

“We Didn’t Think It Would Hit Us:”

Understanding the Impact of Attacks on Schools in Syria

Save
Syrian
Schools

September 2018

SAVE SYRIAN SCHOOLS

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RESEARCH REPORT

Funders

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About

International Center for Transitional Justice (ICTJ)

The International Center for Transitional Justice (ICTJ) works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit www.ictj.org

Badael

Badael ("Alternatives" in Arabic) is a Syrian nongovernmental, nonprofit organization committed to strengthening civil society groups and nongovernmental organizations in Syria that are active or want to become active in the promotion of nonviolence and in the implementation of activities to reduce the severity of violence, break its cycle, respond to the conflict, and prepare for the process of post-conflict peacebuilding. Badael's staff comes from different regions in Syria and includes activists in the fields of peacebuilding and human rights advocacy. For more information, visit www.badael.org.

Center for Civil Society and Democracy (CCSD)

Center for Civil Society and Democracy (CCSD) is an independent Syrian nongovernmental, nonprofit organization whose mission is to support and strengthen civil society and democracy and promote the values of freedom, justice, and coexistence. CCSD was founded in December 2011 with the aim of supporting sustainable and long-term movements for peace, justice, and democracy in Syria. Since then, CCSD has grown to include nearly 90 staff members working in Syria, Turkey, Jordan, Lebanon, and Iraqi Kurdistan. Through intensive trainings and mentoring focused on transitional justice, transparency, project design and management, and leadership, among other things, CCSD has developed the capacity of over 300 civil society organizations and local councils. As the result of these efforts, CCSD established and continues to act as the executive secretariat for three major networks: I Am She, Aman Network, and Syrian Civic Platform. The networks, respectively, focus on women's empowerment, community safety and conflict mitigation, and civil society's input on the peace process. For more information, visit www.ccsdsyria.org.

Dawlaty

Dawlaty is a nonprofit foundation that believes in nonviolence and peaceful resistance and works toward achieving a democratic and peaceful transition to a state that upholds human rights, equality, tolerance, and diversity. Dawlaty supports civil society in becoming active participants in Syria's transition to a just and democratic state. Dawlaty works to build the knowledge of civic values and life skills of young people so they can engage in their communities and nation. In addition, it works to build an archive of stories and artwork to memorialize the Syrian uprising and highlight the experiences and voices of marginalized groups within the Syrian conflict. Dawlaty works on the ground and online to document, advocate, and build the capacity of civil society groups and young people. Dawlaty works in partnership with Syrian organizations to amplify Syrian voices. For more information, visit www.dawlaty.org.

Lawyers and Doctors for Human Rights (LDHR)

Lawyers and Doctors for Human Rights (LDHR) is a Syrian civil society, nongovernmental Syrian organization that supports civilians in crisis, provides assistance aimed at stopping human rights violations, and helps those in need of rehabilitation services to become active members of society. LDHR originally started as a group of lawyers and doctors who devoted their efforts to documenting, according to international standards, the atrocities taking place in Syria against detainees. The group later took on other activities such as establishing evaluation committees, submitting recommendations under the supervision of international experts, and bringing together relevant bodies and helping them coordinate their efforts to achieve justice and enrich the spirit of society with the sacred values of humanity. For more information, visit www.facebook.com/ldhr.org1.

Startpoint

Startpoint is a nongovernmental, nonprofit organization licensed in Sweden. Startpoint works in the field of community development for Syrians seeking to achieve a healthy society in Syria based on the values of equality, justice, and democracy. Startpoint was established in January 2015 by Syrian activists committed to helping Syrian society recover from the effects of conflict and build the future to which it aspires. For more information, visit www.facebook.com/pg/StartPoint11/about.

Syrian Institute for Justice (SIJ)

The Syrian Institute for Justice (SIJ) is a nongovernmental, nonprofit organization. It was established in 2011 in Aleppo by a group of lawyers specializing in human rights law and criminal documentation. SIJ documents all human rights violations in Syria, regardless of who the perpetrator is. In an effort to establish principles of transitional justice, SIJ sets up legal case files, according to the rules of international criminal courts, to be presented to the specialized courts, and to prevent perpetrators from escaping punishment. For more information, visit twitter.com/SyrianInstitute.

Syrian Network for Human Rights (SNHR)

The Syrian Network for Human Rights (SNHR) is a Syrian human rights organization that documents human rights violations in Syria and defends the human rights of the Syrian people at the international level. SNHR affirms the need to guarantee victims' rights and commemorate their memory, and to expose perpetrators of crimes as a first step toward holding them accountable, which SNHR sees as of utmost importance to the transitional justice process because there is no stability without justice. SNHR also raises awareness within Syrian society about people's civil and political rights. SNHR hopes that Syria will become a modern nation state with an active civil society, where all people have equal rights and obligations. For more information, visit www.sn4hr.org.

The Day After Association (TDA)

The Day After Association (TDA) is an independent, Syrian-led civil society organization working to support democratic transition in Syria. In August 2012, TDA completed work on a comprehensive approach to managing the challenges of a post-Assad transition in Syria. The initial Day After Project brought together a group of Syrians representing a large spectrum of the Syrian opposition — including senior representatives of the Syrian National Council, members of the Local Coordination Committees in Syria, and unaffiliated opposition figures from inside Syria and the diaspora — to participate in an independent transition planning process. For more information, visit www.tda-sy.org.

Violations Documentation Center (VDC)

The Violations Documentation Center (VDC) was established in June 2011 to ensure accurate and independent documentation of all types of human rights violations in Syria and to serve as a reference for the media and for all future accountability and justice processes in Syria. VDC is considered one of the largest human rights organizations working in Syria, with staff and contacts located in all Syrian governorates and most of its cities. Its activists face significant dangers in documenting human rights violations and violations of international humanitarian law committed by the Syrian government and other armed groups active in the conflict. VDC is considered a reliable reference for lawyers, media, the United Nations, and other justice mechanisms because of its rigorous methodology and adherence to legal standards in documentation, regardless of the party committing the violation. The center is also frequently invited to provide in-depth briefings in international forums such as the United Nations Security Council. For more information, visit www.vdc-sy.info.

Women Now for Development

Women Now for Development is a Syrian nonprofit organization dedicated to deepening and strengthening women's role in Syrian and host communities by enhancing their political, social, economic, and cultural participation. Established in Paris in June 2012, Women Now for Development started by launching a series of small projects that supported 10 families. Today, it is the largest women's organization working to empower Syrian women and help them find their political voice, across socioeconomic and cultural groups and boundaries, both inside Syria and in neighboring countries. More than 11,000 women, children, and men benefited from its services in 2016 alone. For more information, visit www.women-now.org.



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Foreword

In the line of work that is human rights, one is constantly reminded—though perhaps particularly so when having the privilege and honor of hearing from victims directly—of the paraphrased words of William Faulkner: “I believe that human beings will not merely endure: They will prevail.” The stories shared in this report, and those given at the public hearing on Syrian schools in Geneva on March 22, 2018, show the undeniable truth of Faulkner’s belief. Those witnesses who courageously shared their stories, in person or through their written statements, are living examples that human beings will not only endure—they have endured—but will also prevail, even over indescribably difficult circumstances. That said, it is precisely this courage, determination, and belief among Syrians in the possibility of a better future despite the horror they face that generate an obligation for the rest of us to ensure not only that violence of the magnitude that is occurring in Syria is never repeated but also that such a test of endurance is never again imposed on human beings.

Although the stories we have heard and read have undeniably demonstrated the capacities of humankind, they have also laid bare serious doubts about the ability of our current institutions to respond to grave violations of human rights. Though, of course, we are by no means entitled to speak on behalf of the entire international community, it must be said straightforwardly that, in our collective opinion, the international community, both at the bilateral and multilateral levels, has colossally failed Syria. There is absolutely no justification for the suffering that infuses the stories included in this report, the testimonies given in Geneva, and what one reads in the newspapers each day, including constant reports of yet another school being bombed somewhere in the country. That this failure is of such magnitude raises important questions about the viability of the institutions we have created. That the United Nations Security Council is so hopelessly deadlocked after so much suffering in Syria is an outrage. That there is continued support for military operations that lead to the bombing of schools is both unacceptable and wholly unjustifiable. The failures that we are witnessing on a daily basis recall the collapse, many decades ago, of the League of Nations. And unless we address the Syrian crisis seriously, the institutions that we have created and that we have believed in for so long will lose credibility and risk becoming irrelevant. The deeply moving stories that we heard in Geneva at the public hearing underline that oft-repeated phrase: “Never again.” Yet we seem to always be saying “never again,” again and again and again, with the phrase beginning to ring hollow.

That is why endeavors such as this project are so important. This report is an invaluable document that buttresses and makes clear why the words of the brave victims who chose to speak in public or to speak with our interviewers about their experiences are so important. Not only does the report contain a great deal of information and careful research, it also addresses international humanitarian law in a sophisticated way. It examines the reasons why the 11 organizations that authored the report chose to focus on schools and clearly lays out a vision for how we can, as the project is named, Save Syrian Schools. Indeed, one point in the report that merits emphasizing, and that cuts across many of the testimonies of the public hearing, is the fundamental importance of the right to education. The testimonies of the individuals who have given their voice to this project in different forms and in different capacities—as students, parents, teachers, and community leaders—show this clearly. Reading this

report and listening to the testimonies from the hearing, one can see why this right is so fundamental for us as humans to have a future rooted in justice. Without education, without the ability to go to school, without the structure that schools provide, which survivors of attacks have so eloquently described, the next generation is in a place where progress cannot be made. For Syria to move ahead, we must not only Save Syrian Schools but also Build Syrian Schools. We have to build the possibility for education in a new way, which is one of the reasons this project is so important.

This report, and the recommendations it contains, is of the utmost importance for all to read and consider but is particularly critical for those who have the power to affect policy. Moreover, these policymakers must listen carefully to the testimonies from the public hearing and then redouble all efforts to ensure that schools are safe, in Syria and around the world. If schools cannot be protected in Syria, they will not be protected in other conflict zones. The international community is being seriously tested, and it is critically important for us to demonstrate our resolve to ensure the safety of schools. We must rise to the occasion.

In closing, we want to commend for their immense courage those who came forward and told their harrowing stories for both the report and the public hearing. Sharing such personal stories of tremendous and horrific hardship is difficult. We also commend the organizations that form the Save Syrian Schools project. Without progressive active social forces such as these and other NGOs and individuals coming forward to advance the cause, change will never happen. On behalf of this Panel of Conscience, we take this opportunity to categorically support, without reservations, the report and the demands that it clearly lays out. To the extent of our capacity, we commit ourselves to defending the findings included in this report and the soundness of the recommendations made.

Thank you very much to all involved for the privilege of having been part of the Save Syrian Schools project as members of the Panel of Conscience.

Navanethem “Navi” Pillay,
*former UN High Commissioner for
Human Rights*

Pablo De Greiff,
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on the promotion of truth, justice,
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David Tolbert,
*former President of the International
Center for Transitional Justice*

Executive Summary

“Everything changed.” Such are the words of a young Syrian student speaking about the aftermath of an attack on his school that took the lives of his brother and friends and forever changed his. He now works in a tailor’s office because he could no longer bear going to school, carrying with him the memories of that day and the loved ones he lost. His story is just one among countless others of lives irrevocably changed as the result of attacks on schools and the loss, not only of loved ones, but of childhood, innocence, and opportunity. Worse, it is not just individual lives that have been changed. The widespread attacks on schools during the country’s brutal conflict have torn apart families, left behind shells of formerly vibrant communities, and altered the future of Syrian society.

The report, “‘We Didn’t Think It Would Hit Us’: Understanding the Impact of Attacks on Schools in Syria,” examines attacks on schools from multiple angles: from the legal implications of such attacks to the everyday impact on the lives of students, teachers, families, and society at large. The findings leave no doubt that the impacts are as numerous as they are vast and, at best, will take decades to meaningfully address. Of course, such a process cannot even really begin until the ongoing onslaught of violence against Syrian civilians stops and real action is taken to reverse the country’s rapid spiral from repression to peaceful protest to brutal armed conflict in response to these protests.

The report has been years in the making, and the process of writing it is in itself notable. It began when 11 organizations¹—10 Syrian and one international—came together in search of a way to combat the growing fatigue beginning to afflict Syrian activists, as a result of documenting increasingly abhorrent and unending violations of human rights and against a backdrop unfulfilled promises of action and accountability. At the start of the conflict, these activists and other civil society actors coalesced quickly, creating transitional justice proposals and post-conflict road maps. They documented violations based on the belief that the conflict would end quickly and those responsible for human rights violations would be brought to justice swiftly. Of course, what has happened instead is that the conflict has only intensified with each passing year, becoming increasingly complex as more and more actors are introduced, many from outside Syria.

Fatigued yet undeterred, after a series of dialogues and careful consultations with a wide set of civil society stakeholders, the 11 coauthoring organizations came together to work on a joint project—dubbed the Save Syrian Schools project—that would combine and amplify the different organizational strengths represented within the group. These capacities range from storytelling and advocacy, to large and highly credible networks of on-the-ground documenters and valuable archives of information. The result is a body of work that shines desperately needed light on the voices of Syrians affected in diverse ways by attacks on schools and calls attention to the

¹ These 11 organizations are Badael Foundation, Center for Civil Society and Democracy, Dawlaty, International Center for Transitional Justice, Lawyers and Doctors for Human Rights, Startpoint, Syrian Institute for Justice, Syrian Network for Human Rights, The Day After, Violation Documentation Center, and Women Now for Development.

glaring breaches of human rights that have occurred with regard to these acts of destruction. The driving force behind the year and a half of dedicated work is the desire to, first, end the violence and, second, ensure that the resulting harms are fully understood so that national and international actors alike are left with no choice but to address them through a nuanced and well-informed process of justice, acknowledgment, redress, and reform.

The findings of the report are informed by several sources: the databases and archives of group members detailing individual attacks on schools and providing information on methods of attack, location, school names, casualty numbers, likely perpetrators, and so on; careful desk research with priority given to the research, publications, and other resources produced by partner organizations; and in-person field interviews and focus groups with students, teachers, school staff, parents, and local officials from communities affected by school attacks.

The Scope of the Issue

Pulling together all available documentation, the Save Syrian Schools project organizations counted a total of 1,292 schools that were attacked from 2011 to mid-2017.² These figures are painstakingly documented and also modest; the UN Secretary General issued a report at the end of 2014, concluding that 4,072 schools have been closed or damaged or are now being used as shelters. Others estimate that one in three schools in Syria is currently nonoperational because they were destroyed, turned into displacement centers, or repurposed for military functions, which would put figures even higher.

The impact of attacks on schools and conflict more broadly on educational levels is also striking: In 2012, the year after the conflict began, the percentage of students continuing to secondary school dropped from 98 percent the year prior to only 57 percent,³ and in the 2015-16 school year at least 2.3 million Syrian children inside Syria and in neighboring countries were out of school,⁴ and 1.3 million remain at risk of dropping out of school.⁵

In terms of sheer violence and harm that has befallen Syrian children, the conflict has been brutal. A recent report by researchers in Belgium shows that the Syrian conflict stands out for both the magnitude of children affected by violence and the manner by which they have fallen victim to the war. Death tolls are both staggering and wide ranging, but research published using data from Violations Documentation Center (VDC) shows that civilian deaths constitute 70.6 percent of all conflict-related violent deaths.⁶ In total, VDC estimates that 19,555 children were killed from early 2011 until December 2016.⁷

Legal Findings

A comprehensive legal analysis was conducted using applicable frameworks for international humanitarian and human rights law and was based on seven case studies of specific attacks. The case studies highlight the grave breaches of obligations applicable under international law for the protection of children and civilians in armed conflict, including those contained in the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, as well as the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977. The attacks that the group selected were, for the most part, well covered in the media, in large part due to their horrific nature. All have been publicly condemned by international actors, who

² This number was provided by Syrian Network for Human Rights and corroborated with data from the other organizations, including Syrian Institute for Justice and Violations Documentation Center. For the purposes of this report, an “attack” on a school refers to any military action that is (1) intentional, (2) indiscriminate, or (3) mistaken but causes damage to or the destruction of a school or schools.

³ Al Hessian (2016), 27.

⁴ Brussels Conference Education Report (2017).

⁵ *UN News* (2016a).

⁶ Guha-Sapir et al. (2018), 105.

⁷ Data obtained directly from VDC, a coauthor of this report.

have separately concluded that they constitute violations of human rights. Priority was also given to cases where attacks caused significant child casualties, appear to have been intentional or indiscriminate, involved the use of weapons prohibited under international law, illuminate common patterns observed to have been used by parties to the conflict, and were committed against schools not being used for military purposes at the time of attack.

“We Didn’t Think It Would Hit Us” confirms that the devastation wrought on schools and students by the government of President Bashar al-Assad and other parties to the conflict appears to violate many of the foundational rules of international law. Certain weapons, such as cluster munitions and incendiary bombs, have been used in areas of Syria where schools were located and operating. These weapons are banned by much of the world, whereas others, such as barrel bombs, are considered indiscriminate by nature because of the magnitude of suffering they are likely to inflict. Their use appears to be in contravention of prohibitions on indiscriminate attacks and, certainly, to be disproportionate.

Ultimately, of course, the government of Syria bears primary responsibility for protecting its population and civilian infrastructure. Because children are among the most vulnerable members of society and become more so during conflict, they are accorded both general protections as civilians and special protections as persons who are particularly vulnerable under international law. Syria is a state party to the Convention on the Rights of the Child and, under its 2012 Constitution, is obligated to “protect . . . childhood, take care of young children and youth and provide the suitable conditions for the development of their talents.”⁸

And yet, the report finds several indicators that suggest clear intentionality of attacks, including use of guided missiles; knowledge of locations of schools; scouting, monitoring, and surveillance of locations before attacks; serial attacks on more than one school or school compound in quick succession on the same day; and repeat attacks on the same school at different points during the conflict.

The prohibition against indiscriminate attacks and the principle of proportionality are intended to guide all military behavior, including aerial bombing campaigns, which are commonplace in the Syrian conflict. Despite this prohibition, the attacks on schools appear to be indiscriminate, as the report clearly highlights through an examination of several factors. For example, many schools were hit during mass bombardments of densely populated civilian areas. In many instances, it seems unlikely that responsible commanders gave due consideration to the potential loss of civilian life in advance of an attack because the weapons used make it virtually impossible to limit or control harm to civilians. For instance, in addition to mortars and rockets, the Syrian government and its allies used a range of other weapons that are dropped from aircraft and are difficult to direct or to limit the potential impact. Given the magnitude of schools attacked and the scope of death and destruction caused, the report finds that it is unlikely that combatants were unaware of the civilian death toll.

The Human Side of Conflict: Assessing the Impact of Attacks on Syrian Lives

The widespread destruction of schools throughout Syria has had innumerable consequences for the country and its civilians. The interviews and focus groups conducted for the study highlight a number of these key impacts, pertaining both to the experiences of students, teachers, and others before and during attacks, as well as to their aftermath. Of course, time will only give rise to still more hardships and long-term harms in the lives of those affected, particularly if violence does not end soon.

One notable finding highlighted in the report is the care with which interviewees discussed the many steps schools and communities have taken to ensure that, despite the horrors of the conflict around them, children can still

8 Constitution of the Syrian Arab Republic (2012), Article 20.

get the best education possible given the circumstances. Schools are putting into place the necessary procedures so that they may be prepared at any moment for an attack, a reality at once pragmatic and heartbreaking for the way it betrays a sense of normalization of conflict. Rather than being able to focus on the education of young people—in any context, a complex and important endeavor—schools are running evacuation drills and installing hospital wings. Rather than dreaming of an end to violence, societies are resigned to mitigate the damage of inevitable future attacks.

As a result of attacks against schools, hundreds of teachers have been killed, scores have left the country, and many others simply no longer show up for work. Damaged transportation infrastructure makes it difficult to even get to school, and frequent arrests of students and teachers who do make it and are believed to be partaking in anti-government protests compound fears of future attacks. Terrified parents refuse to send their children to school for fear of more violence, exacerbating the education gap and expanding the “lost generation” of Syrians growing up knowing only conflict and receiving little or no education. What is more, this fear has affected girls in higher numbers than boys and led to increased rates of child marriage, as parents desperately seek other options for their children. Conversely, parents spoke out about fears of their children, especially boys, becoming radicalized after living with so much violence all around and not having school as an option.

It is not just parents who are afraid for their children—students and teachers alike spoke of being traumatized by past attacks and too scared to go back to school after losing limbs or watching their friends die. The lifelong impact of amputations was a very common theme, as was the intense psychological and emotional trauma experienced by both students and teachers.

The issue of school curriculum is another salient factor weighing on the minds of Syrians, including the very organizations authoring the report, based on their experiences as Syrians and activists. Where schools are still operating, the curricula have started to vary from region to region and are subject to the whims of the controlling parties. This situation is especially extreme in areas held by Islamists of Iraq and al-Sham (ISIS; also known as ISIL and Da’esh) and Al-Qaeda affiliates, but is true throughout the country. Disparate and politically charged curricula will need to be unified and also supplemented with truthful information about not just the conflict itself but the decades of repression and other root causes that preceded and gave rise to it. Syria must grapple with the task of reflecting the voices of all sides and all victims and teaching values of truth, justice, acknowledgment, and peaceful coexistence where once existed bias, control, and one-sided views.

Despite all of this, alongside the bleak picture of life inside Syria painted by those who participated in interviews and focus groups, a parallel image also emerged—one of hope, resilience, and clear dedication both to education and the overall well-being of Syria’s children and young people. Interviewees spoke of the numerous ways communities have been proactive in doing what they can, through local efforts, for example, to provide psychosocial support for victims or hosting campaigns to motivate students to go back to school. Teachers spoke of doing their jobs without pay and in spite of threats on their lives. In every community where interviews and focus groups were held, participants spoke of the creation of alternative schooling options, underground or in rotating homes, that provide a marginally safer environment for students to pursue their education.

Recommendations

Stopping Attacks and Respecting International Standards

To parties to the conflict:

- First and foremost, all attacks on schools must cease immediately. Access to safe and quality education is a right and nonnegotiable for Syrian families and communities.
- Immediately pass domestic laws and military policies outlawing attacks on schools and their use by the military during conflict.
- All parties involved in the conflict must fully respect international humanitarian law (IHL), sparing and protecting civilian populations from the hazards of armed conflict and fully respect international human rights law, especially, the Convention of the Rights of the Child and its Protocol of children in armed conflict.
- Cluster munitions have reportedly been used by the Syrian regime and in Russian-Syrian joint operations. Both of these parties, as well as the others involved in the conflict in Syria, should sign and ratify the Convention on Cluster Munitions and immediately cease using this form of munitions.

To international organizations and UN member states:

- A distinctive emblem that is both recognizable and visible is needed to protect schools from attack, similar to the emblems used to protect hospitals, medical vehicles, and people providing medical services and relief in armed conflict or to protect religious sites and cultural heritage. An international agreement should be reached to create such a distinctive emblem, define how it can and should be used, and outline clearly what obligations exist on the part of armed forces for respecting such an emblem. That IHL emblem should grant special protection to schools and children in the Syrian conflict and guarantee those schools and those children the special protection and respect to which they are entitled under international law. All countries that are signatories of the Geneva Conventions should be required to enact domestic laws and military policies prohibiting attacks on schools displaying the distinctive school emblem.
- Refer this report to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM) to start full investigations into attacks on schools in Syria.
- The UN Security Council should act immediately in response to the attacks on schools, including by referring the situation in Syria to the prosecutor of the International Criminal Court for investigation.
- All state parties should immediately sign the Safe Schools Declaration endorsing implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. In addition to considering all “feasible alternatives before attacking” a school or university, under Guideline 4(a), “Prior to any attack on a school that has become a military objective, the parties to armed conflict should take into consideration the fact that children are entitled to special respect and protection,” as well as “the potential long-term negative effect on a community’s access to education posed by damage to or the destruction of a school.”

Restoring the Education System

- Immediately start rebuilding and repairing Syria's schools and education system throughout the country.
- To fill the tremendous gaps in education caused by the conflict, consider steps to accelerate the learning that has been missed, recognize certain types of informal schooling or tests, and provide support and opportunities to prepare for and take qualifying exams that were missed during conflict.
- A peace process should include a rigorous reassessment and reform of the national curriculum that not only gives every student the same quality education but also teaches about history in an unbiased way that does not glorify one side or another but presents facts and sheds light on victims' voices and narratives of justice, peace, and coexistence.
- Teachers who are still in Syria should be supported and protected. This includes ensuring safe access to salary payments, freedom from harassment and attack, and support to schools so they have adequate materials and safe environments in which to teach.
- Not as much is known about the situation of students and the broader education system in areas under the control of ISIS. More research and perhaps a full investigation is needed to address any specific harms or additional consequences of violations being committed in these areas.

Acknowledgment and Reparative Actions

- The Syrian government and other parties complicit in or responsible for attacks on schools—including nonstate armed groups and foreign actors with direct involvement in attacks—should issue a public acknowledgment of the harms they have caused to schools, children, teachers, parents, families, and communities. They should issue a full public apology to all victims of these attacks.
- Provision of psychosocial support should be an immediate priority as well as a long-term need that must form part of relief and reparations measures.
- Reparations programs must consider the massive loss of education and should include some of the steps noted earlier—accelerating learning options, recognizing informal schooling and international credits, supporting opportunities to prepare for and take qualifying exams that were missed during conflict—as well as other forms of educational and possibly vocational assistance based on a thorough assessment of victims' needs.
- Loss of limbs has been a widespread consequence of violence and attacks. Long-term medical support, rehabilitation, and funds for prosthetic limbs—including replacements as needed until children have fully grown—must be provided to victims.
- Incentives must be provided for teachers to return to Syria. For those who have started teaching in informal settings, some accelerated qualification program must be created to allow them to use that experience and become teachers.

Chapter 1: Introduction

During seven years of protests and armed conflict in Syria, hundreds of thousands of civilians have been killed, and more have been forcibly disappeared or tortured or have suffered myriad other violations of their human rights. Most Syrians, including many children, have seen these abuses happen to their family members, friends, and neighbors. Many of Syria's cities have been reduced to rubble. One in three schools have been damaged, destroyed, or used for shelter,⁹ and more than half of Syria's hospitals are no longer functioning.¹⁰ Millions of Syrians have been internally displaced from their homes,¹¹ and millions more have sought refuge outside the country,¹² only to have systems of protection and asylum fail them further.

The vision for a national transitional justice process has necessarily shifted along with the dynamics of this protracted and brutal conflict. Uncertainty as to the conflict's endgame and the post-conflict landscape have undermined existing efforts to advance accountability and been the source of frustration and fatigue among civil society. Interest in the role of transitional justice for the country, however, has not diminished. Syrian civil society organizations continue to actively document human rights abuses, preserving crucial data for future justice processes. Still, a two-year consultation and dialogue process organized by the International Center for Transitional Justice (ICTJ) with over a dozen Syrian civil society organizations throughout 2014–2016 made clear that there is great frustration with the lack of impact that documentation efforts have had thus far on the conflict. This is due in part to the persistent misconception—including among many international actors—that documentation is only or primarily useful for criminal cases.

