortar shells, which are used by IDF ground forces.

These conclusions led the investigating officer to recommend that several actions be taken to prevent the recurrence of such incidents. These are his recommendations, as reported by Ha’aretz on 25 June 1989:

• Provide more information to the local residents concerning the prohibition on children entering the fire zones, and increase supervision over them;

• Distribute informational literature among the local residents warning them not to lift flares discharged from the air;

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18 For a description of the events, see B'Tselem's Information Sheet, Cases of Death and Injury of Children, January, 1990, pp. 10-12.
• Examine ways to improve the quality of the flares in order to reduce the likelihood of duds;

• Revitalize the orders and procedures relating to combing the training areas following training, in two aspects: 1) gathering, combing, and destruction of duds; and 2) combing and gathering the training munitions that were not used;

• Establish a reporting procedure that enables arrival as close as possible to the location of the incident to perform professional ballistic tests.

In his conclusions, the investigating officer did not relate to the lack of fencing and clear markings, although the military training areas are close to residential areas, and fencing of the training areas and posting of signs would drastically reduce the number of victims.

Dozens of incidents, 16 of which resulted in death, have occurred in which Palestinians were injured, as the result of explosions of munitions since these recommendations were published in June of 1989. Most of these incidents are very similar to those investigated by the IDF in 1989, both as regards the location in which they occurred and their circumstances.

In light of the above, only two conclusions can be drawn: one, that the IDF did not make a serious effort to implement the recommendations of the investigating officer, and two, that the recommendations did not reflect the seriousness of the problem, and were insufficient to solve it.

B. Degree of Current Implementation of the Orders

The IDF Spokesperson stated, in response to B'Tselem's inquiry concerning injuries to Palestinian from explosions of munitions' remnants, that the IDF "takes every measure required, including the issuing of orders, putting up fences and signs in the areas, and providing information to local residents in order to prevent the recurrence of these incidents." The response also mentioned that the orders related to preventing such incidents "are implemented" in the Judea and Samaria region, and that "the fire practice areas in Judea and Samaria are marked and bordered according to standing army regulations." (My emphasis. N.K.)

When B'Tselem researchers toured the areas in which most of the incidents had occurred, they found none of the measures intended to warn the local residents had been implemented; there
were no fences, and no signs or markings of any type. Testimonies given to B’Tselem by wounded persons and witnesses to incidents present an identical picture. Contrary to the statements of the IDF Spokesperson, the fire zones are not marked and bordered.

According to the testimonies, the lack of fencing and markings led to injuries to residents who knew that the IDF trains near their homes, but they were unsure as to the borders of the area in which the IDF trains. The testimonies also indicate that the residents have used these areas continuously for many years, which reduces the likelihood of the residents suspecting any inherent danger in entering the grazing areas.

Concerning the posting of signs and use of the lands, the testimony of Hasan Diyab Masa'id, aged 14, to B’Tselem is a representative example. Hasan, who was burned when an object ignited while he was tending sheep in the Jiftlik region on 19 January 1995, stated:

..... We didn't see any warning signs or fence around the area. Lots of shepherds use this area all the time.

Husam and 'Isam Bani 'Odeh, brothers who live near Marj-Na'jah village, were injured, resulting in the amputation of Husam's leg and 'Isam's hand, during an explosion that occurred while they were grazing their flock. According to the testimony of their father, Abdallah Bani 'Odeh, given to B’Tselem fieldworker Bassem 'Eid, there were no signs indicating the prohibition on entering the area where they were injured.

..... There is a military training area 7 km west of my home. The training area has no fence enclosing it, and there are no signs, so it is impossible to know what it is used for. We don't usually get to that area, but when the soldiers train, they shoot in all directions, and the shells they fire fall all over... I have lived in the area for years, and I always grazed the flock in the area 1 km north of my house, which is 8 km from the fire zone... On 6 January 1993, at 7:30 a.m., Husam and 'Isam took our flock to the grazing area....

Later in his testimony, the father stated that at 2:30 p.m., 'Isam came home, injured, and urged his father to rush to the grazing area. When he reached the area, he found Husam lying injured on the ground.19

19 See also the testimony of Mu'taz Bisharat below.
The absence of signs demonstrates the poor enforcement of orders relating to posting of signs. Statements of residents of the Jiftlik region also indicate that the IDF does not provide information as it should. Moreover, the incidents in which persons were injured clearly show that the IDF does not implement procedures relating to combing the area after training since munitions' remnants remaining in the field after the completion of IDF training exercises frequently caused injuries to passers-by.