In response to this situation, ICTJ has been working in partnership with 10 Syrian organizations based in Turkey and Lebanon to strengthen existing documentation efforts by developing collaborative strategies to uphold Syrians' rights and prepare the groundwork for future transitional justice processes.¹³ These organizations are the following:

- Badael Foundation
- Center for Civil Society and Democracy in Syria (CCSD)
- Dawlaty
- Lawyers and Doctors for Human Rights (LDHR)

9 Strategic Steering Group (2017).

10 World Health Organization (2018).

11 UNHCR (Operational Portal Refugee Situations: Syria Regional Refugee Response).

12 UNHCR (Operational Portal Refugee Situations: Syria Regional Refugee Response).

13 This work has been undertaken thanks to the partnership and leadership support of the United Kingdom's Foreign and Commonwealth Office and the government of Sweden; support from the Australian government, the government of Canada, and the Violet Jabara Charitable Trust; and project assistance provided by the government of Switzerland.

- Startpoint
- Syrian Institute for Justice (SIJ)
- Syrian Network for Human Rights (SNHR)
- The Day After (TDA)
- Violations Documentation Center in Syria (VDC)
- Women Now for Development

The sustained collaboration of these diverse Syrian organizations contributed to the many achievements of the group. Together, it was decided that the impact of each organization’s individual efforts would be best magnified through joint, collaborative work focused on a concrete issue of shared concern that would produce clear deliverables and recommendations to both the general public and the international policy community.

Thus, in March 2017, the 11 organizations came together for the first of what would ultimately be seven two- to three-day workshops to officially begin collaboration on the project.¹⁴ It was eventually decided unanimously that

the focus of the joint project would be on the destruction of Syrian schools and the impact of that harm on Syrian children, their parents, families, and society at large. Since the first workshop, the organizations have met numerous times, separately in subgroups and during six subsequent collective workshops, to develop the project, collect data, and produce and plan the final products. Throughout the course of the collaboration, the strengths and capacities of each participating organization—some are experts at collecting or analyzing hard data, whereas the strength of others is storytelling and building a compelling narrative from their work with victims—came out and complemented one another, shedding light on the many different impacts and outcomes resulting from the destruction of a country’s schools.



PHOTO: A child in the Al-Sakhoor neighborhood of East Aleppo carries manuals distributed by UNICEF on identifying and reporting unexploded objects. (UNICEF)

ICTJ facilitated coordination, bilateral and collective analysis, and capacity-building activities, and the participating organizations lent their own respective expertise. Ultimately, the initiative took advantage of the diverse forms of documentation already in the organization’s archives, joining solid incident reporting with strong legal analysis and constructing a deeply human narrative.

The work, including this report, is focused on the immediate and lasting effects of attacks on Syrian schools. For the purposes of this work, it was decided that an “attack” on a school refers to any military action that is (1) intentional, (2) indiscriminate, or (3) mistaken but causes damage to or the destruction of a school or schools. By

¹⁴ These 11 organizations are those listed above plus ICTJ.

analyzing and utilizing various forms of documentation and data, the project has built an in-depth analysis and a narrative story of the violations to show how different groups and populations have been affected by the attacks on schools. The project seeks to highlight the human side of conflict, and to reflect on local responses that show the resilience and resourcefulness of communities in the face of ongoing massive human rights violations—for example, the building of underground schools to protect them from attack. By focusing on the human side of Syrians’ experience, the broad impact of the violations, and what can be said about the legal implications of the destruction of schools in Syria, the project seeks to galvanize public support for accountability and push international policymakers to develop policies that address violations and their long-term impacts on victims’ lives.

In addition to this report, the collaboration has launched a website and hosted a live public hearing on the topic. The event served as a forum to present the results of the group’s analysis of the destruction of schools and, perhaps more importantly, to highlight and bring attention to the voices and testimonies of Syrians affected by attacks, including the powerful testimonies of three survivors of attacks on schools and a fourth testimony from the mother of a young boy who lived through an attack on his school. Held in Geneva, Switzerland, on March 22, 2018, the event also hosted a “Panel of Conscience”—a group of prominent voices and advocates for justice who were present to listen to the stories of victims, offer their expertise, and provide symbolic support for all victims of the conflict, especially those affected by attacks on schools. This panel included Navanethem “Navi” Pillay, former UN High Commissioner for Human Rights; Pablo de Greiff, former UN Special rapporteur on the promotion of truth, justice, reparation, and guarantees of nonrecurrence; and David Tolbert, former President of ICTJ. Each of the final products highlights in a different way the project’s main findings and recommendations, all centered on achieving the following four goals:

1. Stopping attacks on schools
2. Protecting functioning schools from targeting, destruction, and military use
3. Acknowledging and addressing the harm done
4. Providing justice for the attacks

Chapter 2: Methodology

This report is the result of collaboration between the 11 coauthoring organizations. With a few exceptions, a dedicated focal person from each organization participated in the various activities and undertook most of the work, with assistance from other relevant staff members as needed. In a few cases, focal persons switched during the process because the original person left the organization, moved, or otherwise could not continue. In those cases, the new individuals were briefed extensively by the departing focal person as well as the other project participants.

Each participating organization brought different institutional expertise and skills to the project; the idea was to capitalize on these various strengths to address the issue of the destruction and attacks on schools from several different angles. With this in mind, the 11 organizations were divided into four subgroups, each tasked with producing one major component of the report. These subgroups and the participating organizations were: (1) the “Documentation and Data Group,” consisting of SIJ, SNHR, and VDC; (2) the “Conflict Analysis Group,” consisting of Badael, CCSD, and ICTJ; (3) the “Legal Analysis Group,” consisting of ICTJ and LDHR; and (4) the “Impact Group,” consisting of Dawlaty, Startpoint, The Day After, and Women Now for Development.

The groups worked together during seven ICTJ-led gatherings in Istanbul, Turkey, as well as separately in both Gaziantep, Turkey, and Beirut, Lebanon, depending on where each organization is based. The first of the plenary workshops in Istanbul was hosted in March 2017, with subsequent sessions held approximately every six weeks until the final one in February 2018. ICTJ played a coordinating role in all the groups and provided technical assistance and logistical and financial support for both the workshops and the additional gatherings for subgroups to complete their research and writing.

Subgroups: Roles and Objectives

The Conflict Analysis Group was tasked with conducting desk research and a review of available literature to produce an overview of the conflict, as well as a more specific examination of the trajectory of attacks on and destruction of schools in the country. Priority was given to the participating organizations’ extensive institutional knowledge, research collections, and publications; external sources were then consulted to supplement and corroborate. This group made connections and identified patterns in the timeline of the conflict and related events on the ground to parallel processes ongoing at the international level.

The Documentation and Data Group consisted of the three participating organizations whose primary organizational expertise is data gathering and documentation of ongoing violations inside Syria. This subgroup was primarily tasked with consolidating their documented data to create a full picture of attacks on and destruction of schools in Syria as a whole and specifically in certain areas identified as having been greatly affected by such attacks and destruction. The Documentation and Data Group worked closely with the Legal Analysis Group

to provide statistics and other corroborating information for the cases selected for legal analysis, as well as the various other claims and findings made throughout the report.

The Legal Analysis Group used information from the Documentation and Data Group, as well as other information gathered from intensive desk research, to identify key characteristics of and patterns in the conflict, to assess applicable legal frameworks for understanding and analyzing the conflict, and to thereby determine



which violations of international law appear to have occurred and what further investigation is needed to establish their extent. Working with the Documentation and Data Group, the Legal Analysis Group identified seven cases of attacks on schools for deeper exploration and analysis. The selection of these cases is described in more detail in the next section.

The Impact Group was primarily responsible for collecting qualitative data to better understand the impact that attacks on and destruction of schools can have on ordinary citizens, particularly students, teachers, and parents. The group undertook in-person interviews and focus group discussions with students, teachers, and others affected by the destruction of schools in three geographic areas, described in the next section. The group

PHOTO: Rubble is removed from the Ain Jalout School in Aleppo, which was shelled and destroyed by government forces on April 30, 2014. (SIJ)

then reviewed the hours of recorded data and coded and analyzed the findings to identify patterns and major themes. The results of this analysis form the basis for the section on the impact of attacks on schools. The organizations in this group were already familiar with interview techniques, oral history work, and the taking of effective testimonies, including from women and children, although additional capacity-building sessions were held on techniques for both women and children, particularly the latter.

Cases Selected

As part of the effort to document the egregious and, in the case of the legal analysis section, unlawful nature of school attacks in Syria, the project team selected two sets of case studies or specific attacks on which to focus. The first selection of seven cases presented in the legal analysis section aims to draw attention to particular features and patterns of the violations that were committed in the attacks on Syrian schools and children and show how they could constitute serious violations of international humanitarian law (IHL). The second set of three case studies was selected by the Impact Group for a qualitative analysis of the impact that attacks on and destruction of schools have had on the lives of students, teachers, parents, and other community members. In all cases, at the time of attack the schools were being used for explicitly civilian purposes, not military purposes.

The seven cases selected for legal analysis each highlight grave breaches of obligations to protect children, civilians, and civilian objects during armed conflict, including under international humanitarian, criminal, and human rights law, as well as long-established customary norms, including those contained in the Convention on the

Rights of the Child,¹⁵ the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977.¹⁶ Each case occurred in one of the three governorates where the Syrian organizations collaborating on this report have field teams doing direct documentation work. Most of these attacks were well covered in the media, often because of the horrific nature of the attacks; all have been publicly condemned by international actors, who have separately concluded that they constitute violations of human rights.¹⁷

In selecting cases for legal analysis, the project team included attacks attributable to different parties to the conflict to demonstrate the scope and types of the breaches perpetrated by all actors during the conflict. However, because the Syrian authorities are responsible for the vast majority of the school attacks, and ultimately bear primary responsibility for protecting their population, that preponderance of responsibility is reflected in these selections. The cases selected thus include five attacks attributed to the armed forces of Syria (or Russia) and two attacks attributed to the armed opposition.

For the qualitative portion of the data collection, three cases were selected: the same attack as the legal selection on a cluster of schools in the area of al-Haas in Idlib, a school in Douma in Rif Dimashq (Rural Damascus), and a school for orphan children in Atarib in western Aleppo. These areas were selected both because they were known to have experienced attacks on schools at some point in the conflict and because of the ability of the organizations to access the communities and gather information about the attacks, as well as to carry out interviews documenting the experiences of students and other community members with a deep-rooted interest in each of the schools. Areas under the control of the Assad government or other armed groups such as Islamist State of Iraq and al Sham (ISIS; also known as ISIL and Da'esh) were not selected for obtaining in-person field interviews because the organizations were not able to operate in these areas for security considerations.

Data Collection and Analysis Methods

The Conflict Analysis and Legal Analysis Groups undertook most of their work as a result of intensive, rigorous desk analysis of primary and secondary data; their methods, therefore, are more self-explanatory. The Documentation and Data Group and Impact Groups, however, require some further explanation. In the first instance, it is important to understand the individual organizations' methods for verifying and, especially, organizing the quantitative and other data used by all groups, particularly the Documentation and Data Group. For the Impact Group, it is important to outline the methodology and process used in their collection of qualitative data and subsequent analysis.

Documentation Methods and Organization of Data for Analysis

Three documentation organizations formed the Documentation and Data Group, which was tasked primarily with providing general data related to attacks on schools in various areas and time frames, as well as data to corroborate or support specific claims and respond to specific questions, primarily from the Legal Analysis Group, but others as needed. Because the idea of the project was never to adjust or alter any one organization's methodology or protocols, it was important to understand the similarities and differences between the methodologies that each group uses to collect, verify, and organize data, since they affected slightly the numbers that the project team was able to draw from each.

¹⁵ Convention on the Rights of the Child (1989); Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000).

¹⁶ Also referred to as "the laws of war" or "the law of armed conflict," these are the rules of international law that regulate the conduct of hostilities and treatment of persons by states and nonstate armed groups during situations of international and non-international (internal) armed conflict and military occupation.

¹⁷ UNICEF (2016); UN Human Rights Council (2016b); UN Human Rights Council (2014a); UN Human Rights Council (2014b); Amnesty International (2015); Human Rights Watch (2018).

For example, the first group, SIJ, documents every instance of an attack on a school, regardless of factors such as whether the school had been previously attacked or whether casualties resulted from the attack. It documents across Syria where they can but have particularly rich data in areas where they have greatest access and teams, such as Aleppo, Idlib, and Hama. SNHR documents all incidents of schools being attacked or destroyed in all provinces but organizes its data in a way so that it can disaggregate the number of individual schools that have been attacked (each school is recorded only once) and number of incidents (so, schools may be counted more than once if attacked or destroyed on numerous occasions).¹⁸ VDC, on the other hand, documents and records in all provinces based on victims, so only those incidents that have resulted in identifiable casualties are counted in the database published on VDC's website, either in their database or in "special report" issues. VDC catalogues a list of victims by name and other available details.

All three organizations disaggregate victim data by gender and age, and all three also document only cases where schools were clearly being used for civilian, not military, purposes. To the extent possible for each violation or incident, documentation teams capture information such as date, weapon, responsibility, source, location, whether there is a military base nearby, damage to infrastructure, casualties, and, as noted, gender and age of victims. The organizations also collect photos, recordings, materials, and other evidence. All organizations have severe limitations in terms of the areas inside Syria in which active teams can safely enter and work. Each team uses various methods, including interviews with multiple victims, witnesses, and survivors, and other available evidence to corroborate each incident before officially recording.¹⁹

A few other important distinctions in the organizations' methods should be noted. SIJ explains that in terms of capturing data on school attacks specifically, it has been documenting in two phases. From 2011 to 2013, it documented only emblematic or key cases. From 2013 onward, due to a clear shift in the nature and frequency of attacks on and destruction of schools, SIJ began to document every instance possible. Another difference among the organizations is how each catalogues, classifies, and archives its data using different methods. Finally, each organization has reiterated that all figures represent minimum numbers only. The number of schools attacked or destroyed and resulting victims (both injured and dead) are surely underreported, and, as with any conflict, final numbers are extremely difficult to obtain, particularly while violence is still ongoing. Moreover, extreme care has been taken not to double count the same attack when aggregating the information among the three groups, so the numbers presented later in the report represent the absolute minimum number of school attacks.

Qualitative Data Collection

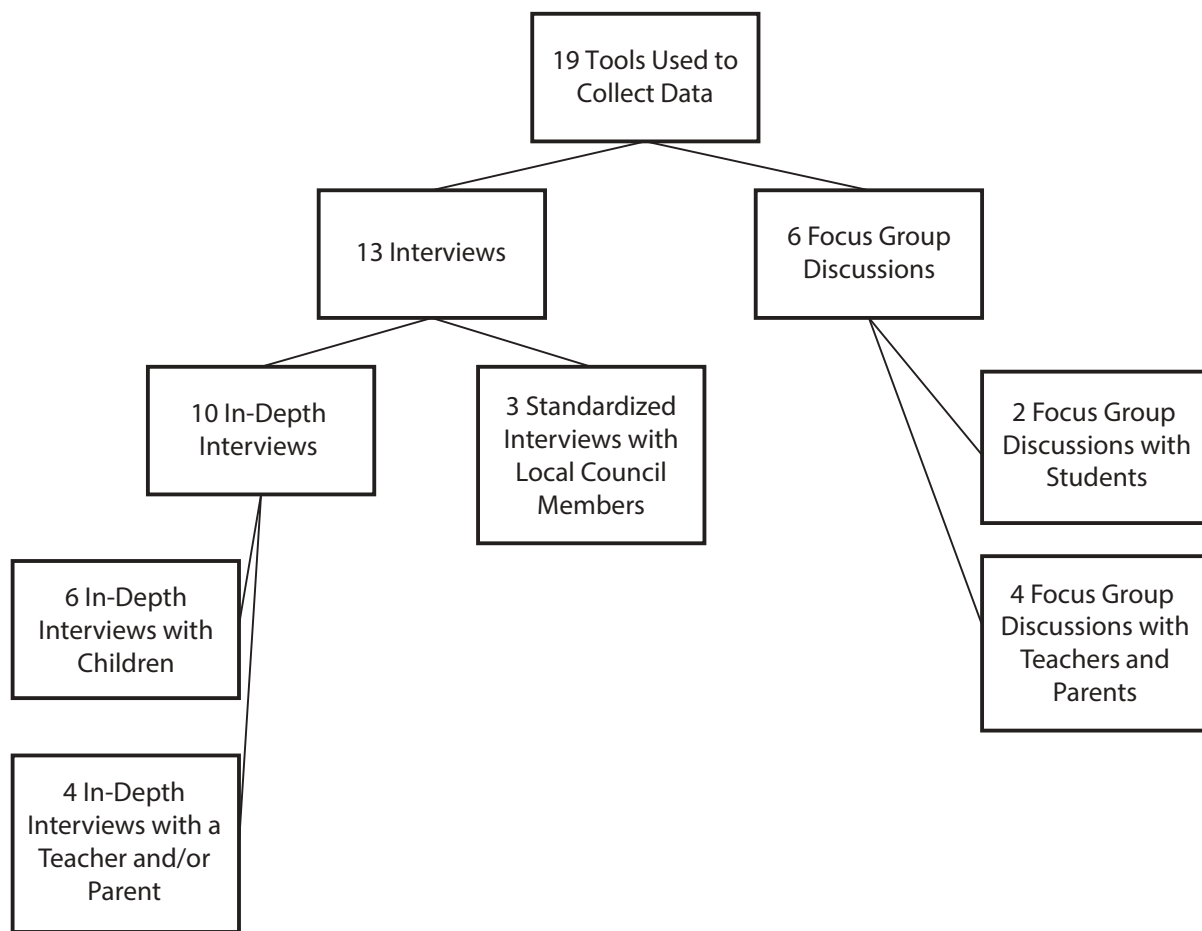
Each of the organizations making up the Impact Group maintain field teams in various locations on the ground in Syria. These teams worked directly with the project focal persons based outside Syria to formulate the criteria for selection, develop questions, and design and streamline protocols and procedures for collecting information. Because this process entailed direct contact with victims, including some youth and children, they followed a rigorous process for obtaining informed consent from both the participants and, in the case of minors, their parents. Data was collected in areas where teams were already based and had access to contacts and even space to conduct interviews and focus groups. They gathered information from students, teachers, and school staff who were present at the time of an attack on a school. Parents of children who were present at the time of an attack were also interviewed or participated in focus group discussions. In some instances, the teachers and staff interviewed were also parents of students who were present at an attack. The teams also interviewed representatives of local councils in each area using a standardized questionnaire.

¹⁸ SNHR documented the attacks on schools resulting in casualties in all provinces starting in 2011. Since 2013, the network started documenting the attacks on schools whether or not these attacks resulted in casualties.

¹⁹ For more information on the methodology of SIJ, visit <https://www.facebook.com/Syrianinstituteforjustice/>; for SNHR, visit http://sn4hr.org/public_html/wp-content/pdf/english/SN4HR_Methodology_en.pdf; and for VDC, see <http://vdc-sy.net/about/>.

Focus group discussions were mostly segregated by gender for smoother discussion among the participants, as is customary in these communities. Focus group discussions among adults were slightly larger, with around six to eight participants each. For the student focus group discussions, the number was limited to around four to five participants each, as per standard practice for facilitating discussions among children. Moreover, the project team attempted to minimize the age difference among the children in the same focus group to two years at most. The facilitators of both focus groups and interviews conducted with children were debriefed and trained on how to collect information from children. Figure 2.1 illustrates the different tools that were used to collect the data and the distribution by participant type. All interviews and focus group sessions were conducted in Arabic and recorded (with the permission of the participants). All recordings were subsequently transcribed in Arabic for analysis.

Figure 2.1. Number and Distribution of Tools Used to Collect the Data from Children, Teachers, Parents, and Local Council Members



The Impact Group then took the transcribed data and began a multiphase process of qualitative coding. Initially, the group identified over 500 codes or themes, which they ultimately consolidated into umbrella themes, and from there main patterns, findings, and analysis emerged. The members of the group decided together on each iteration of code sets, and the group coded sections of data together initially to ensure coherence. After each member was clear on the process, individual group members took selections of the data to code and analyze by hand, rather than electronically. Findings were presented to the whole group throughout the process for discussion and validation.

Challenges and Limitations

Some challenges and limitations are worth noting. In terms of documenting violations and gathering data to support claims both legal and more qualitative in nature, there will always be inherent difficulties when a conflict is ongoing, as it is in Syria. The Data and Documentation Group faced their own challenges and security concerns in the work that they do, and access to certain areas and certain types of information was constrained both by those security concerns and issues of access and availability. As will be repeated, it is extremely difficult, if not impossible, to secure final numbers or get complete data for violations, injuries, causalities, and other incidents during ongoing armed conflict and even after, but the numbers and data presented throughout the report are based on the rigorous standards described earlier and the participating organizations' own internal guidelines and thresholds of confidence.

In terms of the qualitative data and research conducted by the Impact Group for this report, a few distinct challenges arose. The security and safety of the teams conducting interviews and focus groups, and especially the participants, was of utmost priority, and this in turn limited both the size of the sample the teams could reach, as well as the scope of who was included. Movement in the areas where the teams were collecting data—especially inside Idlib—continues to be challenging and expensive given the ongoing fighting. Also related to data collection in Idlib, stricter norms were in place in terms of mixed-gender spaces. Because two of the organizations in the Impact Group were women's groups, they had greater access to and ability to interact with women rather than men. As such, the sample group, particularly from Idlib, skews toward higher female participation.

Another challenge related to data collection amid an ever-changing and brutal ongoing conflict was the difficulty some of the participants had recalling details of the specific attacks on schools, because they had continued to witness more atrocities and fighting since those attacks. Still, the Impact Group was highly skilled in eliciting testimonies and in employing strategies to help participants recall past experiences and tell their stories.

Finally, extra care needed to be taken when interviewing or conducting focus groups with young students under 15. This endeavor required a careful process of consent, as well as altered methodologies that put the comfort and well-being of the young person before anything else. ICTJ supported the groups with this kind of methodology, including by providing a dedicated expert to work with the groups and providing other means of support as needed.

Chapter 3: Education and Armed Conflict in Syria

Before March 2011, access to educational services for children in grades 1 to 9 (ages 6 to 15) had been almost fully realized in Syria,²⁰ and parity in access to education between boys and girls had been largely achieved.²¹ National literacy rates were high, at around 90 percent for both men and women.²² Literacy numbers for youth between the ages of 15 and 24 were even higher: 96 percent of males and 93 percent of females were literate.²³ In comparison, 30 years earlier in 1981, the adult literacy rate stood at only 55.655 percent.²⁴ In 2010, Syria was on track to achieving the Millennial Development Goals related to universal primary education and promoting gender equality and women's empowerment.²⁵

Disparities in access to education across governorates existed, and the quality of education still lagged. But Syria had been increasing its investment in education steadily and making progress over time. As Syria's Minister of Education at the time Saleh al-Rashed recognized, education and development were integrally linked:²⁶ "In Syria, the focus was placed on enhancing the quality of education, providing necessary requirements in the most needed areas, in addition to intensifying efforts to integrate people with disabilities into society."²⁷ Consistent with that commitment, in 1981, education was made compulsory starting at age 6;²⁸ and between 2004 and 2009, the government's education budget had increased from 15 percent to 19 percent of GDP.²⁹ In 2006, primary school attendance was estimated at about 96.1 percent, and secondary school attendance at 54.2 percent.³⁰ That same year, though not mandatory, preschool attendance was reported to be 33.6 percent.

Most academic institutions in Syria are state operated: 97 percent of basic education schools (primary and lower secondary) and 94 percent of upper secondary schools are public. The rest are private. Basic education and upper secondary education (both public and private) are supervised by the Syrian Ministry of Education, which makes decisions about curriculum and textbooks, teaching staff, academic year plans, the dates of national examinations, and so on.³¹

Although access to education was very high, some have noted the strongly biased nature of education in the country before 2011, because the national curriculum took a strong pro-government stance ("one party, one

20 World Education Services (2016a). World Education Services suggests that "students who have completed grade 9 in Syria have completed the equivalent of grade 9" in both the United States and Canada (World Education Services, 2016b).

21 UNDP Syrian Arab Republic (2010).

22 UNICEF (2013b), 4. However, it must be noted that later studies after the conflict began have shown that the literacy rates included in the UNICEF study and others may have been higher than is true in the general population (Bali, 2015).

23 UNICEF (2011), 106.

24 The World Bank (Syrian Arab Republic, Literacy Rate, Adult Total).

25 UNDP Syrian Arab Republic (2010), 27–28.

26 Constitution of the Syrian Arab Republic (2012), Article 25.

27 *Syrian Arab News Agency* (2011).

28 Law No. 35 of the Syrian Arab Republic on Compulsory Education (1981).

29 UNICEF (2013b).

30 Central Bureau of Statistics et al. (2006), 5–6.

31 Al Hessian (2016).

leader”).³² This situation was true even within the higher education system, and the British Council noted at some point that “political freedom was not a part of Syrian university life, and opposition-political involvement could lead to trouble,” still noting that “the Syrian higher education institutions did however effectively educate and train young people to hold employment, including large numbers of women.”³³

Unfortunately, the educational achievements Syria had made prior to 2011 stand in stark contrast to the situation today. To paint a picture, in 2012, the year after the conflict began, the percentage of students who continued



PHOTO: Children at the Ain Jalout School in Aleppo prepare for an exhibition of their artwork just days before Syrian government forces bombed the premises on the day of the exhibition and during school hours, killing 35 people including 33 children. (A Press Statement on the Targeting of Two Schools in Damascus and Aleppo “Imprint of Hope Soaked with Blood,” VDC/Photo by Salah al-Ashqar, 2014)

to secondary school dropped from 98 percent the year prior to only 57 percent.³⁴ In the 2015-16 school year, at least 2.3 million Syrian children inside Syria and in neighboring countries were out of school,³⁵ and 1.3 million remain at risk of dropping out of school.³⁶

More than one in three schools in Syria are currently nonoperational, having been destroyed, turned into displacement centers, or repurposed for military functions.³⁷ Schools that remain in use suffer from massive shortages of teachers and supplies,³⁸ and face challenges related to water, sanitation, and hygiene conditions.³⁹ The direct costs for rebuilding the country’s damaged and destroyed educational infrastructure is

estimated to be around USD\$1.3–3.2 billion, excluding more intangible costs such as lost earnings of students who never graduate and other costs to society at large.⁴⁰ Total, the economic loss is estimated to be close to USD\$11 billion based on current school dropout rates.⁴¹ Of course, the human cost that has occurred so far is unquantifiable. Seven years of ongoing conflict has wrought havoc on all aspects of Syrian society, including its schools, undoing any prior progress and irrevocably affecting millions of lives.

Armed Conflict and the Destruction of Syria’s School from 2011 Through 2017

The armed conflict in Syria started as a peaceful popular uprising in March 2011 against the regime of Bashar al-Assad. The government responded to these protests with a harsh and violent crackdown against unarmed protesters, which included the use of live fire, snipers, aircraft, and tanks, as well as a campaign of arrests, detentions, torture, and summary executions. Eventually, the uprising evolved into a full-scale armed conflict between government forces and an armed opposition, and over time into a complex conflict involving multiple state and nonstate actors, as well as various allied international powers.

32 See, e.g., *Bali* (2015).

33 Ward (2014).

34 Al Hessian (2016), 27.

35 Brussels Conference Education Report (2017).

36 *UN News* (2016a).

37 Strategic Steering Group (2017).

38 All in School and UNICEF (2016).

39 Simmons (2017).

40 Jones and Naylor (2014).

41 Brussels Conference Education Report (2017).

The root causes of the conflict date back decades. That history is beyond the scope of this report and will not be summarized here.⁴² Suffice it to say, the repressive histories of Bashar al-Assad and his father before him created an authoritarian state. Tactics such as torture, political detention, and repression of civil liberties were common, facilitated by the emergency law implemented after the Baathist coup in 1963 which was enforced for nearly five decades.⁴³ The emergency law suspended many constitutional protections and gave the prime minister and interior minister broad powers to “impose restrictions . . . in terms of holding meetings, residence, transport, [and] movements,” and allowed for the arrest and detention of suspects, monitoring of letters and phone calls, and official control over the content of newspapers and other media, among others.⁴⁴ The law also authorized referrals of cases to military courts, which eventually were replaced by the Supreme Court of State Security.⁴⁵

To understand how the conflict began and evolved, it is important to look at how tensions between the government and Syrian citizens played out beginning in 2011 until recent days and what the escalating conflict has meant for Syria’s schools and children. The shifts in tactics over the past seven years reflect various strategies by the many parties involved in the conflict. And though all sides have been complicit in violations, the Syrian government is responsible for the vast majority.⁴⁶

The Beginning and Spread of Protests in Syria

The story of the conflict begins with horrid acts of cruelty and torture perpetrated against children in Dara’a, a city in southwestern Syria not far from the border with Jordan. In mid-February 2011, 15 young boys were arrested after being accused of spray-painting anti-regime slogans on the wall of a school. The scrawled words, “Your turn doctor,” were a call for the removal of Bashar al-Assad and a reference to the broader movement for democratic change that was sweeping the region in Tunisia, Libya, Egypt, and Yemen.⁴⁷ Over the course of several weeks, the boys were subjected to harsh interrogation techniques that included beatings, burning, the use of stress positions, and electrocution with metal prods.

The families and friends of the detained boys took to the streets to demand their release; meanwhile, others calling for change in cities like Damascus and Aleppo protested in solidarity, while also making broader demands, including for greater political freedoms, such as freedom of speech, the press, and assembly; an end to corruption; and other, community-specific demands. Small peaceful protests began as early as January 26 of that year, but over time, events and the government’s response—which included the use of water hoses, tear gas, and eventually snipers and live ammunition—escalated and turned violent.

A large, spontaneous gathering on February 17, 2011, in Al-Harika Market in central Damascus arose in response to the beating of a shop owner by a police officer after a minor traffic violation.⁴⁸ Shop owners and workers in the market gathered and shouted, “Syrian people cannot be humiliated,” which forced the minister of the interior to come to the area to calm local merchants and protesters. Another vigil was staged in front of the Ministry of Interior on March 15, 2011, to demand the release of political prisoners who had not been granted amnesty under a presidential decree issued at the beginning of the same month.⁴⁹ This earlier amnesty freed certain prisoners,

42 For background about the history of Syria and the genesis of the conflict, see Fildis (2016) and Olmert (2012).

43 Stack (2011a).

44 Anjarini (2003). The emergency law came into effect by Military Order No. 2 of March 8, 1963.

45 Decree No. 47 of the Syrian Arab Republic (1968).

46 Human Rights Watch (2016g).

47 Asher-Schapiro (2016).

48 Some of the protests were captured on video. This has shown the value of spontaneous documentation and begins a trend marking the Syrian conflict as one of the most documented in recent history. See some of the footage of this protest at <https://www.youtube.com/watch?v=i41MjEGqprI>. For more on how the Syrian conflict represents a new context in terms of documentation, see Roca (2017).

49 Legislative Decree Number 34 of the Syrian Arab Republic (2011).

including those convicted of minor crimes and prisoners over 70 years of age, but excluded political prisoners. This protest was met by a large contingent of armed police who are said to have set upon the group, arresting 36 people, including a 10-year-old boy.⁵⁰

On March 18, 2011, the protests intensified further.⁵¹ After Friday prayer, protesters gathered at the Omari Mosque in Dar'a Al Balad in Dara'a, with some erecting tents and vowing to remain until their demands were met. The government responded by cutting off the power supply and telephone lines to the area. Security forces then released tear gas and opened fire on those assembled, ultimately leading to the death of at least six civilians.⁵² This overt use of deadly force against peaceful protesters seemed to open the floodgates, and protests and the violence of the response escalated quickly in the days that followed.

Evolution into Armed Conflict

During the first year of the ongoing protests, authorities attempted to maintain control of the situation. They tried to appease protesters by summoning political leaders, listening to protesters' demands, and even issuing a set of resolutions and decrees attempting to address the claims of protesters, at least marginally. As partial measures of conciliation, the government issued a decree to cut taxes and raise state salaries, and on April 21, 2011, the government repealed the emergency law that had been in place for 48 years.⁵³ It also abolished the Supreme State Security Court and issued new regulations laying out the right to participate in peaceful demonstrations,⁵⁴ although demonstration permits tended to go to those protests in support of the Syrian regime. Moreover, despite these formal legislative changes, many of the changes were not actually honored in practice; for example, protests were still often met with violence.

At other points throughout the protests, however, authorities escalated the situation by responding with outright violence. It also organized pro-government rallies in response to protestors calls for change, with thousands attending, allegedly at the urging of party cadres,⁵⁵ and as a result of binding orders from the government to participate or face sanctions.⁵⁶ In some instances, the government imposed collective punishments where protests were occurring, including by sealing off entire areas and conducting mass arrests as an intimidation technique. Among those arrested during a protest on April 29 near Dara'a was Hamza Ali al-Khateeb, a 13-year old boy whose mutilated body was released a month later. When a video of his tortured body was released on Facebook shortly after, word of his torture and death spread with protests held in his name.⁵⁷

In response to the government's violent tactics, the protest movements eventually began to take more aggressive actions, including by starting to take up arms. Initially, weapons were primarily individually owned. The taking up of arms was then more officially declared upon the formation of the Free Officers Brigade, led by Lieutenant Colonel Hussein Harmoush. Harmoush had prominently defected from the Syrian Arab Army in Idlib on June 9, 2011.⁵⁸ Soon after, a political opposition began to form, including the establishment in October 2011 of the Syrian National Council—then designated as the official representative of the Syrian opposition—and

50 *New York Times* (2011).

51 Al-Mughrabi (2011).

52 *BBC* (2011).

53 Stack (2011a).

54 Decree No. 53 of the Syrian Arab Republic (2011).

55 *Independent* (2011).

56 Mesto (2011).

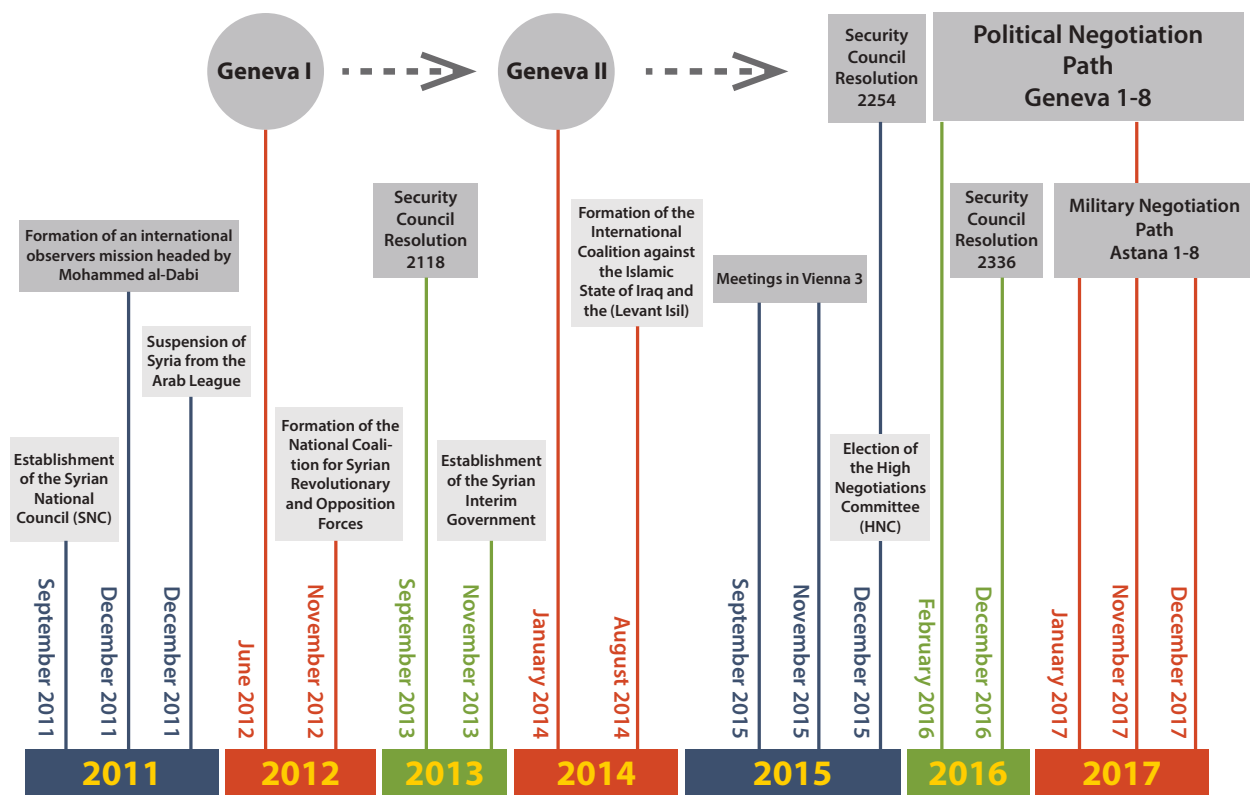
57 Stack (2011b).

58 The video of the Lieutenant Colonel Hussein Harmoush announcing his split from the Assad regime forces and the formation of the Free Officers Brigade can be found online at <https://www.youtube.com/watch?v=8Jz1pMKdbt4>.

the Kurdish National Council.⁵⁹ These bodies had both military and political functions. Later, in November 2012, the two organizations merged with a number of others to form the umbrella opposition organization, National Coalition for Syrian Revolutionary and Opposition Forces, commonly referred to as the Syrian National Coalition.⁶⁰

Several regional and international processes have attempted to reach a political solution and end the escalating violence. Figure 3.1 illustrates some of the dominant attempts. Until now, none of these processes have resulted in a durable peace.⁶¹

Figure 3.1: Political Processes on the Syrian Conflict from 2011 to 2017



Source: Center for Civil Society and Democracy.

59 The Kurdish National Council is a political coalition of 15 parties and factions from Syria's Kurdish population. Syria's Kurds, which make up about 10 percent of the country's total population, have been demonstrating over concerns with Bashar al-Assad's regime long before the armed conflict began in 2011. The Kurdish minority population had its own uprising against the regime as early as 2004 in Qamishli—primarily concerning the Syrian regime's suppression and human rights abuses against the minority population, which included denying them citizenship rights since the 1960s and arbitrary confiscation of land. The Kurdish population in Syria, both those aligned with the Democratic Union Party (PYD) and those aligned with the Kurdish National Council (KNC), generally seeks protection for the Kurdish areas of Syria and self-governance. For more, see *Al Jazeera* (2013); *BBC* (2017).

60 Other members of this coalition include Local Coordination Committee members and other individual activists. It counts with the support of the Supreme Military Council of the Free Syrian Army and other, local groups. *BBC* (2013).

61 Besides the Geneva Peace Talks, mediated by the United Nations, a second process was convened by Russia, Turkey, and Iran, known as the Astana talks. They have so far consisted of eight rounds of discussion in 2017, and are slated to continue in 2018. The talks have declared a military solution to the conflict impossible and emphasized the need for of a political one adhering to UN Security Council Resolution 2254. The talks led to the establishment of four "de-escalation zones," where parties to the conflict were to cease or seriously limit their use of violence. Unfortunately, violence in these areas has continued—and in fact dramatically increased in some of them, like Eastern Ghouta—since the zones were established. The UN has continued convening its own set of talks in Geneva and has also sent an official delegation to the Astana talks, as well as to a newer set of talks initiated in January 2018 in Sochi, Russia. This newest process is being hosted by the Russian government and has been vocally opposed by many and boycotted by some sectors of the Syrian opposition.

Some of the tactics that have become characteristic of the conflict were already being used before its outbreak in 2011; others have been taken up as new methods of inflicting violence. Systematic killings, arrests and arbitrary detentions, and kidnappings and enforced disappearance by Syrian authorities, for example, had been commonplace for decades in Syria. Still, since 2011, the Syrian government has expanded its infrastructure of oppression, including, for example, establishing a new “counterterrorism” court,⁶² which it did under the guise of a new counterterrorism law it implemented soon after the lifting of the state of emergency in April 2012.⁶³ The opposition parties, too, have committed serious violations, including indiscriminate attacks against civilians, kidnappings, and torture.

It did not take long for violence to reach Syrian schools. As early as 2011, the United Nations reported on instances of schools being used by government and other allied forces for military means. According to the yearly report on children and armed conflict, schools were being used as “military staging grounds, temporary bases, detention centers, sniper posts and centers for torture and the interrogation of adults and children.” It notes that children were killed or injured on school grounds and, disturbingly, that schools were “looted and burned as retribution by government forces in response to student protests.”⁶⁴ A later report also by the Secretary-General confirms these findings and notes additional incidents where schools were attacked by artillery or snipers in 2011.⁶⁵ Several children were reported killed by sniper fire on schools, including a 15-year-old girl in Al-Qusayr. Airstrikes, which eventually came to dominate as a method of attack used by the Syrian government against schools, were reported as starting by the end of 2011.⁶⁶

With the overall escalation of the conflict, the brutality of the violence also intensified. Throughout the seven years of conflict, the nature, scope, and tactics used by different parties have shifted often and to a degree that has inflicted unfathomable suffering and devastation on Syrian citizens. With each new party entering into the conflict, the toll on innocent civilians, including inordinate numbers of children, has only worsened.

A recent report by researchers from the Université Catholique de Louvain, Brussels, Belgium, shows that the Syrian conflict stands out for both the magnitude of children affected by violence and also the manner by which they have fallen victim to the conflict. In terms of civilian toll more broadly, their analysis of conflict data provided by the Violation Documentation Center (one of the members of the Data and Documentation Group) found that through the end of 2016, 101,453 Syrian civilians have been killed by direct violence.⁶⁷ This figure constitutes 70.6 percent of all conflict-related violent deaths.⁶⁸ The proportion of children amid these broader figures has steadily increased from 8.9 percent of all civilian deaths in 2011 to an alarming 23.3 percent in 2016.⁶⁹ In total, this means around 17,401 children have been killed through direct violence, which according to the report includes “injuries inflicted by violent methods used by warring parties.”⁷⁰ This is to say nothing of the children who have died as a result of siege conditions, lack of access to medical care, harsh conditions while fleeing the country, and other such causes.

In a National Public Radio interview, Debarati Guha-Sapir, the lead author of the report, remarked on the fact that so many children are dying by various forms of direct violence, rather than more indirect means.⁷¹ To give

62 Counter Terrorism Law No. 22 (2012).

63 Counter Terrorism Law No. 19 (2012); Center for Civil Society and Democracy (2014); Human Rights Watch (2013b).

64 UN Secretary-General (2012), 23–24.

65 UN Secretary-General (2014a), 10.

66 UN Secretary-General (2014a), 10.

67 Guha-Sapir et al. (2018), 105.

68 Guha-Sapir et al. (2018), 105.

69 Guha-Sapir et al. (2018), 106.

70 Specifically, the report includes deaths by shelling, shooting, executions, air bombardments, ground explosives, and chemical weapons (Guha-Sapir et al., 2018), 103.

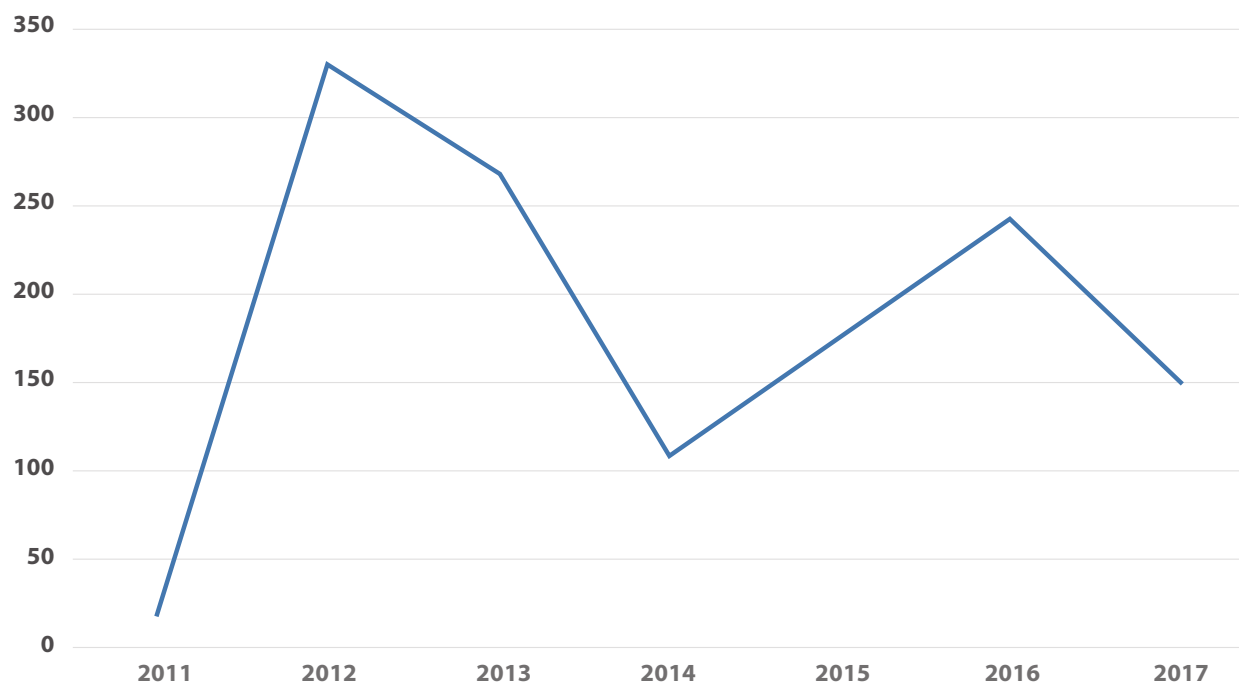
71 Doucleff (2017).

a grim picture, 124 children have been tortured and then executed, and around 14,000 children have died from snipers, machine guns, missiles, grenades, and roadside and aerial bombs. Specifically, 2,007 of the 14,000 were killed by barrel bombs.⁷² This number represents over a quarter of total deaths by the same means among all other victims (civilians and combatants).⁷³ Compared with other means of violent death, Syrian children have been most affected by shelling and aerial bombardments, including barrel bombs. Perhaps it is notable then that schools, too, have been most damaged by similar forms of destruction.

The Scale of Attacks on Schools

Figure 3.2 shows the scale of schools attacked across Syria. According to statistics issued by the SNHR, one of the partner organizations working on this report, in 2011, 16 schools were subject to attacks in the governorates of Hama, Dara'a, Homs, and Idlib. As the conflict intensified and heavy weapons and military aircraft began to be used, the number increased to 329 schools in 2012 and 268 schools in 2013, now encompassing 9 governorates around the country. In 2014, the number decreased to 109 schools attacked in 10 governorates and rose again during in 2015 and 2016 after the direct Russian military intervention, with 178 and 242 attacks, respectively. In 2017, at least 150 schools were attacked. Going by these numbers, the total figure just in the areas mentioned is at around 1,292 schools attacked.

Figure 3.2: Number of Schools Attacked Across Syria by Year



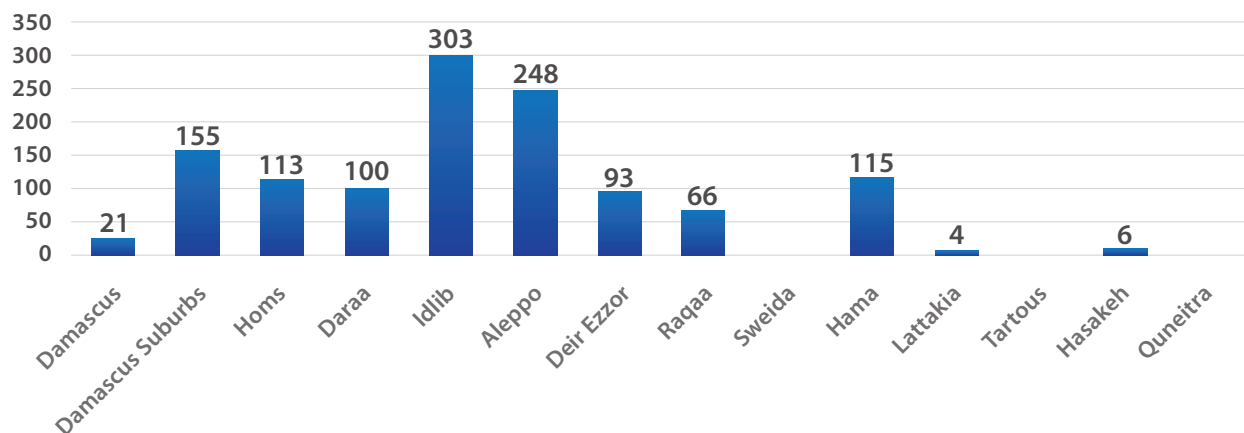
Source: SNHR.

⁷² Guha-Sapir et al. (2018), 106.

⁷³ Guha-Sapir et al. (2018), 105.

Of course, because the conflict is still ongoing, definitive figures are impossible to obtain given that the number of affected schools changes almost daily, as schools and civilian areas continue to come under attack.⁷⁴ This is despite the government’s insistence that, in some places, reconstruction efforts have allegedly already begun.⁷⁵ Of note is that a report submitted by the UN Secretary-General to the Security Council on April 23, 2014, gives much higher figures than the Data and Documentation Group was able to confidently conclude, consistent with their documentation standards and the security constraints presented in certain areas inside Syria. That report concludes that by the end of April 2014, around 4,072 schools had been closed, damaged, or used as a shelter by the displaced as a result of the conflict.⁷⁶

Figure 3.3 Number of Schools Attacked by Governorate Between 2011 and 2017



Source: SNHR.

With the uncertainty of how the conflict will evolve in the future, what is relatively clear is that the years 2012 and 2013 have so far recorded the highest number of attacks against schools, likely due to the escalation of military operations between government forces and armed opposition forces. According to the data from the Data and Documentation Group, and as indicated in Figure 3.3 which shows the number of schools attacked by governorate, attacks were concentrated in cities witnessing a steady rise of the opposition military forces, such as Aleppo, Idlib, and Rural Damascus.

74 For example, at the time of writing in early 2018, Eastern Ghouta continues to come under massive attack, with the civilian death toll nearing 700 in one two-week period alone. Violence has included near constant aerial bombardment of the city, which has been under siege since 2013. This recent surge of violence has been described as an “all-out attack on civilians and infrastructure” (Barnard and Gall 2018). And government numbers do not necessarily reflect realities on the ground, as an analysis conducted in December 2017 by the Commission for International Justice and Accountability (CIJA), at the request of ICTJ, found. CIJA found that the government’s security situation reports issued by the Central Crisis Management Cell (CCMC) focused on instances of major security incidents by “armed gunmen” and vandals involving schools between 2011 and 2012.

75 *Sputnik News* (2018).

76 UN Secretary-General (2014b), 13. As of 2015, the Syrian Ministry of Education reported that over 5,800 schools had been destroyed, partially damaged, used as shelters for internally displaced persons, or rendered inaccessible since the beginning of conflict. Abu-Ismaïl et al. (2016), 30. Other reports set the number of affected schools higher, including one that estimates 6,500 schools (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 2016).

Chapter 4: Applicable Legal Framework

After seven years of intense fighting among many parties, the conflict in Syria is undoubtedly an armed conflict under international law.⁷⁷ Certainly, by mid- to late 2012 at the latest, the intensity of the conflict and the degree of organization of many of the armed opposition groups were sufficient to meet the required thresholds;⁷⁸ since then, the protracted and enduring nature of the conflict, the consistent use of heavy weaponry, and the vast devastation wrought over seven years by both state and organized nonstate actors supports that conclusion.⁷⁹

However, one open question of some consequence for this analysis requires clarification: is the Syrian conflict of international or non-international character? The answer has definitive implications for understanding exactly which sources of international law apply.⁸⁰

Over time in Syria, the conflict has become internationalized to a degree, with the involvement of multiple contending state parties including both regional and international powers, such as some of the Gulf and North Atlantic Treaty Organization (NATO) states. However, the armed opposition groups do not appear to operate under the control of these external actors; and the international actors generally have not engaged directly against Syria but rather against nonstate forces. As such, the conflict remains an armed conflict of non-international character, albeit made up of parallel non-international armed conflicts, often underway at the same time. Others, however, have argued that an international armed conflict does exist because the US-led coalition is conducting military operations on Syrian territory without the consent of the Syrian government and has targeted Syrian government positions in a few instances during 2017.⁸¹ Recent cross-border military operations by Israel against Syrian and Iranian military forces, after the downing of an Israeli F-16 fighter jet,⁸² and by Turkish interventions against Kurdish forces, present ever-greater risk of an expanded international conflict.

No matter the classification of the conflict (international or non-international), however, certain basic rules and norms of international law govern how warring parties should conduct military operations during an armed conflict, a conflict that is still raging at the time of this report. These basic rules and norms are universally recognized and apply no matter the nature of the conflict—whether international or non-international—giving expression as they do “to fundamental standards applicable in all circumstances.”⁸³ Consistent with these principles,

77 See, e.g., UN Human Rights Council (2012).

78 In 1997, the Appeals Chamber at the ICTY established the test for determining the existence of an armed conflict in *Prosecutor v. Tadic* (1997). (“The test applied by the Appeals Chamber to the existence of an armed conflict for the purposes of the rules contained in Common Article 3 focuses on two aspects of a conflict: the intensity of the conflict and the organization of the parties to the conflict. In an armed conflict of an internal or mixed character, these closely related criteria are used solely for the purpose, as a minimum, of distinguishing an armed conflict from banditry, unorganized and short-lived insurrections, or terrorist activities, which are not subject to international humanitarian law.”) Additional indications of the requisite level of organization include the existence of a command structure and disciplinary rules, the existence of a headquarters, the fact that the group controls territory and has access to weapons, and ability to coordinate and execute military operations.