In addition, persons are not permitted access to maps of the closed areas, although such access is required by the orders. Attorney Hussein Abu Hussein, who represents several residents who were injured in fire zones in the Occupied Territories, asked permission to study the map of the training areas that are supposed to be available for public view. The response of the legal advisor for Judea and Samaria totally contradicted the provisions of the order. "It is not possible to provide you with a map of the fire zone, provision of which violates IDF instructions (field security), and the person who so provides it would be subject to a lengthy term of imprisonment. Consequently, we are unable, unfortunately, to assist you in obtaining the aforementioned map." Only after the threat of legal action did an assistant legal advisor indicate that there had been a misunderstanding, and that the map would be provided shortly to attorney Abu Hussein.

Notwithstanding the IDF Spokesperson’s contention that the IDF implements the orders and procedures, the opposite is true. Standing orders related to training areas are not implemented in the West Bank, and the IDF does not take all the required measures to prevent injuries and mishaps.

The failure to enforce the procedures and orders, which are intended to discharge the IDF’s duty to take cautionary means to prevent injury, constitutes gross negligence by the IDF, and the

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20 See below.


22 B’Tselem was so advised by telephone on 27 June 1995.
injuries suffered by persons as a result thereof constitutes "a civil wrong", in the terminology of Israeli law.
RESPONSE OF THE IDF TO THE INCIDENTS

The IDF Spokesperson, in its response to B’Tselem, casts much of the blame for the accidents and tragedies described above on the residents themselves. "There have been cases in which these residents removed the warning signs, entered the fire practice areas, and did not heed the proper instructions," and "the residents themselves play an important role in evaluating the inherent danger in handling or playing with these objects."

Notwithstanding the Spokesperson's contention that the IDF takes all the necessary measures to prevent such incidents, and that the residents themselves bear much of the blame, the IDF nevertheless acknowledges responsibility for some of the cases in that it confirms that "there were also cases in which the injured persons and their families were compensated after their claims for damages were found justified."

As regards the number of complaints for damages for which the IDF authorized payment of compensation, the Spokesperson of the Ministry of Defense stated, in his response to B’Tselem's inquiry, that "We do not have statistics on this, but in some cases, compensation was paid, and in some cases payment was denied, the determination being based on the circumstances of the particular case." One gets the impression, however, that the IDF, in its investigations, is predisposed to denying its liability.

In several instances, IDF investigations resulted in closing the file without initiating legal proceedings against anyone. As a result of an investigation conducted by an investigating officer in the case of Musa Fallah a-Rashaydeh, aged 10, who was injured when an object exploded in the yard of his house on 15 October 1993, HaMoked: Center for the Defense of the Individual was notified that "even if it would be determined that your client's injury was caused by IDF activity, it would not be possible to determine which IDF soldiers... are involved." The Air Force Judge Advocate ordered, therefore, that the file be closed with no legal proceedings being initiated.


Another investigation file that was closed involved injuries to 'Umar 'Abd 'Odeh, whose hand was amputated when an object exploded in the garden of his home on 24 March 1991. No legal action was taken although the police investigation proved that the object that exploded was the detonator of a Lau missile. The grounds for closing the file were that soldiers who patrolled nearby the house a few days prior to the explosion did not carry missiles or missile parts, and that such projectiles are not located on the base near the village.\footnote{Letter of Captain Yaron Herman, military prosecutor, on behalf of the Central Command Judge Advocate, to \textit{B'Tselem}, dated 20 January 1992.}

The indifference of the IDF to these incidents is also apparent in that even at sites in which Palestinians were injured, and even killed, as a consequence of the negligence of the military in removing munitions' remnants and in marking fire zones, the IDF did not improve the manner in which it implemented the relevant orders and procedures. In a tour that \textit{B'Tselem} conducted, for example, in the Jiftlik area more than two months after the explosion that resulted in the amputation of the leg of Mu'taz Bisharat,\footnote{For details of the incident, see below pp.18-19.} it was readily apparent that no effort had been made to remark and refence the dangerous area, though the military knew about the incident, and Military Police Investigations had begun to investigate it.

The occurrence over the years of similar incidents in the same areas reinforces the contention that these incidents did not lead to implementation of the orders.

Similar incidents of the explosions of munitions' remnants occurred in which Israelis were injured, but the authorities treated these cases in an entirely different manner. As opposed to the apathy showed by the authorities in the cases involving Palestinians, the response was immediate and effective, as shown by the following sample cases.