79 For additional support for this conclusion see, e.g. UN Human Rights Council (2012).

80 For a fuller discussion see, e.g., Gill (2016) and Arimatsu and Choudhury (2014).

81 International Committee of the Red Cross (2016) and McLeary (2017).

82 Kershner et al. (2018).

83 *Prosecutor v. Mucic et al.* (2001), para. 144.

this chapter provides an overview of the warring parties and summarizes the obligations and responsibilities assumed by the various state parties when they ratified international instruments under international law. It then outlines the international legal framework that applies to school attacks during armed conflict.



PHOTO: A school hit by a Russian airstrike in Atarib, in the western province of Aleppo, lies in ruin; parts of it have completely collapsed. (SIJ)

The Warring Parties

The number and roles of the state and nonstate actors who have conducted combat operations in Syria have evolved over the course of the conflict. They include, among others, the forces of Syria, Russia, the United States, Hezbollah, the Islamic Republic of Iran, Saudi Arabia, and Turkey, as well as various pro-government militias, the Free Syrian Army (FSA), the Syria Islamic Liberation Front, the People's Protections Units (YPG), Ahrar al-Sham, Nour al-Din al-Zenki Movement, Martyrs of Islam Brigade, the Ahfad al-Rasul Brigades, Islamist State of Iraq and al Sham (ISIS; also known as ISIL and Da'esh), and Al-Nusra Front (otherwise known as Jabhat al-Nusra). Seven parties are listed in the annexes of the Secretary-General's annual reports on children and armed conflict as perpetrators of grave violations against children; government forces, including the National Defense Forces and pro-government militias, and ISIS are specifically named for attacks on schools and hospitals.⁸⁴

For the purposes of this analysis, it is not necessary to identify all the warring parties or to trace the networks of interlocking alliances between and among them. Nor is it necessary to discuss in detail the levels and kinds of support provided by foreign powers or to profile the many nonstate actors by ideology or political agenda. The objective here is to draw attention to the unrelenting, systematic, and widespread nature of the devastation wrought against schools by actors on all sides of the conflict and to lay out the many violations of the law of armed conflict, international human rights law, and customary international law committed against Syria's children, civilians, and schools.

As member states of the United Nations, each of the states involved in the Syrian armed conflict—including Syria, the Russian Federation, the United States, Iran, Saudi Arabia, and Turkey—accepted the obligations contained in the United Nations Charter, including the responsibility to carry out the decisions of the Security Council,

⁸⁴ UN Secretary-General (2016a).

such as resolutions relating to the protection of children in armed conflict, as well as those relating to attacks on schools.⁸⁵ In addition, each of the warring states has committed to meeting the obligations enshrined in the international and regional treaties and instruments they have ratified, including the instruments listed in Box 4.1

Box 4.1: Applicable International and Regional Treaties and Instruments, by Country Party to the Conflict

Syria ratified the Geneva Conventions (I-IV) of 12 August 1949, as well as Additional Protocol I relating to the Protection of Victims of International Armed Conflicts. It is also a party to inter alia the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), and the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁸⁶ and has signed and ratified the Convention on the Rights of the Child⁸⁷ and the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict.⁸⁸ Syria also acceded to the Convention Prohibiting Chemical Weapons in September 2013.⁸⁹

The Russian Federation⁹⁰ ratified the Geneva Conventions (I-IV) and Additional Protocols I and II of 1977. It is also a party to the ICCPR, CAT, ICESCR, the Convention on the Rights of the Child and the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict, among others.⁹¹ In addition, the Russian Federation has ratified a number of weapons treaties including the Convention on Conventional Weapons, with its additional protocols, including Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons; Protocol on the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare; the Convention on the Prohibition of Biological Weapons; and the Convention Prohibiting Chemical Weapons.⁹²

United States of America has ratified the Geneva Conventions (I-IV) but not Additional Protocols I or II. The United States is also a party to the ICCPR and CAT and has signed, but not ratified, the Convention on the Rights of the Child, although it did ratify the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict (December 23, 2002). In addition, the United States has ratified many of the weapons treaties, including the Convention on Conventional Weapons, with its additional protocols, including Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons; Protocol on the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare; the Convention on the Prohibition of Biological Weapons; and the Convention Prohibiting Chemical Weapons.

Islamic Republic of Iran ratified the Geneva Conventions (I-IV) but not Additional Protocols I or II. It ratified the Convention on the Rights of the Child (July 13, 1994) but not the related Optional Protocol. It has also ratified the Convention on the Prohibition of Biological Weapons and the Convention Prohibiting Chemical Weapons.

Anti- and Pro-Government Armed Groups have obligations under international humanitarian law (IHL) and customary international law, including under Common Article 3,⁹³ and consistent with the principles of distinction, proportionality, and precaution.⁹⁴ In addition, armed groups must also “respect the fundamental human rights of persons forming customary international law, in areas where such actors exercise de facto control,” as the UN Independent International Commission of Inquiry on the Syrian Arab Republic (COI) concluded.⁹⁵

85 See, e.g., UN Security Council (2009), Resolution 1882; UN Security Council (2011), Resolution 1998; and UN Security Council (2017), Resolution 2393.

86 International Covenant on Economic, Social and Cultural Rights (1966), Article 13. 1.

87 Convention on the Rights of the Child (1989).

88 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000). The Convention on the Rights of the Child has no derogation clause.

89 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1992).

90 The Russian Federation of today has identity with the USSR and continues to exist as a successor state. Consequently, it assumed legal responsibility for all treaty and international obligations of the USSR.

91 The Russian Federation signed and ratified or acceded to the Convention on the Rights of the Child on August 16, 1990, and the Optional Protocol to the Convention on the Rights of the Child in 2013.

92 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II, and III) (1980).

93 Common Article 3 states that “each Party to the conflict shall be bound to apply, as a minimum, the following provisions.”

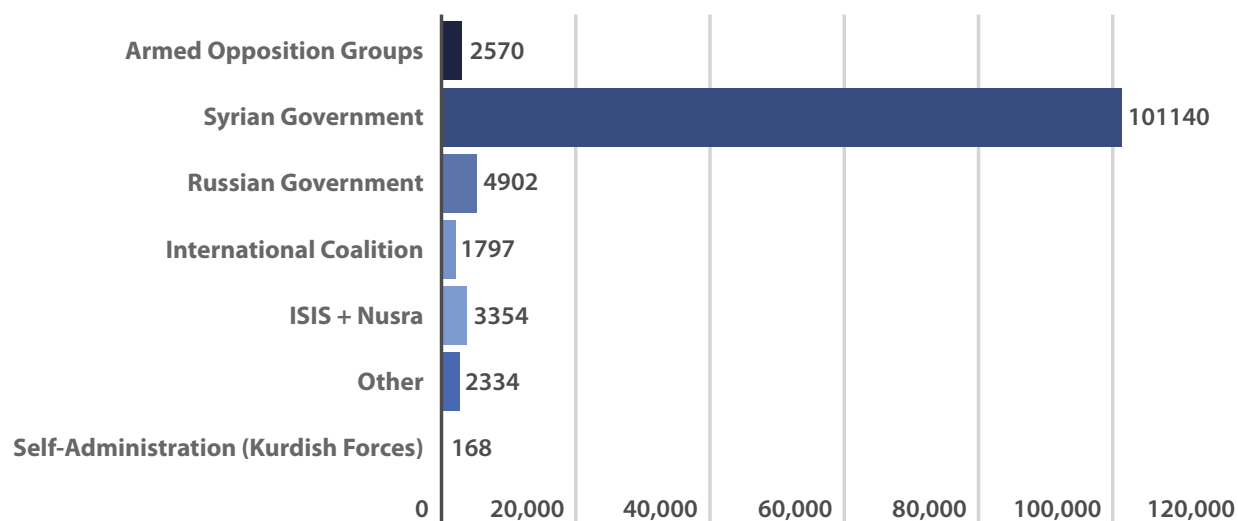
94 See *Nicaragua v. United States of America* (1986), paras. 218–220; Appeals Chamber Decision on Challenge to Jurisdiction (2004). See also Protocol Additional II (1977), Article 1.

95 UN Human Rights Council (2012).

Ultimately, Syria bears primary responsibility for protecting its population and civilian infrastructure. That responsibility is based on principles of state sovereignty that make a state the supreme authority over its territory with the right to govern and protect itself from outside interference. It also includes positive responsibility for protecting the rights and welfare of its population, including from threats posed by armed groups or by acts committed by the members of its own military and security forces.⁹⁶ That responsibility includes protecting its people from genocide, war crimes, ethnic cleansing, and crimes against humanity,⁹⁷ as well as meeting other obligations under international humanitarian and human rights law and practice.

As documented by VDC and illustrated in Figure 4.1, the current government of Syria is responsible for an overwhelming majority of civilian casualties, and based on available information also appears to have conducted the majority of airstrikes.

Figure 4.1: Total Number of Deaths from Mid-March 2011 to November 2017 by Responsible Party



Source: Violations Document Center’s November 2017 Monthly Statistical Report on Casualties in Syria.

As such, although the report discusses the acts and omissions of both state and nonstate actors, and describes selected attacks on schools perpetrated by several of the contending forces, there is particular emphasis on the analysis of acts and omissions of the Syrian authorities and its failure to protect its population from harm.

Responsibilities and Obligations under International Law

Parties to a conflict are not free to use any method or means of warfare they choose. Rather, limitations and prohibitions are imposed on the conduct of war to protect life and dignity, especially when civilians are at risk of being harmed. The laws of war in this regard are familiar and universally adopted. Under the Geneva Conventions and its Protocols, civilians and civilian objects are accorded legal protection, as are the sick, wounded, and shipwrecked not taking part in hostilities; prisoners of war; and other detained persons. All parties to armed

96 See, e.g., UN Office on Genocide Prevention and the Responsibility to Protect.

97 UN General Assembly (2005).

conflict, including dissident or opposition forces, are prohibited from intentionally targeting civilians, conducting attacks without distinguishing between civilians and combatants, and causing civilian harm disproportionate to an anticipated military gain.⁹⁸

Because children are among the most vulnerable members of society and become more so during conflict, under international law they are accorded both general protections as civilians and special protections as persons who are particularly vulnerable. The Fourth Geneva Convention, for instance, established special measures relating to child welfare during conflict, including for facilitating their reception in a neutral country.⁹⁹ This includes the obligation to “endeavor to conclude local agreements for the removal [of children] from besieged or encircled areas.”¹⁰⁰

As protected persons under international law, children are “entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs.”¹⁰¹ Under Additional Protocols I and II to the Geneva Conventions, they are to be protected against the effects of hostilities and provided with care and aid. Likewise, under the Convention on the Rights of the Child, which both Syria and Russia have ratified, children are to be treated with “respect” by the parties to an armed conflict.¹⁰² Syria has acknowledged that children’s status as persons entitled to special respect and protection is a part of customary international law.¹⁰³ Under its 2012 Constitution, Syria is also obligated to “protect . . . childhood, take care of young children and youth and provide the suitable conditions for the development of their talents.”¹⁰⁴

More generally, children have the right to education under the Universal Declaration of Human Rights, as does everyone.¹⁰⁵ That right is among those guaranteed during non-international armed conflicts,¹⁰⁶ and continues for those who are evacuated as a result of conflict.¹⁰⁷

Schools, too, are deserving of special protection. It is forbidden to attack, or render useless, objects such as schools, which are indispensable to the survival of the civilian population, unless “required by imperative military necessity.”¹⁰⁸ Because schools are civilian institutions, attacks against them are likely violations of well-established IHL and constitute violations of international human rights law.

Determining what violations have occurred requires the application of well-developed legal frameworks known as international humanitarian law, international criminal law, and international human rights law, as well as long-established customary norms and the Constitution and laws of the Syrian Arab Republic.¹⁰⁹ These frameworks represent the accumulated understandings about how armed conflict should be conducted and how civilians, including children, and those who are no longer fighting should be treated.

98 Geneva Academy of International Humanitarian Law and Human Rights (2016).

99 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), art. 24.

100 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), art. 17.

101 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), art. 27.

102 Convention on the Rights of the Child (1989), art. 38.

103 International Committee of the Red Cross (2005).

104 Constitution of the Syrian Arab Republic (2012), Article 20.

105 UN General Assembly (1948), art. 26.

106 Protocol Additional II (1977), art. 4.

107 Protocol Additional I (1977), art. 78.

108 Protocol Additional I (1977), art. 54(5).

109 Syria has not signed or ratified Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts, nor has it ratified the Rome Statute and, thus, is not a member state of the ICC. Without a referral by the United Nations Security Council or consent by Syria, the ICC does not yet have jurisdiction over war crimes, genocide, and crimes against humanity in Syria. However, the norms and standards of international law articulated in Protocol II and the Rome Statute are nonetheless referred to here.

Chapter 5: Violations Under International Law

Provided they are not military objectives, attacks against places where civilians concentrate, including schools, are prohibited. Special care must be taken to avoid damage to “buildings dedicated to religion, art, science, education or charitable purposes and historic monuments.”¹¹⁰ Schools are presumed to be dedicated to civilian purposes and, because of their acknowledged vulnerability, children “are entitled to special respect and protection.”¹¹¹ These special protections include temporary evacuation from areas of combat for safety reasons,¹¹² and access to education, food, and health care.¹¹³

The devastation wrought on schools and students by the Syrian government and other parties to the conflict appear to violate many of the foundational rules of international law, including core precepts of customary law, in the following ways:

1. By causing violence to life and person¹¹⁴
2. By directing attacks against civilians¹¹⁵ and failing to distinguish between civilians and combatants and between civilian objects and military objectives¹¹⁶
3. By violating the prohibition on indiscriminate and widespread attacks¹¹⁷ through launching an attack expected to cause incidental loss of life, injury, or damage to civilians or that is excessive in relation to the concrete military advantage (i.e., lacking proportionality)¹¹⁸
4. By contravening obligations under international law to take all feasible precautions against the effects of attacks and to protect and care for children affected by armed conflict¹¹⁹
5. By infringing on the right of children to education, which is of vital importance to their development¹²⁰

In addition, certain weapons, such as cluster munitions and incendiary bombs, have been used in areas of Syria where schools were located and in operation. These weapons are banned by much of the world, whereas others

110 Henckaerts and Doswald-Beck (2005a), Rule 38.

111 International Committee of the Red Cross (2005).

112 Protocol Additional I (1977), Article 78 and Henckaerts and Doswald-Beck (2005a), Rule 129.

113 Convention on the Rights of the Child (1989), arts. 6, 24, and 28.

114 Common Article 3 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949).

115 Protocol Additional I (1977), art. 48, 51(2) and 52(2); Rome Statute (1998), art. 8(2)(b)(i); Henckaerts and Doswald-Beck (2005a), Rule 1.

116 Protocol Additional I (1977), art. 48, 51(2) and 52(2); Rome Statute (1998), art. 8(2)(b)(i); Henckaerts and Doswald-Beck (2005a), Rule 7.

117 Protocol Additional I (1977), art. 51(4); Rome Statute (1998), art. 7 (crimes against humanity) and 8 (war crimes); Henckaerts and Doswald-Beck (2005a), Rule 8.

118 Protocol Additional I (1977), art. 51(5)(b) and 57(2)(a)(iii) and Henckaerts and Doswald-Beck (2005a), Rule 14.

119 Convention on the Rights of the Child (1989), arts. 38(4) and 6. Also see the International Covenant on Civil and Political Rights (1966), Article 24(1).

120 Convention on the Rights of the Child (1989), art. 28 and 29.

such as barrel bombs are considered indiscriminate by nature because they are likely “to cause superfluous injury or unnecessary suffering.”¹²¹ Their use appears to be in contravention of prohibitions on indiscriminate attacks or, at a minimum, disproportionate.

Based on the documentation gathered by the organizations collaborating in this effort and a review of the findings of international actors, including the extensive findings of the UN Independent International Commission of Inquiry on the Syrian Arab Republic (COI), the project team identified examples of school attacks that appear to have violated the principles and rules of international law. Additional investigations of these attacks are needed, perhaps under the auspices of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM).¹²² The IIIM is mandated to



PHOTO: Russian airstrikes blasted open this school in Atarib, exposing the main corridor that led from the entrance to the classrooms. (SIJ)

collect, consolidate, preserve, and analyze evidence of violations of international humanitarian law (IHL) and human rights violations and abuses and to prepare files to facilitate and expedite fair and independent criminal proceedings. These cases and other school attacks should be referred to the IIIM or another international body.

Causing Violence to Life and Person

All parties to an armed conflict, inclusive of both state and nonstate actors, are bound by Common Article 3 to the Geneva Conventions as a rule of customary international law. That article provides minimum standards of humane treatment that must be respected during armed conflict. Those standards apply “without adverse distinction” to all persons who are not taking part in hostilities or who once were but are no longer doing so.¹²³

Under Common Article 3, civilians—“persons taking no active part in the hostilities”—shall in “all circumstances be treated humanely.” All warring parties are prohibited from causing “violence to life and person,” including “in particular murder of all kinds, mutilation, cruel treatment and torture,” and of committing “outrages upon personal dignity.” No derogation is permitted from the rules established by this article.

The Syrian government, its allies, and many of the armed opposition forces have committed widespread violations of these minimum standards by causing countless deaths and injuries of students, teachers, and staff during the many attacks on schools. Many such as those in eastern Aleppo resulted from heavy aerial bombardments, which in some places leveled whole neighborhoods.

121 UN Security Council (2014).

122 UN General Assembly Resolution (2016).

123 Common Article 3 defines rules applied to non-international armed conflicts. It is also applicable to international conflicts, because it “gives expression to elementary considerations of humanity, which are applicable irrespective of the nature of the conflict.” *Prosecutor v. Mucic et al.* (2001), paras. 142, 143, 150. Common Article 3 applies to armed conflict whether or not a state party has ratified Protocol I or II.

The number of casualties is a telling indicator of the frequency with which Common Article 3 has potentially been violated, with most casualties occurring because of air attacks. The total number of deaths is staggering:¹²⁴ VDC has documented 116,265 civilian deaths from mid-March 2011 until November 2017;¹²⁵ others place the estimate much higher, with SNHR recording 212,786 deaths as of September 2017,¹²⁶ and the Syrian Center for Policy Research (SCPR) reporting 470,000 total deaths already by the end of 2015.¹²⁷ The Uppsala Conflict Data Program recorded 280,492 battle-related deaths in Syria between 2011–2016.¹²⁸ In 2017 alone, SNHR reports a total of 10,204 civilians killed, including 2,298 children and 1,536 women.¹²⁹

The overall number of casualties is, of course, much higher. The SCPR has estimated that the number of wounded is expected to reach 1.88 million; and, as of January 2018, over 5.4 million Syrians had registered as refugees with UN High Commissioner for Refugees (UNHCR) and neighboring governments, with an additional 6.1 million internally displaced persons.

With respect to child fatalities related to school attacks, disaggregated numbers are unavailable; however, the story that can be gleaned from available data is disturbing. SNHR, for instance, has documented 26,445 child deaths during the conflict.¹³⁰ As noted earlier, during the period March 18, 2011, to December 31, 2016, VDC recorded 17,401 child deaths due to “direct violence.”¹³¹ Tellingly, the proportion of children among civilian deaths increased as fighting continued: “At the beginning of the conflict (i.e., until the end of 2011), children composed 8.9 percent . . . of all 4,354 civilian deaths; in 2013, they composed 19.0 percent . . . of 25,972 civilian deaths that year; and by December 31, 2016, they composed 23.3 percent . . . of 11,444 civilian deaths that year, increasing by 14.4 percentage points over the six years.”¹³²

Before the start of armed conflict, there were more than 22,000 schools operating across the country, according to a Save the Children report.¹³³ At the end of November 2017, Mark Lowcock, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, reported that one-third of schools in Syria were damaged or destroyed.¹³⁴ Given the magnitude and scope of the death and destruction, it is difficult to believe that the combatants were unaware that civilians were being killed. Many attacks on schools (as well as on hospitals) were well publicized and strongly condemned.¹³⁵ Despite that, the attacks did not and have not stopped. The wholesale destruction of the cities, towns, and villages of Syria and the schools located in them seems impossible to justify under any definition of military necessity.

The frequent refrain by Russian and Syrian authorities that the people killed are all “terrorists” does not contradict that fact; if anything, it reinforces the conclusion that no real attempt was ever made to distinguish between civilians and combatants such as ISIS.

124 The organizations collaborating on this project maintain databases of incidents and casualties. Each death has been verified and is recorded once there are three different sources of information. Casualty numbers are also updated constantly to reflect current information as it changes or becomes available.

125 VDC (2017). VDC records fatalities that have been verified or where the identity of the deceased is known.

126 SNHR website: www.sn4hr.org. Figures updated as of September 1, 2017.

127 Syrian Center for Policy Research (2016), 61.

128 Uppsala Conflict Data Program (Syria).

129 SNHR (2018a).

130 SNHR website: www.sn4hr.org. Figures updated as of September 1, 2017.

131 Guha-Sapir et al. (2018), 103-105. “Direct violence” is defined in the report as deaths “from injuries inflicted by violent methods used by warring parties.” VDC has reported in internal correspondence that the total figure of child deaths for the period March 18, 2011, to December 31, 2016, is 19,555, if deaths by “indirect” causes are included as well.

132 Guha-Sapir et al. (2018), 105.

133 Martinez et al. (2013), 7.

134 Lowcock (2017).

135 See, e.g., UNICEF (2014a); UNICEF (2014b); UN Secretary-General (2016b); UN Human Rights Council (2015b).

Intentional Attacks on Protected Persons and Objects

The Syrian armed forces, its allies, and the opposition forces appear to have violated the laws of war by conducting ground and airstrikes against schools that were not being used for military purposes. Although determining intention would require conducting investigations, in a number of instances, the documentation collected shows that strikes bear many marks of intentionality.

Under IHL, the intentional targeting of children, civilians, and civilian structures such as schools is strictly prohibited, provided they are not military objectives.¹³⁶ This is true whether the conflict is an international or non-international armed conflict.

The parties to a conflict must abide by the “principle of distinction.” When ordering and carrying out attacks, they must “at all times distinguish between civilian and combatants,”¹³⁷ and “between civilian objects and military objectives.”¹³⁸ They

must also direct their operations only “against military objectives.”¹³⁹ Civilians and civilian objects cannot be the “object of attack.” They may be attacked only if they have become a “lawful military objective,” that is, they are being used to make an effective contribution to military action.¹⁴⁰ Before launching an attack, the warring party must verify that the target is in fact a military objective.¹⁴¹ In cases of doubt, there is a presumption against military use for objects such as schools, which are normally dedicated to civilian purposes.¹⁴²

Schools, by virtue of the function they serve in society, are by nature civilian objects and have been singled out for special mention in international law. This includes the Rome Statute, which defines as a crime, in both international and internal armed conflicts, intentionally directing attacks against “buildings dedicated to . . . education,” provided they are not military objectives.¹⁴³

Children, too, are entitled to special respect and protection given their special status as persons “entitled to special care and assistance.”¹⁴⁴



PHOTO: A dislodged and broken blackboard still shows lessons from a math class held at a secondary school in Atarib. Russian air forces bombed the school on November 13, 2016. (SIJ)

¹³⁶ Protocol Additional I (1977), Article 85.3.

¹³⁷ See, e.g., Henckaerts and Doswald-Beck (2005a), Rule 1.

¹³⁸ See, e.g., Henckaerts and Doswald-Beck (2005a), Rule 7.

¹³⁹ Protocol Additional I (1977), Article 48. See also Henckaerts and Doswald-Beck (2005a), Rules 7 (Principle of Distinction between Civilian Objects and Military Objectives), 8 (Definition of Military Objectives), and 9 (Definition of Civilian Objects).

¹⁴⁰ Rome Statute (1998), Article 8(2)(b)(ix) and 8(2)(e)(iv).

¹⁴¹ Military objects are limited to those objects which “by their nature, location, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization, in the circumstances ruling at the time, offers a definite military advantage.” Protocol Additional I (1977), Article 52(2). See also the Convention on Certain Conventional Weapons (1980), Additional Protocol III, Article 1(3); Henckaerts and Doswald-Beck (2005a), Rule 8.

¹⁴² Protocol Additional I (1977), Article 52(3) provides that, “In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.”

¹⁴³ Syria supported the inclusion of language in the Rome Statute that made “intentionally directing attacks against buildings dedicated to... education” a war crime (Human Rights Watch, 2011).

¹⁴⁴ See, e.g., the Fourth Geneva Convention (1949) and Protocols Additional I and II (1977) and the Convention on the Rights of the Child (1989).

Yet despite that, the level of attention and care exercised by the warring parties in the Syrian conflict has been and continues to be wholly inadequate or utterly nonexistent. Quite the opposite, the contending forces have employed methods and means of attack, some in observable patterns, that are suggestive of intentionality.

Because there are many inherent difficulties in determining whether a particular attack is intentional or the result of poor intelligence or negligence, especially if one is to meet standards of proof required in a criminal proceeding, this report does not aim to do that. Instead, the project team has studied the many instances where schools were attacked to identify patterns in the conduct of the conflict that suggest intentionality. These include the following:

- *Use of guided missiles:* The databases of school attacks created by the project's Data and Documentation Group contain examples in which Russia is alleged to have used guided missiles in attacks on schools,¹⁴⁵ including during three of the emblematic attacks—al-Haas (Hass), Saed (Saad) al-Ansari School, and Ain Jara (Anjarh)—that are discussed in greater detail later. The US-led coalition is also believed to have used guided weapons in an attack in April 2017 on the al-Badiya School in al-Mansoura, Raqqa, which was said to have been housing internally displaced persons (IDPs) at the time.¹⁴⁶ In addition, field teams of the organizations working on this project have substantiated the use of guided missiles in a number of cases with the assistance of weapons engineers.
- *Knowledge of the locations of schools:* The government of Syria (and by extension the Russian air force) knows the exact locations (and presumably the GPS coordinates) for all public educational facilities in the country.
- *Scouting, monitoring, and surveillance of the location before the attack:* The Russian and Syrian air forces are known to use advanced reconnaissance information-gathering technologies such as satellites and drones before launching attacks. On the day of the attack in al-Haas (see section “Attack on al-Haas”), for instance, a drone was seen in the air above the school before the attack. That type of operational and tactical planning suggests knowledge that the schools were in session at the time. Surveillance capacities are of course not exclusive to sophisticated military forces; these strategies are also available to opposition forces.¹⁴⁷
- *Serial attacks on more than one school or school compound in quick succession on the same day:* For example, in January 2016, the Russian air force appears to have targeted three schools during an airstrike on a suburb of western Aleppo (see “Schools in Ain Jara”). To achieve that impact, the pilots would have had to target each school individually or would have dumped munitions over the broad area covered by the campus. Either tactic could suggest intentionality.
- *Repeat attacks on the same school at different points during the conflict:* In some cases, schools were attacked multiple times over the years, even after the first attack and the resulting casualties were widely reported on and condemned (see “Attacks on Ain Jalout Primary School”).

¹⁴⁵ Russia is alleged to have used a mix of precision and standard weaponry in Syria. The Syrian air force is not known to have the same technological capacity. Wetzel (2017) noted that “precision weapons have only been a small fraction of the weapons employed by Russian aviation forces in Syria. On occasion Russia has provided images of Su-34s carrying guided weapons such as the KAB-1500L laser guided bomb, the Kh-25ML laser-guided missile which dates back to the Soviet era or the KAB-500S GLONASS satellite guided bomb. But those weapons are the exception rather than the norm, and almost exclusively carried by the Su-34. Instead, ‘dumb’ bombs are the absolute majority of bombs dropped, mainly the 250kg OFAB-250-270 and 500kg FAB-500M-62 as well as the RBK-500 cluster bombs. Strangely, the Russian aircrafts have flown with very small weapon loads, carrying only a small portion of their available capacity.” See also Human Rights Watch (2013a), 3.

¹⁴⁶ Barnard (2017).

¹⁴⁷ Recently, it has become known that asymmetric actors have begun to use technologies such as unmanned aerial vehicles (also known as drones) to conduct reconnaissance operations. However, these forces by and large still have less capacity to pinpoint targets, given the weaponry available to them. See Truitte (2015).

Further investigation of how each of the warring parties conducted military operations is recommended and necessary before a definitive determination can be made. The COI has already begun this process and has documented many school attacks. In a few, it has already found instances of deliberate targeting,¹⁴⁸ for example, the attack on five schools in al-Haas (Idlib countryside)¹⁴⁹ and the 2014 attack on Ain Jalout (Jaloot) School in Al-Ansari al-Sharqi, Aleppo.¹⁵⁰

Violating the Prohibition on Indiscriminate Attacks and the Principle of Proportionality

Whether or not the attacks were intentional, there is little doubt that the school attacks appear part of a disproportionate military campaign that was excessive in relation to the anticipated military objectives and likely to cause collateral harm to civilians. Consistent with the principle of proportionality, incidental loss of life or injury to civilians or damage to civilian objects are permitted only so long as they are not “excessive in relation to the concrete and direct military advantage anticipated,” in the words of Additional Protocol I to the Geneva Convention,¹⁵¹ or “clearly excessive” in the language of the Rome Statute.¹⁵²

Attacks on legitimate military targets, including schools being used for military purposes, may be neither indiscriminate nor disproportionate.¹⁵³ Indiscriminate attacks strike military objectives and civilians or civilian objects without distinction. An indiscriminate attack is one in which:

- the attack is not directed at a specific military objective;
- the methods or means employed cannot be directed at a specific military objective; and/or
- the effects cannot be limited as required.¹⁵⁴

The prohibition against indiscriminate attacks and the principle of proportionality both aim to guide military behavior, including when bombing from the air, often at high altitudes, a common feature of the Syrian conflict. These rules of international law establish that military commanders cannot merely discharge a payload of bombs and claim not to have targeted civilians.¹⁵⁵ Saturation or carpet-bombing of cities, which have been a feature of many conflicts with some particularly well-known examples dating from World War II, have been internationally condemned and rejected.¹⁵⁶

Yet massive besiegement has been and continues to be a persistent tactic during the Syrian conflict. Area bombardments are particularly prone to being indiscriminate, because they treat cities, town, and villages as one large target, rather than identifying and then surgically targeting the military targets within.¹⁵⁷ Instead, combatants must consider whether and how an attack that is about to be launched would impact civilians and assess whether the damage it is expected to cause is excessive in relation to a “concrete and direct military

148 See reports, updates, statements, and resolutions of the Independent International Commission of Inquiry on the Syrian Arab Republic.

149 UN Human Rights Council (2017a), paras. 20–31.

150 UN Human Rights Council (2014b), para. 24

151 Protocol Additional I, Articles 51(5)(b) and 57; Henckaerts and Doswald-Beck (2005a), Rule 14.

152 Rome Statute (1998), Article 8.2(b)(iv).

153 Under customary norms of international law, indiscriminate attacks are prohibited. See, e.g., Henckaerts and Doswald-Beck (2005a), Rule 11.

154 Protocol Additional I (1977), Art. 4 and 5; Henckaerts and Doswald-Beck (2005a), Rule 11.

155 Henckaerts and Doswald-Beck (2005a), Rule 14.

156 See e.g., Protocol Additional I (1977), Article 51(5). The carpet bombing of Rotterdam is one example from World War II. More recently, the United States is said to have used such tactics during the Vietnam War (Kesby, 2012). Russian forces are alleged to have done the same in Chechnya (Human Rights Watch, 2000).

157 Protocol Additional I (1977), Article 5(a). “Attacks by bombardment by a method or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are prohibited.” Henckaerts and Doswald-Beck (2005a), Rule 13.

advantage.” This is true even when there are legitimate military objectives in a location. The “presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.”¹⁵⁸

The contending forces in the Syrian conflict appear to have committed indiscriminate and disproportionate attacks in many of the cases where schools were affected. By the end of 2016, the majority of adult civilian deaths resulted “from wide-area explosive weapons, with 23,405 (27.8%) of all deaths caused by shelling and 20,884 (24.8%) by air bombardments.”¹⁵⁹

As confirmed by the data sources, including through firsthand information obtained during interviews conducted by the organizations’ field teams and those they consulted, it also does not appear that the schools included among the emblematic cases were themselves being used for military purposes at the time of the attacks. For each of the emblematic cases discussed below, evidence is shared that was gathered in this regard to show what is known.

In addition, from what has been learned of these cases, it appears the responsible commanders could not have given due consideration to the potential loss of civilian life in advance of an attack, because the amounts and types of weapons selected for use made it virtually impossible to limit or control harm to civilians. Military commanders responsible for these operations also appear to have defined their military objectives so broadly that they were almost guaranteed to lead to civilian casualties. Recently, for instance, Russia identified some of the military objectives it targeted in the following terms: “dozens of warehouses with ammunition and military equipment, weapons, food and special clothing . . . infrastructure facilities, the arrival of terrorist groups in certain sections of the theater, the need to reduce combat potential and undermine the material and technical base of militants, and disorganize their management system.”¹⁶⁰

This list appears overbroad. It should have been limited and specified on a case-by-case basis. In other words, each military operation requires the concrete definition of its military target or targets. Not to do so can be read as a green light for all attacks on infrastructure or for direct attacks on schools, which are a form of “infrastructure facilities.” It also suggests that generic attacks against large geographical areas are justifiable as military objectives merely if they “reduce combat potential” and “disorganize” the oppositions’ ability to fight back, even if that means targeting food sources. Approaches such as this one have created the situation in Syria where children attending school face threats against their life almost daily or have been unable to attend school for long periods of time or have been displaced.

Indiscriminate Methods and Means of Warfare Affecting Schools

The choices made by military commanders about which weapons to use and how to use them during the conflict also suggest a willful disregard for IHL. Under international law, the right of the combatants to select the methods and means of warfare is not unlimited.¹⁶¹ Despite statements to the contrary issued by Syrian and other responsible authorities,¹⁶² in many instances, both the weapons selected and the way they were used against civilian areas were by nature indiscriminate.

158 Protocol Additional I (1977), Article 50(3).

159 Guha-Sapir et al. (2018), 106.

160 See Russian-language news source at https://vpk.name/news/201616_ni_razu_ne_promazali.html.

161 “During the conflicts in the former Yugoslavia, the prohibition of means and methods of warfare that are of a nature to cause superfluous injury or unnecessary suffering was included in the agreements relating to what were then regarded as non-international armed conflicts. In addition, in 1991, Yugoslavia denounced Slovenia’s alleged use of “soft-nosed bullets” because they caused ‘disproportionate and needless injury.’” Henckaerts and Doswald-Beck (2005a).

162 From a statement issued by the Syrian Ministry of Foreign Affairs and Expatriates on November 9, 2015, in which it insisted that the Syrian Arab Armed Forces do not and will not use indiscriminate weapons. Human Rights Watch (2015d).

Weapons that “cannot be directed at a military objective or whose effects cannot be limited as required by international humanitarian law” are by nature indiscriminate.¹⁶³ In many instances, the weapons selected by the parties to the conflict were of a type that did not allow for a distinction to be drawn between combatants and civilians, such as free-fall weapons, barrel bombs, chemical weapons,¹⁶⁴ locally made rocket shells, mortar attacks, and suicide attacks by such actors as ISIS and al-Nusra.

As the conflict intensified, for instance, the Syrian government in particular expanded its strategy to include tactics such as intensive bombings, sieges of cities, burning of crops, and massive destruction of community infrastructure. These tactics were used in part to deplete the capacity of the opposition and instill terror in the population. Because these acts effectively constitute collective punishment, the impact on civilians was devastating.¹⁶⁵

Throughout the more than seven years of conflict, many schools have been hit during mass bombardments of densely populated civilian areas. All the warring parties used rockets or other weapons that were effectively fired blindly or in a way that builds in an element of randomness. Mortar shell attacks, for instance, which are discussed in more detail in connection with the attack on a school bus in the neighborhood of Bab Sharqi (Sharki) (see “Bab Sharqi”) were used widely. Opposition forces also allegedly used unguided rockets or mortars in an attack against the Sariya Hassoun School in al-Furqan district of west Aleppo on November 20, 2016. That attack killed eight children and injured 27 students and a teacher.¹⁶⁶

In addition to mortars and rockets, the Syrian government and its allies used a range of other weapons that are dropped from aircraft that, similar to artillery, are difficult to direct or to limit the potential impact. Russia has argued that “Weapons can hardly be divided into ‘humane’ and ‘inhumane,’” because “[an]y weapons and munitions are potentially lethal.”¹⁶⁷ Instead, it argues that distinctions should not be drawn based on weapon type, so long as obligations under weapons treaties and IHL are fulfilled. Those arguments are self-servingly contradictory in that they suggest that Russia can ignore the nature of particular weapons and still meet its obligations under international law. It cannot.

The report discusses some of the weapon choices made by contending parties to the conflict to give a sense of why they are more likely to be indiscriminate or disproportionate to the military objectives, especially when used in areas where schools are known to exist.

Widespread Use of Barrel Bombs

Barrel bombs, which are typically filled with explosives, shrapnel, and other substances and dropped from helicopters, have been deployed on many occasions against civilian neighborhoods where schools are located with devastating consequences. Colloquially known by some as “flying IEDs” (improvised explosive devices), they may fall under the definition of a prohibited weapon, depending on their contents (e.g., chemicals,

¹⁶³ Protocol Additional I (1977), art. 51(4); Rome Statute (1998), art. 8(2)(b)(xx); Henckaerts and Doswald-Beck (2005a), Rule 71 (“The use of weapons which are by nature indiscriminate is prohibited.”).

¹⁶⁴ Chemical weapons have been used in populated civilian areas. The first alleged use by the government was reported on December 23, 2012, in Homs. On March 19, 2013, chemical weapons again appear to have been used in neighborhoods of Aleppo and Damascus, killing some 25 and injuring dozens of others. Other attacks were reported on March 24, 2013; April 13 and 29, 2013; and August 21, 2013, among others. Most recently, on April 4, 2017, the government is alleged to have used sarin gas on the town of Khan Shaykhun. Similarly, opposition forces used weapons made of gas cylinders, which are considered primitive and inaccurate weapons but still potent and potentially deadly (Arms Control Association, 2018).

¹⁶⁵ For example, the siege of cities started as a methodology used by the Syrian regime against areas under the control of the opposition. Allegations have been leveled against the opposition that it, too, imposed a siege on pro-regime cities, such as Kafriya and al-Faw’a in Idlib and Nabal and al-Zahraa in Aleppo. Besieged cities have seen the denial of basic goods and services, which has led to famine, malnutrition, deaths due to hunger, and lack of basic services in these areas, including medical services. This tactic is considered a war crime. The UN Security Council resolution 2139 calls on all parties to lift the sieges, and resolution 2258 condemns the use of starvation of civilians as method of combat (Kelly and Kiselyova, 2016).

¹⁶⁶ *Syrian Arab News Agency* (2016); UN Human Rights Council (2017b).

¹⁶⁷ Human Rights Watch (2015c).

incendiaries). At a minimum, because of their potentially diffuse and unpredictable impact, their use in densely populated areas violates prohibitions on indiscriminate and disproportionate attacks,¹⁶⁸ a practice already well documented by the COI.¹⁶⁹

As recently reported by SNHR, Syrian forces have deployed nearly 70,000 barrel bombs against heavily populated areas since July 2012, killing 10,763 civilians, including 1,734 children and 1,689 women.¹⁷⁰ These strikes include 140 school attacks in which barrel bombs were recorded as having been used, including 73 that occurred after Security Council Resolution 2139 (2014), which demanded that the combatants cease attacks against civilians and identified barrel bombs as being by nature indiscriminate and prone “to cause superfluous injury or unnecessary suffering.”¹⁷¹

VDC recorded 7,566 civilian deaths from barrel bombs, a quarter of whom were children.¹⁷² Most child deaths from barrel bombs occurred in Aleppo, Idlib, and Dara’a.¹⁷³ A particularly horrific attack using a barrel bomb occurred in Aleppo’s Saif al-Dawla neighborhood on May 3, 2015. A kindergarten was hit, killing 16 children and destroying the building.¹⁷⁴

On Tuesday, March 28, 2017, helicopters dropped barrel bombs on the Hamida al-Taher Intermediate School for Girls in Halfaya city, in the northwestern suburbs of Hama governorate. The schoolyard and its building were heavily damaged. The city was reportedly under the control of armed opposition factions at the time of the incident.¹⁷⁵ Numerous examples of other barrel bomb attacks against schools have occurred.¹⁷⁶ The Syrian government has denied using barrel bombs,¹⁷⁷ although it is the only party to the conflict known to use helicopters, an aircraft typically used to discharge these weapons.

Incendiary Bombs

Among the many horrors of the armed conflict in Syria is the use of incendiary weapons, including against schools. Both VDC and SNHR, two of the organizations collaborating on this project, have documented a number of attacks using incendiaries, with SNHR concluding that the use of incendiaries increased with the Russian intervention.¹⁷⁸ Human Rights Watch has also documented their use beginning early in the conflict and escalating after Russia’s involvement.¹⁷⁹

In addition, Human Rights Watch has confirmed that the types of incendiary weapons used in Syria were all manufactured in Russia.¹⁸⁰ This is true, despite the fact that Russia is a party to Protocol III to the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be

168 Geneva Academy of International Humanitarian Law and Human Rights (2017).

169 UN Human Rights Council (2014a), Annex VI, 50.

170 SNHR (2017f).

171 UN Security Council (2014), Resolution 2139.

172 Guha-Sapir et al. (2018), 109. Numbers were independently corroborated by the researchers from VDC.

173 Guha-Sapir et al. (2018), 109.

174 Adams (2015).

175 SNHR (2017f).

176 The attack on al-Rajaa school (May 2015) is documented in the 10th Report of Commission of Inquiry on Syria (UN Human Rights Council, 2015a). In addition, Mr. Paulo Sérgio Pinheiro, chair of the COI, presented on the use of barrel bombs and indiscriminate bombardment in Syria on March 12, 2015 (Pinheiro, 2015); also see Human Rights Watch (2015e).

177 In an interview with the *BBC*, President Bashar al-Assad denied his forces used barrel bombs, dismissing the allegation as a “childish story.” “There are no barrel bombs. We don’t have barrels,” he said. “There are no indiscriminate weapons. When you shoot you aim, and when you shoot, when you aim, you aim at terrorists in order to protect civilians. . . . You cannot have war without casualties.” *BBC* (2015).

178 VDC Center (2013); VDC (2015).

179 Human Rights Watch (2013c); Human Rights Watch (2016h).

180 “The incendiary weapons are all ZAB-series bombs that is believed to contain a flammable substance known as thermite.” Human Rights Watch (2016h).

Excessively Injurious or to have Indiscriminate Effects,¹⁸¹ which prohibits the use of incendiary weapons against civilians or civilian objects or against “military objectives located within a concentration of civilians.” Moreover, in 1973, Syria endorsed a report concerning the ban on napalm and other incendiary weapons.¹⁸²

Incendiary weapons are particularly destructive because of their capacity to turn entire towns or cities into infernos, causing horrific burns and suffering to anyone within their reach.¹⁸³ Despite this destructive and potentially uncontrollable power, incendiary weapons are not absolutely prohibited.

Instead, they may be used against a military objective only where the “military objective is clearly separated from the concentration of civilians and all feasible precautions are taken with a view to limiting the incendiary effects” and to avoid or to minimize “incidental loss of civilian life, injury to civilians and damage to civilian objects.”¹⁸⁴ The use of incendiary weapons in Syria appears to contravene those standards. Incendiary weapons have been used repeatedly in urban and densely populated civilian centers where their incendiary effects are effectively impossible to control. In rural areas, sometimes they are used for the purpose of starting fires on agricultural lands.¹⁸⁵ A number of these attacks in both urban and rural areas have affected schools.

In August 2013, for instance, incendiary weapons were deployed by Syrian forces against two locations, the first in Urum (Urem) al-Kubra, outside Aleppo, the second in Da’el in the southern city of Dara’a. In Urum al-Kubra, the bomb hit a high school where students were getting ready for upcoming exams.¹⁸⁶ That attack led to the horrific deaths of about 40 people, including 17 children,¹⁸⁷ as documented by the COI.¹⁸⁸

On August 26, an army fighter jet dropped two incendiary bombs on the town of Urem al-Koubra (Aleppo), one of which landed on a school. The bomb created “a ball of fire” that killed 10 civilians and severely injured dozens of others, mostly children and teenagers. While it remains unclear what flammable material was used, the bomb caused napalm-like effects.¹⁸⁹

On Sunday August 7, 2016, it appears that Russian planes may have hit the schoolyard of Haroun al-Rashid School in Idlib City with incendiary weapons as part of a larger campaign. That and other attacks carried out on the same day were reported upon by Sputnik News, with videos of the intense fires started by the incendiaries.¹⁹⁰ A week later, another attack, this time against Jesr al-Shoghour city, affected Asmaa School in the middle of the city.¹⁹¹

The use of incendiary weapons, especially in urban centers, at a minimum constitutes indiscriminate targeting. Their use surely appears excessive given the proximity of schools. It will be up to investigators to establish whether those who were responsible for these attacks were aware they would likely cause disproportionate damage and whether they should have known. However, given the bureaucracy behind military operations, it would appear that the attacks perpetrated by the Syrian and Russian air forces violated IHL under any scenario. If the responsible commanders were unaware that civilians and civilian infrastructure were at risk, they were negligent. If they were aware, then the fact the attacks affected schools suggests intentionality.

181 See list of state parties at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-2&chapter=26&clang=en.

182 Syrian Arab Republic, Reply of July 31, 1973 sent to the UN Secretary-General reprinted in the Report of the Secretary-General on napalm and other incendiary weapons and all aspects of their possible use, UN Doc. A/9207, October 11, 1973, p. 23 (as cited in Henckaerts and Doswald-Beck, 2005b).

183 Protocol III to the Convention on Conventional Weapons, Article 1.

184 Protocol III to the Convention on Conventional Weapons, Article 2.

185 SNHR (2017d).

186 The attack was in part the subject of a BBC documentary that followed the aftermath of the bombing. Sputnik News.com has alleged the attack was staged by the BBC (*Sputnik News*, 2015). A British security expert is said to have identified the bomb casing as likely belonging to a Russian-made ZAB incendiary weapon (Raymond, 2013).

187 VDC (2013).

188 UN Human Rights Council (2014a), 14.

189 UN Human Rights Council (2014a), 19.

190 *Sputnik News* (2016). Also see *Revolutionary Forces of Syria Media Office* (2016).

191 Idlib—Jisr Al Shoghour: Incendiary Shelling by Suspected Russian Warplanes 14 11 2016 (2016).

Cluster Munitions

Similar to incendiary weapons, cluster munitions are intended to affect a wide area. They consist of a container that opens in midair to “disperse or release explosive submunitions,” including sometimes chemical or biological agents, and to scatter them over the target.¹⁹² The diffusive nature of these weapons makes them particularly lethal. The United States used them extensively in Cambodia, Laos, and Vietnam, with estimates based on military databases indicating that some 87,000 were dropped from the air.¹⁹³ Because the submunitions do not always explode, unexploded shells often remain a hazard for decades and generations after.

The Convention on Cluster Munitions prohibits the development, production, acquisition, use, and stockpiling of cluster munitions.¹⁹⁴ Syria, the United States, Iran, Israel, Turkey, and Russia are not state parties to the convention;¹⁹⁵ however, they are outliers in that regard. The convention has been widely ratified in acknowledgment of how inappropriate and indiscriminate these weapons are, especially when used against civilian neighborhoods, where among other things schools and children can be found.

Despite that, Russian and Syrian forces have used cluster munitions extensively,¹⁹⁶ with government forces using up to 13 different types of internationally banned cluster munitions in more than 400 attacks on opposition-held regions between July 2012 and August 2016, resulting in the death and injury of civilians including children.¹⁹⁷ Russia insists that cluster munitions are a “legal means of warfare,” despite their indiscriminate nature, claiming that they are able to avoid harming civilians and civilian infrastructure. In a December letter to Human Rights Watch discussing cluster munitions, Sergey Lavrov, Minister of Foreign Affairs for the Russian Federation, insisted that it took precautions to prevent indiscriminate attacks.

In order to avoid civilian casualties and the destruction of social infrastructure, all operational flights are planned based on thoroughly checked intelligence and are conducted exclusively with a view to destroy members and facilities of illegal armed formations. According to the objective monitoring data, as well as to the reports submitted by crews of operational and tactical aviation and army aviation of the Russian Armed Forces, no cases of indiscriminate use of air weapons have been registered so far in the course of the counter-terrorist operation in Syria.¹⁹⁸

The facts suggest otherwise. Given the amount of cluster weapons deployed against densely populated cities such as Idlib, it strains credibility for the Russians to make such a claim. There is “abundant evidence” of their use and the widespread and systematic devastation they have caused.¹⁹⁹ As documented by SNHR, cluster munitions were used no less than 172 times between September 30, 2015, when Russian forces intervened, and February 27, 2017, against the five governorates of Aleppo, Idlib, Homs, Hama, and Dara’a alone.²⁰⁰

As part of a heavy bombing campaign against Idlib province at the end of 2016, for instance, Russian and Syrian aircrafts caused extensive damage to civilian infrastructure, including some 13 schools, killing 93 including 24 children.²⁰¹ The Abdou Jalal School in Sarmin city in the suburbs of Idlib was among those hit by cluster munitions. About 15 individuals were wounded in that attack.²⁰²

192 Convention on Cluster Munitions (2008), Article 2(2).

193 Human Rights Watch (2007), 2.

194 There are 102 state parties to the Convention on Cluster Munitions, with an additional 17 signatories. Cluster munitions can be launched from the ground by artillery or rocket launchers or dropped from the air.

195 See list of state parties at <http://www.clusterconvention.org/the-convention/convention-status>.

196 Human Rights Watch (2015d).

197 Human Rights Watch (2017).

198 Human Rights Watch (2016d).

199 International Campaign to Ban Landmines-Cluster Munition Coalition (2017).

200 SNHR (2017c).

201 *Baldi-news.com* (2017).

202 SNHR (2017a).

There is also evidence that ISIS has used cluster munitions,²⁰³ and that opposition groups have used repurposed, unexploded submunitions, although it appears that the United States and its partners have not been using them.²⁰⁴ The vast majority of cluster munitions used in Syria since the start of the armed conflict appear to have been manufactured by the Soviet Union or its successor state Russia, with two exceptions.²⁰⁵ Their continued use and production in Syria violates both the letter and spirit of a convention that has 102 state parties and an additional 17 signatories.

Failing to Take All Feasible Precautions Against the Effects of Attacks

Deliberate or reckless attacks against civilians and civilian structures committed with criminal intent are war crimes. The laws of war require that the parties to a conflict take all due care during military operations to spare the civilian population and to “do everything feasible” to avoid or minimize the incidental loss of civilian life and damage to civilian objects, including in the “choice of means and methods of attack.”²⁰⁶ States are also required to take all “feasible measures to ensure protection and care of children who are affected by an armed conflict” under the Convention on the Rights of the Child.²⁰⁷

Combatants are asked to refrain from attacks if it “may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”²⁰⁸ And they must cancel or suspend the attack if it becomes apparent that the objective is not a military one.²⁰⁹ These provisions are especially true when the military operations are launched either by sea or air where the combatants cannot see the targets directly. In those circumstances, the combatants “must take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.”²¹⁰

Consistent with IHL and principles of customary law, civilian objects are subject to attack only after “effective advance warning” is given, unless circumstances do not permit a warning.²¹¹

There have been reports that, in a few instances, the warring parties have dropped leaflets in advance of attacks. However, the leaflets reported on in the press and seen by those collaborating on this project are often propagandistic in tone and message. In August and September 2016, for instance, the Syrian air force claimed it dropped leaflets over Idlib province, including over Jisr al-Shoghour city, calling on the militants to “Surrender Now” and “vowing to liberate the region soon.”²¹² Similarly, in Aleppo the government dropped leaflets over the eastern parts of city on several instances. “If you don’t leave these areas quickly you will be annihilated,” the leaflets warned. “Save yourselves. You know that everyone has left you alone to face your doom and have offered you no help.”²¹³ The US military also insists it drops leaflets in advance of attacks warning the civilian population to leave.

The dropping of leaflets, however, does not guarantee a safe departure, nor does it satisfy the parties’ obligation to protect civilians from the harm inflicted by military operations. Many civilians have no good options in advance of an attack. If they stay put, they face attack whether from the air or on the ground. If they leave, there is the

203 Human Rights Watch (2014b).

204 International Campaign to Ban Landmines–Cluster Munition Coalition (2017), 18. Since 2003, the United States suspended use of cluster munitions, although it did use one in a strike in Yemen in 2009 (Chan 2016).

205 One of the two was manufactured in Egypt. The other is of unknown origin (International Campaign to Ban Landmines–Cluster Munition Coalition, 2017), 16.

206 Protocol Additional I of 1977, art. 57. See also Henckaerts and Doswald-Beck (2005a), Rule 15.

207 Convention on the Rights of the Child (1989), art. 22.

208 Protocol Additional I (1977), art. 57(2)(a)(ii).

209 Protocol Additional I (1977), art. 57(2)(b).

210 Protocol Additional I (1977) art. 57(4).

211 Henckaerts and Doswald-Beck (2005a), Rule 20 (“Advance Warning”).

212 *FARS News Agency* (2016); *Maps and Conflicts Database* (2016).

213 Saad and Cumming-Bruce (2016).

possibility, as one man reported, that they “would be arrested and tortured by the regime.” “Because we said no to Bashar [al-Assad] five years ago, all of us are wanted.”²¹⁴ With respect to attacks on schools, the project team could not find evidence that leaflets were dispersed close to the time of the attacks on schools described here.