In February of 1995, two Israeli citizens were killed as a result of the explosion of a landmine on the Eilat hills. The night after the incident, "IDF rescue forces were present at the site. They promptly refenced the area with wire and barbed wire, and posted clear signs."\footnote{\textit{Yedioth Aharonot}, 6 February 1995, p. 8.}
Over the years, several incidents occurred in the landmine field near kibbutz Ramat Rahel, in which residents of the nearby village, Sur Baher, were injured. The authorities did not act to solve the problem, and injuries continued to occur. On 1 October 1993, Jewish tourists were injured at the site. Two days later, *Ha'aretz* reported that "As a result of the explosion... the police and the IDF decided to comb the area because of the fear that other landmines might exist. As a consequence of the blast it was also decided, in coordination with the IDF, to clear immediately two adjacent fenced-in landmine fields..."²⁸

*B'Tselem* maintains that a prompt response by the authorities is vital in such instances in order to eliminate the possibility of the recurrence of tragic incidents at the same location. The failure to take such steps after Palestinians have been injured is distressing and inexplicable, and indicates the authorities' indifference to the Palestinian residents' life and safety.

²⁸ See also *Kol Ha'ir*, "Encircled by Landmines", 6 October 1993, pp. 14-15, 75.
REPRESENTATIVE CASES

A. Death of Yusuf 'Issa Hamamdeh, aged 11, resident of Khirbet A-Dirat, from the explosion of an object with which he played, 7 April 1995

On 7 April 1995, Yusef Isa Hamada was killed as a consequence of an explosion that occurred when he played with metal remnants he found near his home, Khirbet A-Dirat, adjacent to Yatta village, Hebron District.

His friend, Jibril Al-'Adrah, aged 14, who was playing with him, was seriously injured, as was Muhammad Mahmud Hamamdeh, an aluminum dealer, who was sorting the metals at the time of the explosion.

The press release of the IDF Spokesperson following the incident stated: "The investigation indicates that the explosion occurred as a consequence of three local persons playing with munitions they found in the area."

Muhammad Mahmud Hamada, the aluminum dealer, stated, in the testimony he gave to B’Tselem fieldworker, Bassem 'Eid, that:

... I collect and buy aluminum and sell it to dealers. On 7 April 1995, about 10:00 a.m., I was where I gather and sort the goods... Children gathered some of the items at the nearby refuse dump. Two children were next to me. They apparently played with the remnants that were lying around. I decided to sort the aluminum. Suddenly I heard an explosion, and there was lots of smoke. I felt that I had been injured. I fell down, and then got up and saw the two children lying still on the ground. Afterwards, I heard that one of the children had died... I was injured in the back from fragments because the children were playing behind me...

A refuse dump is located about three kilometers from Hirbat 'A-Dirat. The site is used, according to local Palestinian residents, for refuse from Hebron, the nearby Jewish settlements, and the military base located in the area. They contend that bursting sounds are often heard when the refuse is burned, and they assume that the explosions are due to the munitions discarded from the
army base. There are no signs alongside the dump that mention the presence of dangerous materials, and access to the dump is totally unrestricted.

Residents told the B’Tselem fieldworker that village children customarily go to the site and pick through the refuse, hoping to find pieces of metal and aluminum they could sell to Muhammad Hamamdeh. The dealer collects the pieces of metal at a site located on the outskirts of the village. The residents mentioned that there were other objects strewn around the site that looked like remnants of military munitions.

B. Injury of Mu'taz Muhammad Bisharat, aged 15, resident of Jiftlik, from an explosion that occurred while he was grazing his flock, 12 February 1995

Mu'taz Bisharat, resident of the village of Jiftlik, in the Jordan Valley, lost his leg as a consequence of an explosion that occurred while he was grazing sheep in the area near his home. B’Tselem fieldworker, Fu'ad Abu Hamed, took the testimony of Muataz while he was hospitalized at the Rafidiyah Hospital in Nablus shortly after the incident.

On 12 February 1995... I was grazing goats east of Jiftlik.... The name of the shepherd who was with me is Rateb. He is 27 and lives in Yatta village [in the Hebron region]. He was walking three meters in front of me. Suddenly I felt that I flew backwards. I saw that my right leg was cut, and that I was wounded and bleeding all over my body. Rateb was also injured in the legs, and he was hospitalized at 'Aliyah Hospital in Hebron.