²¹⁴ McNeill (2016).

Chapter 6: Emblematic School Attacks

As part of the effort to document the egregious and unlawful nature of school attacks in Syria, this chapter focuses on seven attacks perpetrated against schools during the conflict. As mentioned, these cases are highlighted to draw attention to particular features of and patterns in the violations that have been committed against Syrian children and schools, and to show how they could constitute serious violations of international humanitarian law (IHL). Each attack occurred in one of the three governorates where the Syrian organizations collaborating on this report have field teams doing documentation work on the ground. Most of these attacks were well covered in the media, often because of the horrific nature of the attacks; all have been publicly condemned by international actors who have separately concluded that they constitute violations of human rights.²¹⁵

The field teams have found no information suggesting that any of the schools was a legitimate military target or that the attack offered a definite military advantage. As such, each appears to have been a direct attack on civilians and civilian objects or, at a minimum, an indiscriminate or disproportionate attack.

From this documentation and other available sources, including video clips, images, and testimonies collected by media and international organizations, evidence was found to support an attribution of responsibility either to Syria (and/or its Russian allies) or to opposition forces. These determinations are based on what is known about the types of aircraft and munitions used by the warring parties, the firsthand accounts and statements of eyewitnesses, and contextual analysis of the conflict, including the locations of the contending forces at the times of the attacks. Eventually a full official investigation should be conducted in accordance with international standards and methods to verify these attributions.

We have included attacks attributable to different parties to the conflict. Because the Syrian authorities are responsible for the vast majority of the school attacks, and ultimately bear primary responsibility for protecting its population, that preponderance of responsibility is reflected in these selections as follows:²¹⁶

Attributed to the Armed Forces of Syria or Russia

- Al-Haas, Idlib (October 26, 2016)
- Al-Ansari, Ain Jalout, Aleppo (August 21, 2013; April 30, 2014; and April 27, 2016)
- Saed al-Ansari School, Aleppo (April 12, 2015)
- Ain Jara (Anjarh), Aleppo (January 11, 2016)
- Mohammad Naser Ash'oush Primary School in Jisreen town, Eastern Ghouta, outskirts of Damascus (October 31, 2017)

²¹⁵ UNICEF (2016); UN Human Rights Council (2016b); UN Human Rights Council (2014b); UN Human Rights Council (2014a); Amnesty International (2015), 37; Human Rights Watch (2018).

²¹⁶ Casagrande (2016).

Attributed to Armed Opposition

- Al-Kamal School, Aleppo (October 27, 2014)
- Bab Sharqi, Damascus (November 11, 2013)

Because of difficulties inherent in determining with certainty whether an aerial raid was carried out by Syrian or allied Russian forces, this chapter marshals the available evidence to show what is known. In any event, it is ultimately not essential to reach a definitive determination one way or another. Because Syria's and Russia's military operations were coordinated joint military operations,²¹⁷ each bears responsibility.²¹⁸ For attacks attributed to opposition armed groups, the project team was not always able to identify which group was responsible for a specific attack, given the fluidity of the situation on the ground. The identity of the responsible warring party should likewise be a matter for further investigation by the IIIM or another investigatory entity.

When selecting these cases, the team prioritized attacks that:

- caused significant child casualties;
- appear to have been intentional or indiscriminate attacks;
- involved the use of weapons prohibited under international law (e.g., incendiary weapons and cluster munitions), which are inherently indiscriminate;²¹⁹
- broadly illuminate patterns and practices that were observed in the means and methods used by the parties to the conflict;
- were not being used for military purposes at the time of the attacks, based on the available evidence.

Attacks on al-Haas (October 26, 2016)²²⁰

On Wednesday, October 26, 2016, Sukhoi SU-22 fixed-wing aircrafts dropped high-explosive missiles on the southern neighborhood of al-Haas in the southern Idlib governorate. Classes were in session at the time of the attack, which reportedly began at 10:52 a.m. A drone was reported to have been seen in the skies an hour before, suggesting that attackers were surveilling the area and should have known that school was in operation at the time. Because drones had been seen before and no attack had occurred, no one assumed it was a prelude to an attack.²²¹

217 Russia's direct intervention in the conflict began in September 2015, in response to an official request from the Syrian government. Russia's military cooperation with Syria, however, dates back years and to a series of agreements, including one concluded in 1971 that gave the then Soviet Union's navy the use of Syria's port city of Tartus. Russia and Syria also signed a comprehensive cooperation agreement in 1980—the Treaty of Friendship and Cooperation—that has been automatically extended every five years since then. Under that agreement, Russia and Syria pledged to cooperate across a range of sectors, covering economic, political, cultural, and military support and strategic engagement.

218 "Each departure was preceded by careful preparation. The materials of objective control, intelligence of UAVs [unmanned aerial vehicles], images of space reconnaissance, information of the ground special services of Syria and Russia were studied." According to Russian sources, "[t]he method of their combat work was based on the data of space, aerial reconnaissance and only after clarifying all the information received from the headquarters of the Syrian army" (VPK, 2017).

219 In addition, because these weapons are the subject of a comprehensive prohibition, the fact that Syria has not ratified or acceded to most of the treaties prohibiting particular weapons is less significant. Syria, for instance, is not a signatory to the Convention on Cluster Munitions. It did, however, ratify the Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva, June 17, 1925, on December 17, 1968. See full list of state parties at https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=280.

220 Unless explicitly noted, the information for this case study has come from SIJ, SNHR, and VDC.

221 UN Human Rights Council (2017b).

The aerial bombing resulted in one of the largest number of total fatalities suffered in connection with a school attack, killing approximately 41 civilians, including at least 22 children and 8 adult women.²²² Some of the adults killed were rescue workers and parents of students who had rushed to the school after the attack to help the victims. Over 100 other people were injured in the attacks.

The attacks on al-Haas are among the most reported upon school attacks, with a large amount of video, satellite imagery, and witness testimonies available.²²³ They also spurred immediate international condemnation. UN Secretary-General Ban Ki-moon and other high-level UN officials called for an investigation of these and other similar attacks on schools in Syria.²²⁴ At a press conference on October 27, the UN Special Envoy on Global Education Gordon Brown called the attack a “war crime” and urged the Security Council to “immediately agree that the International Criminal Court Prosecutor conduct an investigation.”²²⁵

Reports and video show that parachute-retarded munitions were used,²²⁶ most likely dropped from a low altitude.²²⁷ Low-altitude attacks are suggestive of targeting, even though parachute drops are by nature less accurate. According to multiple eyewitness reports, at least seven bombs were dropped by two jets that morning, with a pause in between. The first aircraft unloaded two missiles that hit two of the schools consecutively and killed many children and the teachers. The second aircraft followed up with two additional missiles that hit the third school 15 minutes later while the students were fleeing and their parents and rescue teams were rushing in to help evacuate the children. Although the attacks concentrated on the town’s school complex, they also hit the “roads leading to it” and lasted for about 20 minutes.²²⁸

The airstrikes overall affected five educational institutions. Nearby civilian infrastructure was also affected. Three schools were directly hit—Haas Preparatory School for Girls, Haas Preparatory School for Boys, and Martyr Kamal al-Qal’aji.²²⁹ Figure 6.1 provides brief descriptions of the schools.

Figure 6.1 Schools Affected in the Attacks on al-Haas

School Name	Number of Students	Number of Classrooms	Level
Martyr Kamal al-Qal’aji Coeducational Elementary School	587	16	Elementary I
Haas Preparatory School for Girls	497	15	Elementary II
Haas Preparatory School for Boys	552	15	Elementary II
Haas Secondary School	95	5	Secondary
Free Haas Secondary School	350	9	Secondary

222 Casualty figures were obtained from partner organization VDC. SNHR has documented 38 civilian fatalities, including at least 18 children. SNHR (2016). More information about specific victims can be obtained by searching the online database compiled and maintained by VDC.

223 Human Rights Watch has issued a number of reports on the airstrikes on al-Haas, including one analyzing available satellite imagery (Human Rights Watch, 2016i) and another with links to video footage and witness accounts (Human Rights Watch, 2016e). Conflict Intelligence Team (2016) also alleges the use of ODAB-type fuel-air bombs in the attack. See also SNHR (2016); Porter (2016); and McCauley (2016).

224 UN Secretary-General (2016b).

225 *UN News* (2016b).

226 Snapshots of the Shelling of the Town of Southern Idlib Countryside (2016). The COI confirmed that bomb remnants were consist with a FAB-500-ShN parachute-dropped bomb. Likewise, Human Rights Watch found the damage to the school buildings in al-Haas to be “consistent with the above-the-ground detonation of a blast or enhanced blast munition” that would be caused by such a bomb (Human Rights Watch, 2016i).

227 Parachute-retarded munitions are usually dropped at a low altitude. Because they descend slowly, they afford the aircraft time to escape the blast’s wave and debris. Because the bombs detonate in the air, they spread and often have greater impact than those that detonate on impact.

228 Human Rights Watch (2016i); SNHR (2016).

229 Snapshots of the Shelling of the Town of Southern Idlib Countryside (2016). See also SNHR (2016) and Porter (2016).

The schools are located a distance apart, in distinct complexes, as shown by satellite images of the location. One, the Haas Preparatory School for Boys, is across a road, and a few other buildings are nearby. However, a good deal of open space surrounds many of the school buildings, making them easier to identify.

Eyewitnesses interviewed by SNHR gave similar reports of the attacks, including that follow-up attacks were perpetrated against rescuers.

I was in Ma'aret Al No'man [approximately 8 kilometers from al-Haas] when the Free Syrian Army observatory announced that there [were] warplanes soaring in the sky of Jabal Al Zawiya. The warplanes carried out the first airstrike on Haas village. I headed there and when I arrived, the warplanes carried out two consecutive airstrikes. The sound of the bombing was terrifying and the missiles were dropped by parachutes. A few minutes later, a new airstrike was carried out and it was only 30 meters away from me. We laid on the ground and Dr. Yousef Al Tarraf, who was aiding the wounded, sustained a critical injury. I saw children's dead bodies everywhere and scattered body parts were all over the place between the destroyed schools. I went down to one of the shelters and found more than 150 students and a number of teachers who managed to get to the basement and save their lives. However, tens others lost their lives after these airstrikes.²³⁰

In addition to the human casualties, the damage inflicted on the schools was devastating.

The attacks have been attributed to joint Russian-Syrian military operations, although the Russian government has denied involvement.²³¹ According to the evidence available to the organizations collaborating on this project, it appears that there were “no military centers or weapons warehouses for armed opposition factions or extremist Islamic groups” in what was otherwise a civilian area.²³² In fact, as the COI found, al-Haas was “considered to be safer than most localities precisely because armed groups are not present,” and for that reason some “10,000 internally displaced people, approximately one-third of the Haas population . . . settled there.”²³³

Findings from the COI's March 2017 report also support the conclusion that the schools in al-Haas were deliberately targeted that day, stating there were “reasonable grounds to believe that the Syrian Air Force deliberately targeted the Haas schools complex,” and that the attack “constitutes the war crimes of deliberately targeting a civilian object and deliberately attacking civilians.” The COI reached these conclusions based on the following factors indicative of deliberate targeting:

First, as the employer of the teachers of the Haas schools, the Syrian government would have known the location of the schools. Second, the attack took place on a day and a time that classes were expected to take place, a Wednesday morning. Third, the lack of warning of a planned attack in a civilian-inhabited area housing five educational facilities. Finally, the absence of any indication of a military target in the schools or their vicinity.²³⁴

In addition, witnesses reported that a series of attacks occurred, some inflicted against civilians who had rushed to the scene to help victims, a so-called double-tap attack, which lends added credence to the purposefulness of the attack. Double-tap attacks involve the targeting of rescue workers and medical personnel, the families of students, and others who arrive in the aftermath of an attack to assist and evacuate the wounded and dying. They have been used in other conflicts and appear to be a tactic for targeting and killing civilians and aid workers in

²³⁰ SNHR (2016).

²³¹ *Al Jazeera* (2016b).

²³² SNHR (2016).

²³³ UN Human Rights Council (2017a).

²³⁴ UN Human Rights Council (2017a).

Syria.²³⁵ At a minimum, the attackers had an obligation to cancel or suspend the attack once it became apparent that the attack was causing loss of civilian life, injuries to civilians, and damage to civilian objects.²³⁶

Attacks on Ain Jalout Primary School, al-Ansari al-Sharqi, Aleppo (April 30, 2014)²³⁷

On April 30, 2014, Syrian government forces carried out an attack against Ain Jalout Primary School in the eastern al-Ansari neighborhood in Aleppo.²³⁸ Much like the attack on al-Haas, this attack occurred in daylight and during school hours.²³⁹ The attack killed about 35 people, including 33 children. Approximately 40 more civilians were severely injured.

This attack was particularly egregious, because at the time the school was filled with parents and children who had gathered for an exhibition of children's artwork titled *An Imprint of Hope*, depicting their experiences of the conflict.²⁴⁰ According to a direct testimony published in a UN Human Rights Council report:

Three days prior to the attack, the school administration sent around an invitation to an exhibit of children's drawings depicting Syria at war. They published the invitation online. The attack came two days after the Government and armed groups reached a deal in Aleppo governorate to restore electricity in exchange for a cessation of military attacks on civilians, namely the barrel bombing campaign launched by the Government against opposition-held areas. This truce encouraged the organisers to publish it online and to spread the word about it.²⁴¹

Despite public notice that the exhibition was happening, the government did not provide any form of advance warning to evacuate or alert administrators to cancel it.²⁴² Rather, the government conducted a series of attacks in quick succession, which ultimately increased the number of casualties.²⁴³ The attack destroyed more than 60 percent of the school.

Claims have been made that there was a barracks with 50 fighters, known as Ansar al-Aqida, located somewhere near the Ain Jalout School. Reports differ about how official the encampment was and how far away it was from the school; some reported it was about 60 meters away,



PHOTO: The attacks on the Ain Jalout School in Aleppo destroyed more than 60 percent of the building. (A Press Statement on the Targeting of Two Schools in Damascus and Aleppo “Imprint of Hope Soaked with Blood,” VDC/Photo by Abdullah Badawi, 2014)

²³⁵ There are other instances of double-tap attacks during the Syrian conflict, including against schools. For example, see UN Human Rights Council (2016a), para. 70.

²³⁶ Henckaerts and Doswald-Beck (2005a), Rule 19.

²³⁷ Unless explicitly noted, the information for this case study has come from SIJ, SNHR, and VDC.

²³⁸ SNHR (2014).

²³⁹ UN Human Rights Council (2014c). For example, on page 11, the report states: “The father of interviewee G... stated that on 30 April at about 9:05am, he was home in [redacted], in Aleppo City. Both his neighbourhood and the al-Ansari neighborhood, where the Ain Jalout Elementary School is, are in opposition-held areas. He heard a loud explosion. When he looked from the window of his apartment, he saw smoke rising from an area he suspected it to be near Ain Jalout Elementary School where his two sons had just gone to participate in an art exhibition.”

²⁴⁰ VDC (2014).

²⁴¹ UN Human Rights Council (2014c).

²⁴² Henckaerts and Doswald-Beck (2005a), Rule 20.

²⁴³ UN Human Rights Council (2014b).

others said 100 meters.²⁴⁴ There is also contradictory evidence about whether it was being used at the time. Yet even if it is true that military elements were in the vicinity, close to the civilian population, that does not justify the indiscriminate shelling of a school.²⁴⁵ The COI found that:

The timing of the attacks and their repetitive nature indicates that the attacks had the intention of wounding and killing as many people as possible. Ain Jalout School had previously been attacked in 2013. The character and context of the attacks on the school make it apparent that Government forces could not consistently mistake their target to be the school building rather than the adjacent barracks of Ansar al-Aqida. In addition to wounding and killing children, attacks on schools damage educational infrastructure and militarise civilian areas.²⁴⁶

The same school was attacked on at least two other occasions, once in 2013 and once in 2016. The repetitive nature of these attacks is suggestive of intentional targeting or at least indicates that the government failed to take requisite precautions, consistent with principles of distinction and precaution under international law.

The earlier attack on August 6, 2013, occurred during the al-Abrar charity market that was being held in the school. It has been attributed to the Syrian Army.²⁴⁷ The missile is said to have been launched from a warplane and killed about 20 people, including a number of children.²⁴⁸

The same school had been hit before, when a charity organised a fundraising market mainly for displaced and poor people just before Eid 2013. On [6] August 2013, Government forces targeted Ain Jalout elementary school with mortar shelling, while the school was packed mostly with women and children who gathered at the school to get free clothing or other basic necessities from the charity market. The mortar attack resulted in the deaths of many, mostly children and women and injured dozens of victims.²⁴⁹

The April 27, 2016, attack was part of a sustained assault on opposition-held Aleppo that included airstrikes and shelling that lasted for eight days. “The Syrian Observatory for Human Rights reported on April 30 a total of 244 civilians killed in Aleppo over eight days of airstrikes and shelling—140 of whom died because of airstrikes in opposition-held Aleppo—including 19 children and 14 women. The group also said that 96 civilians, including 21 children and 13 women, were killed in government-held Aleppo from shelling by armed groups.”²⁵⁰ On the day of the attack, the school as well as the al-Quds hospital, which was located across the street, were hit. The Russian government denied responsibility for the airstrikes on Aleppo on April 27, 2016, instead blaming the attack on coalition forces.²⁵¹ A report prepared by Médecins Sans Frontières includes helpful details and a timeline of the attacks.

According to three hospital staff that were present and survived the attack, at around 9:30 p.m. on 27 April 2016, a building across from al-Quds hospital was hit by an aerial attack. This building was identified as Ain Jalout School, which had been previously hit at least three times. Those without visibility outside of the hospital at the time refer to this strike as happening close to the hospital,

244 Amnesty International (2015), 32–33.

245 Henckaerts and Doswald-Beck (2005b) note that “In a press release concerning the conflict in Lebanon, in 1983 the ICRC stated that ‘the presence of armed elements among the civilian population does not justify the indiscriminate shelling of women, children and old people.’” (International Committee of the Red Cross, 1983, as cited in Henckaerts and Doswald-Beck, 2005b). Also, the judgment issued in *Prosecutor v. Tadic* stated that “it is clear that the targeted population [of a crime against humanity] must be of predominantly civilian nature. The presence of certain non-civilian elements in the midst does not change the character of the population.” *Prosecutor v. Tadic* (1997), para. 638; see also para. 643.

246 UN Human Rights Council (2014b).

247 SNHR (2014).

248 VDC recorded 23 fatalities, including 19 children, two teenage boys, and two teenage girls. SIJ recorded 21.

249 UN Human Rights Council (2014c), 12.

250 Human Rights Watch (2016f).

251 Al-Khalidi (2016).

but did not see where it hit. The already damaged school was destroyed. Following the first strike, al-Quds medical staff went to retrieve the wounded and transferred them to the hospital for medical care. An al-Quds staff member, at the residence for hospital personnel located a few buildings down from al-Quds, heard the strike and rushed to the hospital. Soon after the staff member left the residence, the residence was struck by a second airstrike.²⁵²

Schools in Ain Jara (Anjarh), a Suburb of Western Aleppo (January 11, 2016)²⁵³

The town of Ain Jara is located in the countryside about 10 miles northwest of Aleppo. On the morning of January 11, 2016, it was attacked dozens of times during at least three successive air raids.²⁵⁴ The attack against the school was carried out early in the morning, around 8:00 a.m.—during class time—and it is well known that classes in Syria take place five days a week, from Sunday to Thursday. School hours are 7:30 a.m. to 12:30 p.m. for the morning classes, and from 12:30 p.m. to 4:30 p.m. for the afternoon classes. The schools were bombarded while students were taking their trimestral exams.²⁵⁵

After that attack, both VDC and SIJ recorded 20 civilians killed (19 children and 1 teacher) in connection with the airstrikes, although others recorded a higher number of 35, including 17 children.²⁵⁶ Some news reports indicate that “35 children were killed in all,”²⁵⁷ including a number of children from displaced families who were attending school there. Nearby homes were affected as well.

The town of Ain Jara is small. Unlike the other emblematic schools examined here, it is located a considerable distance away from a densely populated city, the closest being Aleppo. Satellite imagery gives a sense of its small size and rural surroundings.

Based on the evidence gathered by the organizations working on this project, it appears that the schools were intentionally targeted or were part of a widespread and systematic attack that was so excessive as to be indiscriminate.

Multiple reports indicate that three schools in total were attacked that day. The schools appear to have been located in a broad compound that was spread over a wide area, apparently on a hillside. Video footage of the damaged buildings shows that the buildings were a considerable



PHOTO: A satellite image shows the town of Ain Jara's relative small size and geographic isolation. (Google Maps)

252 Médecins Sans Frontières (2016).

253 Unless explicitly noted, the information for this case study has come from SIJ, SNHR, and VDC.

254 UN Human Rights Council (2016a), 17. The report states, “Aerial attacks by pro-Government forces have killed hundreds of children in opposition-held areas. On 11 January, an aerial raid killed at least eleven children between the ages of six and twelve in a school in Ain Jara, Aleppo.”

255 Russian Planes Commit a Massacre in the Town of Anjara in the Countryside of Western Aleppo, Targeting Schools (2016).

256 Information from SIJ and VDC. See also Shaam Network (2016).

257 Reals (2016).

distance from one another. To hit all three, it seems the warplanes would have needed either to employ precision weaponry or to dump bombs indiscriminately.

Eyewitness testimony indicates that guided missiles might have been used. It is possible that the Russian Air Force was singling out schools for attack in support of its mission to target infrastructure to “reduce the combat potential of terrorist groupings,”²⁵⁸ and to make the areas uninhabitable by civilians.

The attacks appear to have been part of a larger air campaign that Russian forces were conducting against Aleppo and areas to the north such as Ain Jara. That campaign allegedly damaged or destroyed schools in al-Atarib, Hawr, Kafr Da'al, Kafr Maya, Meng, and Yanad al-Adas.²⁵⁹ It has been reported that, on that same morning of the attack, Russian aircraft carried out more than 50 raids on the towns of Kafrnah, Khan al-Asal, Kafr Houm, Sheikh Ali, Maarat al-Arteq, and Kafr Hamra in the region west of Aleppo.²⁶⁰ Russian news agencies quoted Defense Ministry Official Lieutenant General Sergei Rudskoy as saying that the targets that Monday morning included oil infrastructure, military equipment, and troops under the control of armed militant groups.²⁶¹

These attacks coincided with talks about an agreement for cessation of hostilities, a Security Council resolution condemning attacks against civilians,²⁶² and peace negotiations.²⁶³ After the Russian fighters' attacks on these schools, the Islamic Educational, Scientific, and Cultural Organization (ISESCO) condemned the killing of children and teachers in the airstrike and called on the United Nations and the UN Security Council to condemn the bombing and to intervene to prevent additional attacks against civilians and residential communities in Syria perpetrated by Russian forces.²⁶⁴ Stéphane Dujarric, the spokesperson for the UN Secretary-General, said that the recent attacks on schools and health facilities were cause for alarm, saying that the attacks were a violation of human rights.²⁶⁵

Despite the heavy casualties, Russia denied bombing civilians. In response to a call by French Foreign Minister Laurent Fabius to cease bombing civilians, Maria Zakharova, the Director of Information for Ministry of Foreign Affairs, asserted that “Russia does not carry out operations against civilians.”²⁶⁶ Rather it claimed that “its air force jets ha[d] flown 311 combat sorties in Syria and attacked 1,097 ‘terrorist targets’ . . . since the start of this year.” Despite the fact that in February 2016 the United States and Russia brokered a partial ceasefire during talks in Munich, not too long after,²⁶⁷ on March 31, 2016, over 14 airstrikes were conducted on two schools and a hospital in Deir al-Asafir in Rural Damascus.²⁶⁸

That timeline and the facts about what happened in Ain Jara warrant further investigation. An attack of such scale against three schools in a rural area seems to have been excessive or, worse yet, intentional. As part of that inquiry, it will be necessary to determine whether the attackers treated the town as a whole and its schools as a “single military objective,” rather than calibrating its attacks to hit “separated and distinct military objectives” located there.²⁶⁹

258 Ministry of Defence of the Russian Federation (2016).

259 Rayd Syria (2016).

260 *Zaman Alwasl* (2016).

261 *Arab News* (2016).

262 On December 18, 2015, Security Council Resolution 2254 demanded “that all parties immediately cease any attacks against civilians and civilian objects as such, including attacks against medical facilities and personnel, and any indiscriminate use of weapons, including through shelling and aerial bombardment.” UN Security Council (2015).

263 In November 2015, the International Syria Support Group met in Vienna to discuss how to end the Syrian conflict. The group agreed to support efforts to implement a nationwide ceasefire and the 2012 Geneva Communiqué road map for peace (UN Department of Political Affairs, 2015).

264 Islamic Educational Scientific and Cultural Organization (2016).

265 *Anadolu Agency* (2016).

266 *Akhbaar24* (2016).

267 *Al Jazeera* (2016c).

268 SNHR (2015).

269 Henckaerts and Doswald-Beck (2005a), Rule 13.

Saed (Saad) al-Ansari School, Aleppo (April 12, 2015)²⁷⁰

Late in the morning on April 12, 2015, the Saed al-Ansari School came under attack from the air. It was a Sunday morning and a few children were playing “peacefully in the schoolyard.”²⁷¹ The school housed 431 students and 47 teachers.²⁷² According to sources, the blast killed 9 or 10 people, including 3 teachers and 5 children.²⁷³ Some of those killed were children from displaced families who were attending school there.²⁷⁴ Video available from Syrian Observatory for Human Rights (SOHR) shows the awful aftermath of the attacks.²⁷⁵

Based on testimonies and pictures of the remnants of rockets collected after the attack, the field teams concluded that the attack was carried out by government warplanes using a guided missile.²⁷⁶ An apartment block was also hit.²⁷⁷ The fact that civilian structures—the school and an apartment complex—were hit raises questions about the level of care taken when planning and implementing the attack. To have fired guided weapons at or in close proximity to a school was, at a minimum, reckless and indiscriminate.

Based on what is known, it appears likely that Syrian and not opposition forces initiated the attack. The attack occurred a day after battles had taken place between government and opposition forces in the north of the city. There, unidentified opposition fighters were alleged to have been shelling the government-held neighborhood of Suleimaniyeh.²⁷⁸

Bab Sharqi (Bab Sharki), Damascus (November 11, 2013)²⁷⁹

In mid-November 2013, an attack by the armed opposition caused damage to St. John of Damascus School in the al-Qasa’a suburb, controlled by government forces, as well as to a school bus parked in front of the al-Risalah private school about 3.5 kilometers away. Nine students died in these attacks,²⁸⁰ and approximately 17 children were injured.²⁸¹

These attacks have been attributed to opposition forces, who appear to have been firing indiscriminately into civilian neighborhoods.²⁸² The weapons used—mortar shells—are by nature inaccurate but remain a primary weapon by many opposition groups.²⁸³ Yet, the practice of firing them into densely populated neighborhoods seems to be inherently indiscriminate. The press covered the attacks extensively,²⁸⁴ and COI included them in its reports.²⁸⁵

270 Unless explicitly noted, the information for this case study has come from SIJ, SNHR, and VDC.

271 People in Need (2015).

272 People in Need (2015).

273 People in Need (2015).

274 SIJ database.

275 Syrian Observatory for Human Rights (2015). “Aleppo province: SOHR documented the death of 9 civilians (including 5 children and 2 women) by an airstrike targeting Jamil Qabani school in al-Ansari neighborhood. The number of the dead is likely to rise according to the number of the serious injuries. Aerial bombardment killed a child and wounded others in Shekh Kheder neighborhood. Regime warplanes also targeted areas in al-Bayada and Hanano housing neighborhoods.”

276 Perry (2015).

277 Adams (2015).

278 Cafarella, Kozak, and the Institute for the Study of War Syria Project (2015).

279 Bab Touma is a contiguous neighborhood. This attack is sometimes referred to as having occurred there rather than in Bab Sharqi.

280 UNICEF (2013a).

281 Human Rights Watch (2015b), 38.

282 See, e.g., McDonnell (2013) and Al-Thawra (2013).

283 Mortars generally consist of little more than a short barrel equipped with a firing pin that fires bombs in high-arching trajectories. They can be roughly aimed, but accuracy depends on factors such as the chosen flightpath and trajectory, elevation of the target, and the effect of the wind. Often a mortar crew will need to adjust its aim through a process of trial and error, first firing off a round, waiting to see where it lands, and then trying again.

284 Syrian Observatory for Human Rights (2013).

285 UN Human Rights Council (2014a), para. 101.

The attack on the school bus was but one of several documented attacks that affected schools, universities, and school buses in that area around the same time.²⁸⁶ At the time of the attack, that area of Damascus was under assault by groups opposed to the government. Over the course of three weeks, four schools had been hit. On October 22, shells fell on two schools—Fayez Said School and Nazih Munther School—in the Gramana district of Rural Damascus, injuring 14 people. Then, on November 6, a shell landed on the Aisha School in the al-Midan area of Damascus, killing 4 people.

At the time, UNICEF expressed its sheer outrage over the attacks.²⁸⁷ Some characterized the attacks as a reprisal for government attacks that had occurred the week before.²⁸⁸ Some believe that Christian neighborhoods were being singled out for attack.²⁸⁹

The bus and Risalah school were said to have been located a short distance away from the Bab Sharqi gate where the National Defense Forces regularly maintained a security checkpoint.²⁹⁰ The location of a checkpoint, however, does not relieve the combatants from doing everything feasible to avoid or minimize the incidental loss of civilian life and damage to civilian objects, including in the choice of means and methods of attack.

Al-Kamal Private School, Aleppo (October 27, 2014)²⁹¹

On October 27, 2014, nonstate armed groups attacked the al-Kamal School in the al-Hamadaniah neighborhood of Aleppo, a private school providing instruction through the ninth grade.²⁹² Sources indicate that the attack occurred in the morning and that four rocket-propelled grenades were used, with one hitting the school.²⁹³ The Syrian Committee for Human Rights reported the use of a Grad rocket.²⁹⁴ Some neighboring houses and nearby Ebla University Center were also hit that day.²⁹⁵

Amnesty International has reported that Jaysh al-Mujahadeen, a jihadi faction formed to battle ISIS and the regime,²⁹⁶ likely initiated the attack.²⁹⁷ Casualty numbers differ some, but at least four children were among those killed. A video posted online that day appears to verify that the attack came from nonstate groups, although additional investigation is necessary to confirm whether that is the case. According to Amnesty International, the video shows rocket-propelled grenades being launched from al-Hamadaniah Stadium, seemingly in the direction of the al-Assad Military Academy.

At the time of the attacks, government forces were making progress regaining areas of the city and gaining control of key supply lines into the city.²⁹⁸ Numbers available from the Syrian Institute for Justice (SIJ) give a sense of the intensity of the fighting in Aleppo at the time.²⁹⁹

286 Other attacks that occurred around the same time include the attack against Aicha al-Sidika School in the al-Midan area of Damascus on November 6, 2013 (UNICEF, 2013a).

287 UNICEF (2013a).

288 *Associated Press* (2013).

289 Erlich (2013).

290 Human Rights Watch (2015b), 39.

291 Unless explicitly noted, the information for this case study has come from SIJ, SNHR, and VDC.

292 See https://www.facebook.com/pg/alkamalprivateschool/about/?ref=page_internal.

293 Amnesty International (2015), 37; Qaddour (2014).

294 Syrian Committee for Human Rights (2015).

295 *Almjhar* (2014).

296 Lund (2014).

297 Amnesty International (2015), 37.

298 Perry and Holmes (2014).

299 SIJ (2014).

Figure 6.2: Attacks on Aleppo During October 2014

Weapons Used in Shelling	Total Number
Barrel Bombs of Helicopters	182 Barrel Bombs
Barrel Bombs of Helicopters Containing Chlorine Gas	1 Barrel Bomb
Air-to-Surface Missiles	187 Missiles
Surface-to-Surface Missiles (Long Range)	0 Missiles
Surface-to-Surface Missiles (Short Range)	4 Missiles
Cluster Bombs	3 Bombs
Attacked Places:	Total Number
Residential Areas	138
Military Areas	24
Industrial Areas	2
Agriculture Areas	6
Archaeological Areas	1
Hospitals	0
Schools	2
Universities	1
Mosques	1
Churches	0
Public Markets	3
Civilian Services Centers	1
Bakeries	1
Human Losses:	Total Number
Total Numbers of Victims	96
Children	29
Women	11
Armed People	2
Media Reporters	0
Doctors, Nurses, First-Aid Workers, and Pharmacists	2
Humanitarian Aid Workers and Civilian Services	1

Source: SIJ.

This case, which is similar to other attacks perpetrated by opposition forces, illustrates how using imprecise weaponry, including rockets launched from a distance away, can be indiscriminate.

Mohammad Naser Ash'oush School, Eastern Ghouta, Outskirts of Damascus (October 31, 2017)

Despite the outrage from international actors against the attacks on schools and other civilian objects, such attacks continued throughout 2017 and into early 2018, at the time of this report's writing. On the morning of October 31, 2017, for instance, an attack occurred against Mohammad Naser Ash'oush Primary School in the town of Jisreen in Eastern Ghouta, a rural suburb of Damascus.

The shells landed in front of the school gate, killing six students and a man who was selling sweets. The SNHR concluded that the school was hit by artillery shells fired by government forces.³⁰⁰

The bombing reportedly occurred 24 hours after the arrival of a long-sought humanitarian aid convoy into the region. Eastern Ghouta had been under siege and subject to debilitating restrictions on the entry of essentials, such as food, medicine, and humanitarian supplies for much of the period after April 2013.³⁰¹ During the spring and summer of 2017, however, as part of the peacemaking framework agreed upon during the Astana talks,³⁰² Eastern Ghouta was identified as one of four de-escalation zones where attacks were supposed to decrease.³⁰³ The aid was reportedly still being stored in distribution centers and had not yet been distributed at the time of the attack.³⁰⁴

Despite the announcement of these de-escalation zones, attacks continued, including against schools. The attack on the Nasser Ash'oush School in Jisreen reportedly occurred at the end of the school day, while children were leaving the school.³⁰⁵ Multiple eyewitness accounts confirm that story, including a local quoted by Syrians for Truth and Justice. The witness said:

A shell fell in front of the school gate while the students were leaving to their homes; we heard loud sound of the missile, followed by children's voices shouting and screaming. I remember exactly how the kids were running in panic in every direction, some of them were seriously injured, and some lost their lives. The scene was awful and children's pieces scattered all over the place. However, all I remember is that I tried to help as many children as I could, with the help of some neighbors, then all the children were transferred to hospitals, but because Syrian regime had already prevented entering fuel into Eastern Ghouta, ambulances were delayed in coming.³⁰⁶

Based on evidence gathered by the organizations collaborating in this report, there was extensive property damage to the building, fence, and cladding materials.³⁰⁷

Jisreen was under the control of armed opposition factions, most likely Jaish al-Islam, at the time of the assault. Since that time, attacks continued and escalated in Eastern Ghouta. SNHR documented 329 civilians killed, including 79 children in Eastern Ghouta during the period of November 14, 2017 to January 11, 2018.³⁰⁸ Attacks on vital civilian facilities included four attacks on schools.

300 SNHR (2017e).

301 Lund (2017).

302 The main points of the agreement are included in a joint statement issued by the "guarantor" countries (Ministry of Foreign Affairs of the Russian Federation, 2017).

303 A memorandum of understanding was signed on May 4, 2017 by Russia, Turkey, and Iran to create the escalation zones. See Barnard and Gladstone (2017).

304 Syrian Observatory for Human Rights (2017).

305 Syrians for Truth and Justice (2017).

306 Syrians for Truth and Justice (2017).

307 SNHR (2017b).

308 SNHR (2018b).

Chapter 7: The Impact: How Attacks on Schools Affect Syrian Lives

As part of this project, the four organizations comprising the Impact Group conducted in-person interviews and focus group discussions with students, parents of students, teachers, school administrative staff, and local council members in an effort to investigate and understand the full impact that the attacks have had on students and communities.³⁰⁹ Much of the analysis in this chapter on the broader impacts that the attacks on schools have had on the lives of Syrian individuals and communities is drawn from these interviews and focus group discussions, though some findings are supplemented by other primary and secondary sources collected as part of a review of existing literature.

A few of the subjects discussed, however, did not necessarily come up in interviews and focus groups, possibly due to a very limited sample size and the type of experiences being investigated. The project team nevertheless considered them to be prominent and prevalent enough to include anyway. For example, because all of the participants remained inside Syria, the impacts prevalent among refugees were not necessarily reflected in the interviews. The issue of school curricula also did not come up in interviews and focus groups but was included because of its importance to the future of Syrian children and the fact that the school curriculum has historically been used in Syria as a tool for promoting the government and a certain sectarian perspective. Moreover, the issue has been a salient one for the participating organizations authoring this report, both in their institutional capacities working with families and communities inside and outside Syria as well as in their personal experiences as Syrians themselves affected directly by conflict.

The Cases

The following section presents a glimpse of life in the three areas in which the interviews and focus groups were conducted and that forms the basis of the analysis included in this section. It describes the situation in the three places—al-Haas, Idlib; Douma, Rural Damascus; and Atarib, Aleppo—before the attacks experienced by the participants and gives basic facts about each attack. The information for each comes primarily from interviews and other exchanges with local council representatives from the three areas, with some additional information from other interviews with teachers and parents. As such, the information included represents the communities' perspectives of their hometowns. It is clearly noted where secondary sources have been used to supplement the information.

Al-Haas, Idlib³¹⁰

The town of al-Haas is located in northwestern Syria in the governorate of Idlib. The area is home to an estimated 23,000 residents as well as an additional 5,000 displaced individuals. According to the local council members

³⁰⁹ The four organizations were Dawlaty, Women Now for Development, Startpoint, and The Day After. Refer to Chapter 2 for more detail about the selection of participants and methodology used.

³¹⁰ All background on al-Haas is from interviews with local council members conducted there on August 15, 2017.

interviewed, the community has been receptive to the influx of displaced persons by providing them with humanitarian support as needed and providing job opportunities for those with sought-after technical skills. At the time of the interviews and writing of the report, there was relative safety, compared with earlier periods of unrest in the area, though of course this situation could change in an instant. And even despite the “relative” security, recurrent kidnappings, murders, arbitrary arrests and detentions, as well as theft still happened.

Access to education in the area was good before the conflict, and students found it easy to commute to their schools. Unfortunately, things began to deteriorate after the conflict started and even more drastically after the town was hit by airstrikes in 2016. Now, council members explained, the schools are facing various challenges, including dealing with the trauma exhibited by students and teachers following the airstrikes and other attacks on the town. The students are finding it more difficult to commute to their schools amid recurrent attacks and kidnappings. Moreover, the schools are also finding it challenging to print textbooks and otherwise equip the classes and buildings.

The testimonies that have been collected recount an attack that occurred on October 26, 2016, when two military aircrafts raided three schools located within a complex with other schools in the town. This attack is among the seven emblematic cases already discussed earlier. (See “Attacks on al-Haas” above for more information.)

Douma, Rural Damascus³¹¹

The city of Douma is located to the northwest of the capital Damascus in the governorate of Rif Dimashq (or Rural Damascus). Douma encompasses several surrounding villages and towns, which are administratively part of the city. As of early 2018, Douma had a reported population of around 134,000, comprising long-term residents of the city along with hundreds of internally displaced persons from nearby towns and areas in Eastern Ghouta. The city, much like other cities in Eastern Ghouta, has been under siege since 2013, and many cases of death and medical complications have been reported due to malnutrition. The city has been under heavy shelling as well, which has led to the destruction of most public institutions, including the main central hospital,³¹² and rendered 65 percent of the buildings uninhabitable. Continuous besiegement of the area has resulted in widespread hunger and malnutrition among students. The siege also means that neither a functional transportation system nor access to textbooks, stationary, and other supplies is available.

Douma has seen multiple waves of displacement, and during high periods of displacement from the city, most educational facilities closed and became nonfunctional. When the siege of Eastern Ghouta began in October 2013, teachers were prohibited from leaving the area to obtain their salaries. This prohibition continued until April 2014, when they were allowed to travel again to obtain their salaries, though not without difficulty. Many were interrogated at the al-Khatib security branch, and several were arrested. In 2015, a Directorate of Education was established in Eastern Ghouta under the authority of the interim government.

In 2017, the total number of students in school between ages 6 and 18 was 64,727, with female students constituting 53 percent of the total. As of early February 2018, 153 functional schools and 15 nonfunctional schools remained in the area. There are also two educational facilities for children with disabilities, which cater to approximately 100 students. The number of teachers totaled 3,680, though there is a serious shortage of expertise among them, particularly at the elementary level where half of the teachers do not have pedagogical training or the requisite degree. The educational staff are all residents of the area and online textbooks are used when possible because physical ones are impossible to obtain.

³¹¹ All background on Douma is from an email exchange with a local council representative from Douma on February 6, 2018.

³¹² As reported by the Douma Housing Department.

Several incentive programs have been initiated by the Directorate to encourage students to attend schools, including an expedited curriculum option and programs providing food and resources to students. These programs have led to an increase in total enrollment from 45,000 in 2015 to its current rate, but many students are struggling to achieve the expected results. For example, by the third grade, many children are still not able to read and write. The Directorate has also shortened the school day into morning and afternoon sessions, lasting three and a half hours each. Sports and arts classes were dropped to accommodate the shorter day. Any time shelling in the area intensifies, schools close for the day. Alternatively, if moderate but continuous shelling continues for a period of time, the elementary school day is shortened to 80-minute sessions, and intermediate- and secondary-level students continue the full school day in underground classrooms.

On December 12, 2015, the city of Douma in Rural Damascus was targeted by a series of raids led by the regime and Russian forces, who deployed a variety of cluster and thermobaric missiles. One of the cluster missiles struck a gathering of schools in the town, together known simply as the Douma Schools. The airstrike occurred immediately after classes had been suspended for the day when students were leaving. The testimonies from Douma included in this report refer to these attacks.

Atarib, Aleppo³¹³

The city of Atarib is located in the western part of the governorate of Aleppo, close to the Bab el-Hawa border crossing. Atarib is a major hub in Aleppo and is densely populated for its size, with a permanent population of approximately 35,000 and an additional 25,000 displaced persons. Atarib has experienced several attacks since the start of the conflict in 2012, but the intensity of the attacks has subsided at different periods, depending on the dynamics of the conflict. Still, a sense of tension persists in the area due to the ongoing fighting between opposition armed groups and the Levant Liberation Committee (LLC), an al-Qaida-linked group, and because of the ongoing detention of political activists. The city has a functioning local council, which coordinates with the Local Defense Units and the various humanitarian organizations to provide basic services to the residents of the city.

The city has 11 schools: 1 technical school, 2 high schools (each segregated by sex), 1 intermediate school for girls, 6 elementary schools, and 1 school for orphans known as Imam Shafii School. The schools are fairly accessible to all the students in the area, but after various attacks on the schools, the dropout rate reached nearly 30 percent. This rate was consistently mentioned throughout interviews with the local council representative, teachers, and other school staff. The high dropout rate was also attributed in part to children leaving school to find jobs to help support and feed their families.

All of the schools in the area have been hit by airstrikes at different points in time, and several have stopped operating as a result. The only available preventive measure in the area is to continuously monitor the air traffic near the city and alert the schools when a potential airstrike is about to hit using radio communications and sirens located around the city.

The testimonies collected from children and adults in this area recount a strike on the Imam Shafii School in 2017. The school caters to students who have lost one or both parents and who are between the ages of 6 and 12 years. It has 12 classes covering elementary levels from first to sixth grade. The school was hit on March 5, 2017, between noon and 2:00 p.m., during school hours.

³¹³ All information in this section is from an interview with a local council representative in Atarib on August 17, 2017.

Experiencing Attacks on Schools: Panic, Chaos, and Normalization of Violence

In seeking testimonies from different participants about their experiences of specific attacks on schools, it became clear that it is difficult to disentangle a discrete experience of violence from the broader reality of living with ongoing armed conflict as the “everyday.” One unexpected pattern that consistently emerged in different participants’ stories was the discussion of readiness and a recounting of the various ways schools and communities had either prepared for attacks before they hit or coped with them in the aftermath. This focus on strategies for preparedness and security stands out because it shows how normalized the violence has become. Rather than talking

first about an end to violence altogether, communities have come to expect further attacks, and so their first priority has necessarily become mitigating the damage and loss of life. Certainly understandable from the communities’ perspective, this state ultimately reflects the abject failure of national and international parties to take meaningful action to protect schools and the civilians that frequent them, including children.

Another point that came through clearly is the importance of education in Syrian society. Despite the horrors of the violence around them, schools and communities are doing everything they can to ensure that children can still get the best education possible given the circumstances—whenever and wherever they can. They have showed active agency and innovation



PHOTO: A drawing made by a student lies on a classroom floor covered in human blood inside the Ain Jalout School after the attack. (SIJ)

in findings ways to protect students and staff as much as possible—by formulating complex systems of triage, communication, and preparedness in schools and often creating alternative systems for schooling in homes and underground spaces where children may be safer from attack. They do all of this in the face of despicable attacks, which in the case studies often took the form of dreaded double-tap attacks intended to inflict added devastation.

Perception of Risk and Danger

One of the major themes that emerged in initial interviews and focus groups is how the community’s perception of the possible risk of an airstrike or the potential danger in an area affected their preparedness to act when an airstrike did occur. The narratives were collected from children, parents, teachers, and local council representatives from various geographical locations, including locations experiencing differing conditions of safety and risk. Though the ultimate goal should always be that schools are protected from attack without exception or outlier, the reality for now is that the differences among the contexts and the communities’ distinct experiences may have important implications for thinking through recommendations for protocols and other measures to be put in place immediately to help schools mitigate risk when an attack occurs.

Preceding the attack of October 2016, military aircraft regularly flew above schools in the area of al-Haas, but they had not yet resulted in strikes on schools; rather, strikes would hit nearby targets outside the town. The children

of al-Haas were accustomed to the sight and sound of the airplanes passing above with little expectation of a potential airstrike. According to those interviewed from the area, classes were carried out normally, playtime was not disturbed, and children walked to school on their own, reflecting a sense of security among the community members. “I go to school every day, and I love my friends, especially [my cousin]. . . . Before the airplane came, we would not be scared and everything was normal. We would go [to school] and come back without any fear,” says 10-year-old fourth-grader Nadeen*.³¹⁴ Similarly, her classmate Inaam* points out, “I go to my school every day with my sister and my friend. . . . Earlier, when the airplane would come, we would not be scared, and everything would stay normal. Even if we were playing, we continued playing. And if we were in class, it was normal . . . we didn’t think that it would hit us. We felt safe.”³¹⁵

On the other hand, the school in Douma represents a context permeated by a moderate sense of caution among the school administrators and students. The area was previously attacked by airstrikes and so students, teachers, and administrators expressed caution when attending school. This heightened awareness occasionally results in children staying home from school out of fear. For example, in one of the interviews, 15-year-old Rand* explained how her friend decided that the aircraft flying above their town made her nervous, and so she decided to stay at her uncle’s house instead of going to the school. “It was me and my friend . . . me and my friends go to school together. My friend was my neighbor, and our other friend did not go to school that day. I asked her why our friend was not going, and she told me that she went to her uncle’s house because of the [nearby] airstrikes, she said that they are going to hit today. I told her that whatever is written by God will happen.” The same sense of tension was found among teachers the day of the attack. They would not let the children out into the courtyard early in the day on the day of the attack. Rand continued, “The last class we took was math, and there was a surveillance [drone] flying around, and they were taking pictures of us in the courtyard. . . . The principal said don’t go out . . . ; when they made sure that it was safe and the airplane was gone, we left.”³¹⁶

In the third case, the students and teachers interviewed from the Imam Shafii School in Atarib depicted yet another scenario. Because the area had been hit previously by multiple airstrikes and had witnessed various skirmishes between opposing forces around the town, the community, and in particular the school administration, exhibited a rather high level of alertness about potential airstrikes. In addition to retrofitting many of the schools in the neighborhood—including Imam Shafii—with underground basements that could serve as classrooms and act as possible shelters, administrative officials spoke about a system of alerts and safety mechanisms that have been put in place. The school has established networks with local observatories and radar stations that alert school administrators when possible aircraft are heading their way. The school also contracted out transport vehicles that respond whenever an alert is issued and remain on standby based on a 30-minute to one-hour check-in protocol. Moreover, the school is equipped with a medical bay that can accommodate first aid and emergency cases, in the event of casualties resulting from an airstrike. The school keeps in close contact with local civil defense units in the area to better plan for how to triage cases and evacuate those injured, if needed. The principal of a school in Atarib explained:

In [the city of] Atarib, we participated in the revolution since its early start. So the area was under attack and was targeted by the regime’s airstrikes. The frequency of the shelling would intensify from time to another. One time, the shelling in the area of Atarib lasted almost a month, when the fights were going on in Aleppo. We were always fully prepared for this and in constant communication with the observatory and radar station and other parties that were responsible for [monitoring] air traffic. In the last period, when the school was attacked, we were expecting it because the air traffic was very active above the area. We were prepared for anything that might happen at the school. I

³¹⁴ Interview in al-Haas on November 27, 2017. Names marked with an asterisk (*) have been changed to protect the identity of the speaker.

³¹⁵ Interview in al-Haas on November 28, 2017.

³¹⁶ Interview in Douma on November 19, 2017.

was in constant communication with the civil defense units and I had all the numbers of the [men working there]. Additionally, I was in communication with the radar stations and the transport cars that transported the children. . . . We also provided first aid supplies and had a clinic at the school.³¹⁷

Clearly, Atarib represents the case with the highest level of awareness of potential violence and of preparedness for an attack. On the one hand, this points to the resilience of communities and their ability to come together and both adapt and innovate in times of trauma and crisis. On the other, it reflects a tragic reality where armed conflict is so present and violence so commonplace in daily life that schools and communities are forced to develop protocols and systems of protection that would be unheard of in times of peace.

As would be expected, communities under attack responded differently depending on the place. In the case of the schools in al-Haas, there was little preparedness and the attack produced intense fear and hysteria among the students and the community. Efforts to help and evacuate were thwarted when additional missiles hit as students and other nearby civilians fled or ran into the school. Wiaam*, a 35-year old teacher at the school recounted the overall atmosphere when the missiles hit the school:

When the [first] hit happened we heard the sound earlier [than we felt the hit], and usually it would be the other way around. We thought it might be in nearby olive plantations. . . . The boys started laughing and making fun of those who got scared. . . . I, too, got scared and was a little ashamed of myself in front of them but went back to teaching the class. But then we heard it coming back again. This was not a laughing matter anymore, so I left everything on the table, and the children left their bags, and I got all the children out in to the hallway. I had two other teachers with me on the floor, and they took their students out into the hallway, one of them died in one of the missiles—may God rest her soul. One boy was holding me from my abayah [dress] and another girl from the other side and they were crying. One of them was telling me that his brother was in one of the classes, and another student was telling me about his other brother in another class, and suddenly I found myself crying as well . . . and you can't move at that moment from your place, so I just sat down with them and told that I will go with them and we all started crying. When the second missile hit, I took them and we all went down . . . there was a lot of chaos. . . . Then we heard the plane again, and me and another teacher just bowed down and closed our ears . . . you don't know what to do at this moment. We were in front of the main entrance and I saw the principal, and you can see that there was no control anymore. The principal couldn't control the students anymore.³¹⁸

In Douma, the moderate caution exercised by the community may have resulted in fewer casualties and certainly limited the panic and facilitated the civil defense units to carry out their work and help the injured as well. The response of the school in Atarib, on the other hand, was rather different. It was the least affected, with almost no casualties sustained. After the shelling started, and despite the failure of the observatories to inform the administration of a possible attack, the teachers were able to contain the wave of panic among the students relatively quickly. Certainly, there was fear and initial panic, but students were calmed and ushered into the shelter and waited for the shelling to end. Once it was over, the transport vehicles arrived at the school and took the children home. Mouna*, a 34-year-old teacher, recounted the events when the attack happened.

I was sitting with the children on the floor when the missile hit. I told them not to be scared, and they went on their own to open the door and they started going out into the hallway. . . . The children started rushing into the hallway, and those on the floor above us went down. There was a lot of chaos and the children were crying. We stood there, and the principal was there and started to calm the students and ask them to pray and go back to their classes and wait. We were all scared and the principal was scared too. It is normal; it is a huge responsibility after all. . . . We kept calming

317 Interview with school principal in Atarib.

318 Interview in al-Haas on August 17, 2017.

the students down and got everyone back to their classes and waited until the attack was over. Then the school allowed all the students to go back home, and the transport cars had come by then.³¹⁹

The extent of attack preparedness had a direct impact on how the teachers, administrators, and, consequently, the children, handled the situation. In situations of little preparation such as in al-Haas, chaos and panic overwhelmed the school; and the teachers had little ability to control the students. The chaos at the school and among civilians rushing to help led to additional casualties during subsequent hits. Alternatively, the school in Atarib presented a situation where the teachers were able to maintain order among the students. Despite the fear that took hold of everyone at the school, school staff were still able to exert control and organize the students and their evacuation from the school when it was safe.



PHOTO: Russian airstrikes blasted through the concrete walls of a school in Atarib, destroying much of it. (SIJ)

Having in place emergency procedures proved to be very effective and potentially lifesaving during school attacks. It provides the teachers and staff with a clear plan of action to follow. Students, too, may be better prepared to receive and follow the instructions of their teachers if they already know and have practiced what to do beforehand. Control over the panic and chaos is crucial to allow the teachers and staff to manage the situation, follow their safety procedures, and minimize injuries and potential casualties. As long as the conflict continues, all schools should consider having a proper emergency and safety plan in place, and it should be adequately communicated to staff, students, and their families.