I did not lose consciousness. A fellow who arrived at the site called the army. An army jeep came and took me to "Gadi Camp". They gave me first aid at the camp, and took me, by helicopter, to Hadassah Hospital, Ein Karem [Jerusalem]. I was there 15 days. Then they transferred me to Rafidiyah Hospital in Nablus...

They hold training exercises all the time in that area, and the shepherds and soldiers are there together, and sometimes the soldiers ask for milk from the goats. They come at different times, there is no set schedule. The area is very close to Jiftlik, where people live. There are no signs or fence...

B’Tselem’s inspection of the site shows that the army base is located about 2 kilometers from the village of Jiftlik, and the explosion occurred in a field adjacent to the village. In the past, the area
had, apparently, been enclosed by a fence, but large sections are currently missing, and access to the field is easy. There are no signs or markings warning residents about the inherent danger of being on the site. The residents stated that shepherds habitually graze their flocks in these fields daily, that the soldiers at the nearby camp know this but do nothing to warn them about any potential danger in grazing there. During B'Tselem's tour of the area, a shepherd was grazing his flock of sheep in the field where the explosion had occurred.

In response to our question, residents indicated that they had never been warned by the army, and had never received any informational material relating to the areas and to dangerous objects. Residents living in the adjacent village of Marj- Na'jah said that large amounts of military munitions lie on the hills west of the village.
SUMMARY

This Information Sheet examined the phenomenon of incidents of death and injury of Palestinians in the Occupied Territories resulting from the explosion of IDF munitions' remnants. Permitting dud munitions to remain in fields adjacent to residential areas without cautioning the local residents and without fencing the dangerous areas and posting signs constitute a clear breach of Israeli and international law. The IDF Spokesperson description of the standing military regulations indicates that the aforementioned acts and omissions also constitute a breach of IDF orders.

The IDF Spokesperson's response to B'Tselem on this subject shows that the IDF is well aware of the phenomenon and its scope and degree of severity, and even has accepted liability in some cases. The inescapable impression received from the above is that the IDF is not doing enough to prevent the recurrence of similar incidents. The IDF continues to argue that it "takes every measure required in order to prevent the recurrence of these incidents." Since they continue to occur time-after-time, a conclusion may be drawn that the IDF does not sufficiently implement and does not strictly enforce the measures. These measures, as determined by the IDF, include fencing and posting of signs, supply of information to the local residents, and combing the fire zones after training. Since these actions relate to stricter enforcement of existing orders, one may conclude that the IDF's slighting of the subject results from indifference to, and lack of concern for, the fate of the Palestinians.

RECOMMENDATIONS

1. The IDF must ensure the ongoing execution of the following acts: provision of fencing and clear markings around training areas, posting of signs warning against entry to those areas, combing the areas and gathering the materials found, and providing information to the persons living nearby. Strict execution of these acts will prevent the loss of life and bodily injuries to children and adults.

2. The IDF must forward the instructions relating to training areas and dangerous materials in a clear manner to all the military echelons, and must continuously and thoroughly ensure that they are enforced in all areas under its control.
3. After an incident in which a person is injured as a result of munitions' remnants, the IDF must conduct an intensive investigation, prosecute those liable for the incident, initiate payment of compensation to injured persons, and act to prevent the recurrence of a similar incident in that area.
The IDF Spokesperson's Response to Injuries Caused by the Explosion of Suspicious Objects

In the IDF there are detailed standing operational procedures, which are implemented in Judea, Samaria, and other areas, regarding limitations placed upon training and fire practice areas. The principal aspect of these regulations, deal with the extensive scanning by the IDF before and after training. The fire practice areas in Judea and Samaria are marked and bordered according to standing army regulations of which the residents are aware. Local Palestinian residents have, in the past, removed the signs and entered these areas.

The IDF distributes leaflets to the Mukhtars of villages adjacent to fire practice areas, containing information on how to act, precautionary measures within the fire practice areas in general and proper behavior when finding suspicious objects in particular.

In principle, Palestinians living close to fire practice areas are aware of the inherent danger of not taking precautionary measures as demanded. Nevertheless, there have been cases in which these residents removed the warning signs, entered the fire practice areas and did not heed the proper instructions.

There were also cases in which the injured and their families were compensated after their claims to damages were found justified.

The IDF regrets any loss of life as a result of these unfortunate cases, but takes every measure required including the issuing of orders, putting up fences and signs in the areas and providing information to local residents in order to prevent the recurrence of these incidents. Nevertheless, the residents themselves play an important role in evaluating the inherent danger in handling or playing with these objects.