School Safety Measures

Many interviewees were able to provide information about not only the degrees of preparedness and panic but also the actual safety and security measures taken at each school. These emerged most prominently in the interviews and the focus groups in Douma and Atarib, where the staff of the schools and the children interviewed were able to recount in detail the steps that they followed. They also emphasized the constant communication they have with one another and between schools and community members. In al-Haas, the participants did not mention such security measures but rather focused on the amount of destruction and injuries that were sustained following the attack. Many of them, and especially the children, spoke about the rampant chaos that followed an attack and how many of them felt paralyzed by not knowing what to do. The only thought they had was to flee the school grounds as fast as they could. “I went [out of the class] and fell down near the staircase and couldn’t get up. My teacher came and she took me to the middle of the courtyard and then she left me there. . . . I was looking for my friends to go home with them, but I couldn’t find them. When I got back, I saw that a missile had fallen on the spot where I had fallen earlier. Later on, my father came and took me home,” said Nadeen as she recounted her leaving the school.³²⁰

³¹⁹ Interview in Atarib on August 19, 2017.

³²⁰ Interview in al-Haas on November 27, 2017.

In the absence of any predetermined plan of action in al-Haas, the response to the attack by students, teachers, and the larger community proved to be uncoordinated. Panic spread among the students. Teachers and administration became highly distracted by the sense of chaos. Because they had never thought through an approach, they found themselves overwhelmed by the available options: Should they stay inside or leave? Is it better to go to an upper floor or flee downstairs? What do they do and where do they go once they get outside, and so on? Interviewees found decision making overwhelming amid the chaos. Teachers and staff were often giving out contradicting instructions to each other and to the students. During the attack on the school in al-Haas, interviewees recounted how the decision to evacuate was not made until there had already been three consecutive hits on the school. Students and other community members were rushing around inside and outside the school after the first attacks, and thus when the third missile landed more centrally, it caused greater casualties.

In Atarib, on the other hand, panic seems to have been more easily controlled because the school had a dedicated alert and shelter plan in place and it had been communicated to the school's staff and to a network of rescuers and first-aid responders. As a result, when the alert came, school staff commenced immediately with their designated tasks, such as opening shelter doors, moving students to the lower levels, and keeping students in groups by class so that they were not all together in one large group or scattered around individually. According to those interviewed, the staff's response at the school appears to have been very fast, mitigating some of the damage.

Another important security measure that emerged from discussions had to do with how children are evacuated. In the absence of an evacuation plan in al-Haas, the students found themselves alone in the school's courtyard. Many of them were unaccompanied, and some of them decided to make their way home alone, which itself may have additional implications for children's physical safety given the commonplace nature of crimes such as kidnapping, and potentially even for their experiences of trauma in the immediate aftermath of such a distressing incident. In other cases, as evidenced in some of the responses, alert and shelter protocols were followed by a coordinated plan for evacuation. In the case of the school in Atarib, transport vehicles were alerted to be on standby when an attack was detected and proceeded to the school's vicinity after the attack was confirmed to have ended. Students were taken in an orderly fashion to the buses and transported home. Civil defense units and local rescue and response units would also respond if needed to tend to the injured, wounded, and dead.

Finally, the communities and schools in Douma and Atarib undertook various other steps to increase preparedness during an attack. In both cases, schools were suspended when alerts of a potential attack were made, and alternative schooling methods were put in place. In both places, if school was not suspended altogether, the children were not allowed to go into the courtyard on the day of an alert; at other times, they would be allowed to go into the courtyard only in groups so that it would be easier to call everyone back inside if the school were to be hit. "We took some measures—for example, we would bring some of the students into the courtyard and keep the rest inside. We have 460 students, so we would bring out 230 students and keep the others in their classes [then switch]," explained the principal at the school in Atarib.³²¹ Additionally, the administrators at the same school replaced all glass, crystal light bulbs, and windows with plastic to minimize cuts and puncture injuries. Many parents and local council representatives in Atarib noted that members of the community had come together to dig underground shelters that could be used as classrooms if needed.

Onsite Triage Mechanisms

Onsite triage and advance coordination with medical and first-aid responders were another form of preparedness undertaken by school staff and the communities, although both were linked to the community's perception of

³²¹ Interview in Atarib on August 18, 2017.

risk and danger. When the airstrikes hit the schools where the project team conducted interviews, an immediate rush of panic ensued among the students and teachers, as well the community overall. In each instance, parents and neighbors would rush to the school to see what happened and to help the injured. Because children's lives were at stake, any sense of caution tended to be overridden by a sense of urgency to help. Some of the respondents from the school in al-Haas explained in interviews how the third consecutive hit was directed at the school's gate and main entrance. With no plan to stop the people from running toward the school until the attack was over, most of the casualties occurred with that hit. In the other areas, more restraint was exercised when the first responders came to the scene. The main rule was to wait until the airstrike was over before leaving the school or entering the school's vicinity to tend to the injured. The team noted this rule in the testimony of Rand from Douma: "I had shrapnel in my leg. . . . I was not aware of what was happening. I tried to look at my leg—it was still attached to me then—and stand up, but I couldn't. Every time I tried to stand up, I would fall. The entire courtyard was empty when I heard one of the teachers yelling for someone to come and pick me up. Then two men came and took me to the clinic."³²²

The interviews from Douma indicated a sophisticated level of coordination. Responders have established a system of triage and case selection that is supported by the available clinics and medical facilities nearby. Particular clinics are designated as "Unit Zero," so that it is clear who is to receive the first wave of the injured. There, patients are filtered by the severity of their injury, and basic first aid is provided. Following that, each patient is transferred to a specific unit depending on their injury and the medical care that is required. This process is important to allow victims and survivors to access the best medical care available in the community, while also not exhausting the medical supplies in nearby centers so these centers can continue to provide quality service to the broader population.

A final measure that has been taken in Atarib is the establishment of a basic medical bay at the school that is equipped to take care of minor injuries and cuts, as well as to handle more invasive medical procedures if needed.

The Aftermath: Short-, Medium-, and Long-Term Consequences

The catastrophic damage wrought on Syria and its citizens cannot be understated. The physical destruction is vast, and the reverberant effects on the economic, social, cultural, and educational fabric of Syrian society will persist for decades. Hundreds of teachers have been killed; many others no longer show up for work.³²³ Government forces have been known to make arrests at schools of students and teachers believed to be partaking in anti-government protests.³²⁴

The many years of violent armed conflict have also fragmented the transportation infrastructure, making it difficult for students and teachers to move between their homes and schools. In many instances, students and teachers are reticent to commute to school, because they are afraid of being harassed or physically assaulted or detained when they pass through makeshift checkpoints. Violence in general is a major deterrent for sending children to schools. Shadia*, one of the girls from al-Haas who participated in a focus group discussion, said, "I love science and to study, but after the massacre in 2016, my parents rejected the idea of studying in any school or center and decided not to send me to school until the end of the conflict. Now I spend all my time playing either on the mobile phone or with my brothers."³²⁵ An increased rate of early marriage among young girls who are kept out of school has been another consequence.³²⁶

³²² Interview in Douma on November 19, 2017.

³²³ *UN News* (2013).

³²⁴ UN Secretary-General (2014a).

³²⁵ Focus group discussion in al-Haas on August 16, 2017.

³²⁶ Center for Civil Society and Democracy (2016); McDonald et al. (2017).

It has already been noted how Syrian children have fallen prey to violence and human rights violations to a unique degree compared with other conflicts;³²⁷ they have also been one of the most affected groups when it comes to the psychological harm they suffered during conflict.³²⁸ They have internalized the violence they have seen on an almost daily basis into their play and into their lives. It is their new reality. For some, this internalization means trauma and long-term psychological consequences; for others, it breeds a mentality that violence must be met with more violence. Interviewees talked to us about being too scared to go to school after losing limbs and watching their friends die. They spoke of students they know as young as 12 years old who no longer see the point of studying past sixth grade because they would rather take up arms and fight to avenge the violence they have witnessed against their parents and other loved ones.

These realities should never be faced by anyone, let alone young students who once dreamed of becoming teachers and surgeons. Nothing will ever undo the massive suffering caused by years of ongoing violence, but listening to the voices and experiences of victims now can be a step toward ending the violence and finding ways to provide justice, redress, and acknowledgment for the many harms they have experienced.

Injuries

Physical injury and death are among the most immediately visible consequences of school attacks. Among the selected three cases alone, there were various accounts of injuries, and the physical toll was a point of major concern. The injuries discussed varied with the intensity of the attack: The participants in Douma and al-Haas reported more on injuries than those in Atarib. This discrepancy makes sense because the latter community managed to minimize the number of casualties and because the missile that hit the school fell on the exterior of the building with minimal damage to the structure. The teachers and parents in Atarib primarily reported minor injuries related to broken glass falling on the children and on the ground where they walked on it. The administration did take action to replace all the glass windows and light bulbs with plastic to minimize possible injuries in the future.

The others, however, noted the severity of the injuries incurred by those around them, or to the interviewees and focus group participants themselves. Several participants noted the chronic nature of many of the injuries sustained. In particular, amputations and the need for frequent replacement and therapy for prosthetic limbs were a major area of concern.

Many of the injuries were caused by shrapnel from the missiles or by resulting debris. Rand, the 15-year-old student from Douma, recounted how she and three others were injured by shrapnel: “She [her neighbor, who is also a mother of a student] was standing when the cluster missile fell down. A piece of shrapnel hit her in the back and another one hit her daughter. She fell down, and I did too, and my cousin died from a shrapnel that hit her in the neck. . . . They all fell on top of me.”³²⁹ Rand was rescued and taken to the Unit Zero clinic where she was eventually operated on and where her leg was amputated. She started using crutches and later on received an artificial limb and physical therapy with the support of one of her family’s neighbors.

Rand continues to need therapy to be able to use her artificial limb. She will also need to replace her prosthetic leg as she grows. This has been a challenge for her since medical resources are scarce in the area where she lives. Local council members in Atarib and al-Haas expressed similar concerns about the many children in their communities who have lost one or more limbs due to their injuries. The communities tried to establish medical

327 Doucleff (2017).

328 McDonald et al. (2017), 3.

329 Interview in Douma on November 19, 2017.

centers to provide this service or upgrade existing medical centers so they can cater to this growing need. Still, both local council members and the parents who took part in the focus groups insisted that the need is far greater than what they are able to provide, given that the therapy that these children need is a long-term commitment and entails constant modification of the artificial limbs that they receive.

The injuries that children sustain are not limited to those received at the time of attack. Asila*, a 29-year-old teacher in al-Haas, recounted an incident that took place during a class activity held outside in the school courtyard. One of the children picked up an object from the ground that then detonated. Many students were injured; some lost arms or legs.³³⁰ All the interviewees, as well as the children in the focus groups, concluded that the object the child picked up was a cluster munition, a type of weapon that is a major concern for them because they can remain active for years after being deployed. The teachers mentioned that many parents refused to return their children to school out of fear of cluster missile debris. The children insisted that if their schools are to be safe again, the areas in and around the school will need to be cleaned of debris; damaged walls and broken glass will also need to be fixed before they return. Local council members in al-Haas and Atarib mentioned the steps that the council and the schools have taken to raise awareness among parents and children of the dangers of cluster missile debris. They also referred to initiatives organized with the support of the civil defense unit to help clean this debris from schools.

Overall, the interviewees and focus group participants emphasized the need for two elements to be implemented in their communities: (1) access to medical services for children who need artificial limbs and modifications to prosthetics, along with ongoing physical therapy, and (2) expertise and support to help clean up cluster munitions and other debris from schools. Unfortunately, as noted earlier, the Syrian government and Russia have not signed or ratified the Convention on Cluster Munitions,³³¹ and cluster munitions have reportedly been used by both the Syrian regime and in Russian-Syrian joint operations,³³² as well as by ISIS.³³³

Trauma and Fear

Fear and panic became a daily factor in school life. With military aircraft continuing to fly over the area after the attacks, students were constantly reminded of what happened, what they endured during the attack, and what may happen again. “Every time I hear the sound of the plane, I remember the day of the massacre . . . especially when I am at the school. . . . The thing that I most remember is that I saw books with blood, and I just saw a hand holding a backpack with no body,” recounts Nadeen from her experience in al-Haas.³³⁴

Her classmate Inaam stated that she tries to avoid some locations in her school that she finds to be very troubling for her, stating, “I used to love going to school a lot but not so much now. I don’t go through the door that was hit by the missile, I enter from another door. Even the class that I used to study in, I am afraid to enter it anymore. I told them that I don’t want to study in that class anymore. Now I study in the class downstairs, and I haven’t gone up to see my class since the day of the attack. . . . I am afraid to go up to it.”³³⁵ Nadeen expressed a similar sentiment and noted, “I really like school, but the second I go to school and until I come back, I always feel nervous and I’m always scared that an airplane would come while we are at school. As soon as we hear airplanes, we flee.”³³⁶

330 Focus group discussion in Ma’aret al No’mān on August 17, 2017.

331 Convention on Cluster Munitions (2008). See state parties at <http://www.clusterconvention.org/the-convention/convention-status/>.

332 Cluster Munition Coalition (2018).

333 Human Rights Watch (2014b).

334 Interview in al-Haas on November 27, 2017.

335 Interview in al-Haas on November 28, 2017.

336 Interview in al-Haas on November 27, 2017.

In all three areas, the parents and the teachers reported changes in the behavior of the students in class. Students tried to avoid sitting next to the windows, and many of them would pay less attention during class whenever they heard planes flying over their school. The teachers in all three schools agreed that they would continue with the class despite knowing that the students were not able to focus. They did so to calm the students down until the aircraft had left the air space. In one of the interviews with the local council president in Atarib, he acknowledged that testing standards were lowered. The exams were made easier because students were not able to focus on their lessons.

Community and Psychosocial Support

One recurring theme of the various interviews and focus groups has been the community support and solidarity that has emerged in the wake of attacks. For example, Rand told the story of her injury and how she received her artificial limb. “[Our neighbor] came and told us that he did not know that I was injured, but he saw me when I was walking with my crutches with my mom on our way to school,” she recounted. “When he saw me using



the crutches, he told my mother that he will try to provide an artificial limb for me. He told my mother that he needs to take me every Sunday, Tuesday, and Thursday to a medical center for artificial limbs in Hammourieh. I used to go alone with him, then more kids would come with us as well as one our teachers, and we would do physiotherapy and physical exercises. I kept going for a year before I installed an artificial limb.”³³⁷

Local council members stressed the positive support the community showed to help victims and survivors of the attacks. Humanitarian and medical support was provided to the injured and wounded, as well as to the families of those who died in the attacks. The local council representatives in al-Haas reported that they opened

PHOTO: Maps, paper, rubble, and other debris mingle with human blood on the floor of the Ain Jalout School library after the attack. (SIJ)

psychosocial support centers that provide counseling and support to both the teachers and the students to help them deal with their traumatic experiences. Local councils also organized the relief funds, while also encouraging personal initiatives. As Rand’s story illustrates, people often took it upon themselves to help and support others.

In all of the areas where the field teams conducted interviews and focus groups, the communities acknowledged that both teachers and students had suffered intense psychological trauma and that many of them had lasting effects. Local councils created psychological support centers and organized support sessions for both the teachers and children to encourage them to return to school. Parents were also invited to attend these sessions to encourage them to send their children back to school. Community initiatives in Atarib were organized to build shelters in virtually all the schools in the city. In the same area, the civil defense units organized awareness-raising sessions in schools to teach the children and the teachers on safety procedures in the event of future attacks. In both the town of al-Haas and the city of Atarib, community members opened their homes for teachers to hold classes until the school was repaired, the students started to go back to their schools, or both. Nader*, a 40-year-old resident from

³³⁷ Interview in Douma on November 19, 2017.

al-Haas and head of the local council, emphasized the support that each person in the town provided to those who needed help. “[The larger community] had a major role after the attack,” he said. “Each person helped as much as they could offer to fill the gap that was made by the regime. My wife and her colleagues, for example, organized classes in their homes as well as support sessions [for the students] to detach the notion of death from education.”³³⁸

Missed Schooling

The school dropout rate increased immediately after each of the attacks in al-Haas, Atarib, and Douma. The reasons given for this increase varied from safety concerns to a de-prioritization of education in the face of ongoing conflict or dire economic need, or both. Following the attack on each of the schools, classes were suspended for a time, typically about two days. The schools also suspend classes when there is potential for an attack or when there is fighting taking place in the area or nearby. In one situation, one of the teachers interviewed said that classes in Atarib were suspended for a month. Gaps in school attendance are very frequent; many children said that they had to move with their families away from their homes to displacement camps or other, safer areas and thus stopped going to school. One of the local council members in al-Haas pointed out that recurrent kidnappings have made it difficult for some students to go to school, noting that “it was easier for students to get to their schools before the conflict started, but now it is more dangerous because of the shelling and the kidnappings and other security risks. There is also more cost involved in going to school that was not present earlier.”³³⁹

Several interviewees mentioned that both teachers and students were deterred from returning to the school after it was hit. For example, one of the students who participated in a focus group in al-Haas said he dropped out of school after losing one of his brothers and many of his friends during the attack on his school. He now works in a tailor’s shop to forget the terrible scenes he saw. He says that after the attack, “everything changed, and I see that nothing in life is worth happiness and I am always sad.”³⁴⁰

Initiatives were taken by the community, the local council, and the civil defense units to provide psychosocial support sessions to encourage teachers and students to return. The parents who were interviewed for this study did not express their own concerns about sending their children back to school, but they did discuss the problem with regard to other parents they know and identified it as a major issue the community faces and that increases the school dropout rate.

Overall, dropout rates reached close to 30 percent in al-Haas and Atarib, according to the local council members interviewed, and the project team was not able to gauge the dropout rate from the respondents in Douma. One 27-year-old teacher in al-Haas explained:

The parents did not allow their children to go back to school out of fear for their safety. The girls who did end up returning were close to 35 percent of the original number. Some parents were convinced that what happened to their children might have happened anywhere, even if they were at home, so they would send their children back. The girls that I teach became distracted and fearful, and they could not focus in class. Some of them did return, and there were others that I was told that they got married.³⁴¹

This increased impact on girls is supported in the literature, and girls seem to be especially vulnerable to being pulled out of school by parents.³⁴² These different consequences must be considered in any future solution to address the harms caused to Syrian students. Higher dropout rates now will result in greater medium- and

338 Interview in al-Haas on August 15, 2017.

339 Interview with local council member in al-Haas on August 15, 2017.

340 Focus group discussion in al-Haas on August 16, 2017.

341 Interview in Haas on August 17, 2017.

342 Syrian Center for Policy Research (2015), 50.

long-term effects, because girls will grow up with a greater education gap than boys and be more susceptible to poverty, exploitation, and other adverse outcomes with ramifications for the children, as well as their families and communities.

According to one of the local council members in Atarib, increasing financial difficulties have also caused many of the boys and some girls to stop attending school. Asila, one of the teachers, adds, “The children were afraid of coming back to school, and almost 50 percent of them stopped coming to their classes. Some of the parents put their children to work in some occupation rather than continue their education.”³⁴³ Often, this decision is made in response to dire financial need and high rates of poverty among families inside Syria. A local council



representative in Atarib echoed this notion: “Due to the attack on the schools, there is a 30 percent dropout rate. This is also due to the decreasing family income where children have been leaving their schools to find jobs and help their families.”³⁴⁴ For boys in particular, participation in the labor market seems a more pragmatic alternative than securing an education in a country with slim future prospects.

Relatedly, child marriage among school-aged girls has also seen a sudden increase during the conflict and can be a reason for dropping out. This phenomenon is well documented in the literature and was also echoed by the local council members with whom the field teams spoke during

PHOTO: A blue backpack occupies the seat where students once sat in a classroom of the Ain Jara schools. Rubble and other debris are strewn over the desks and benches. (SIJ)

interviews.³⁴⁵ For parents, marriage offers a better chance of a more stable future, as well as a way for parents to transfer responsibility.³⁴⁶ Because it removes them from schools and keeps them at home, child marriage is also perceived as a means of protecting girls from sexual violence and harassment. As a result, it is not uncommon for girls to be married at ages as young as 11.³⁴⁷

Child Recruitment in Military Forces

The Assad government has allowed for those above the age of 15 years to volunteer in the National Defense Army. Similarly, armed militias that are loyal to the government opened training centers for children under the age of 15 years, and though they may not yet be directly participating in fighting, the centers serve as preparation for future recruitment.³⁴⁸ Likewise, anti-government armed factions have also been recruiting children, most notably, the al-Nusra Front and ISIS forces.³⁴⁹ Between 2015 and 2017, incidents of child recruitment by all parties, according to the UN Secretary-General doubled, reached a total of 851 reported cases.³⁵⁰

343 Focus group discussion in Ma'aret al-No'man on August 17, 2017.

344 Interview in Atarib on August 17, 2017.

345 Child and early marriage is an even bigger issue for refugees. It is not only a factor keeping Syrian girls out of schools, but in fact is sometimes the impetus because parents cannot afford to send their children to school or otherwise provide for them (El Gantri and El Mufti, 2017).

346 Center for Civil Society and Democracy (2016).

347 McDonald et al. (2017), 10.

348 Katt (2016).

349 Human Rights Watch (2014a).

350 UN Secretary-General (2017), para. 171.

Though the literature does not show a direct link between school attacks and child recruitment into the military, children who have been detained or faced previous violations developed a sense of revenge that could push them to take up arms. Overall, poverty, the decreasing value of education in terms of opening up future opportunities, the need to secure an income for their families and themselves,³⁵¹ and in many cases the loss of the parental bread-winner are some of the main reasons that children find themselves drawn into joining these armed groups. The lack of educational opportunities and ideological propaganda exacerbate this tendency.³⁵²

Parents, teachers, and local community members also mentioned the increasing rate of child recruitment and the growing sentiment among children to take up arms and join one of the armed factions. Despite the best efforts of school administrators to push the importance of continuing their academic pursuits and interests, many students do not see the point in spending years and years studying when they could die at any time. A local councilperson in al-Haas explained:

Some of the students would tell me, “Sir, you let us graduate from the sixth grade and I want to join the Free Army and go resist the regime. . . . We want to keep fighting it so it would stop bombing us.” The student thinks that when he will graduate, he will be able to carry arms and some parents would do anything to keep their children going to school and tell them, “Go to school and when you graduate from the sixth grade you can go and join the Free Army.” You try as much as you can, but in the end you might only be able to convince one or two of the students while you have 30 students in each class. We don’t always find them receptive. One of the students once told me, “I still have six years of study to get my high school degree, then I need five years to graduate from college. I don’t want that. I want to kill the person who killed my father because I might die in one of the bombings one day. I want to hold arms, and I want to avenge my father and all the other martyrs.”³⁵³

The parents and the teachers have affirmed the growing sentiments of revenge among the children. Many pointed out the large number of children who would stop coming to school following the attacks, learning later that they joined one of the armed factions. Financial needs, recurrent disruptions in their education, and rampant poverty are three major factors that push students to abandon their education and reach for what they think is a more rewarding future.

Impact on Displaced and Refugee Children

Syrians have been internally displaced or left the country as refugees in massive numbers since the conflict began. According to UNHCR, over 4.8 million Syrian refugees live in neighboring countries, 35 percent of whom are of school age.³⁵⁴ Unfortunately, the situation often remains bleak in terms of schooling. Estimates of school enrollment among Syrian refugees in Turkey, Lebanon, and Jordan show that nearly 900,000 school-age refugee children and adolescents are not in school.³⁵⁵ International efforts to integrate Syrian refugees into schools have had some effect, but these measures are simply not enough. Though reports indicate that the total number of out-of-school children both inside Syria and in five refugee host countries decreased between the 2014-15 and the 2015-16 school years, at least 2.3 million total Syrian children are still not in school.³⁵⁶

Children who have been displaced or sought refuge in neighboring countries with their families feel a sense of loss and anomie in the communities where they now live. Many of these children find it difficult to go back

351 Beber and Blattman (2013).

352 Brett and Specht (2004); Brooks et al. (2016).

353 Interview in al-Haas on August 15, 2017.

354 UNHCR (2016b), 11.

355 UNHCR (2016b), 11.

356 Brussels Conference Education Report (2017).

to school and to cope with new and different curricula, if they are lucky enough to even manage the language barriers, especially those in Turkey and Europe.³⁵⁷

There are other reasons that prevent these children from continuing their education, namely, challenges obtaining identification papers requested by the host country,³⁵⁸ obstacles to integrating into the host community, as well as insurmountable financial barriers to reserve a seat in private schools in countries that have not integrated Syrian students in public schools.³⁵⁹ A study by Nature Middle East demonstrated that 41 percent of children in refugee camps have had thoughts of suicide or self-harm due to the continuous stress they experience and have higher rates of depression, insomnia, anxiety, fatigue and burnout, and violent behaviors than the general population.³⁶⁰

School Curricula

One issue that did not come up in interviews and focus groups discussion, but that has emerged in literature and certainly warrants both action and further research, is the issue of school curriculum. As already indicated, the armed conflict began at a time when the educational system in Syria was thriving by many measures. The Syrian Ministry of Education had been in the process of implementing comprehensive curricular reform, which



PHOTO: Children attend school in a cave in the countryside outside Aleppo that teachers transformed into a classroom. (UNICEF Syrian Arab Republic/Ashawi)

was intended to improve teacher-student ratios, phase out the country's double-shift program,³⁶¹ and make "learning more child-centered and interactive."³⁶² Implementation of these reforms were already facing some challenges before 2011,³⁶³ and the onset of violence derailed any progress even further. The advent of violence and conflict has not only affected the quality of education being offered in different regions but has also meant that the content being taught is now highly subject to the views of the party exercising control over a particular area.

In certain opposition-controlled areas, for example, the official Syrian curriculum is still being used but with major modifications to more politically charged

subjects such as history and social studies.³⁶⁴ Substantial changes have also been made to curriculum in areas under Kurdish control.³⁶⁵ These content changes have been especially extreme in areas under the control of ISIS, which has aligned the school curriculum to match their extremist ideologies and inflicted severe punishments

357 Human Rights Watch (2016a); Human Rights Watch (2016b); Human Rights Watch (2015a); UNHCR (2016a); Dryden-Peterson et al. (2016).

358 Human Rights Watch (2016c).

359 A more positive example to look to might be Egypt, which has neutralized rates for Syrian students and has special classes and structures in place to support Syrian students' integration into Egyptian schools. Aleem (2017) and Aleem (2018).

360 Amer (2014); Hassan et al. (2015); McDonald et al. (2017).

361 Double-shift systems are typically used to accommodate higher numbers of students in the same school. One group will attend school earlier in the day and another group will attend the later shift. Linden (2001).

362 Unite for Children and UNICEF (2015), 28.

363 Unite for Children and UNICEF (2015), 29.

364 Al Hessian (2016), 29.

365 Al Hessian (2016), 29.

on those who appear to deviate.³⁶⁶ Some estimate that at least five different curricula are being used outside of government-controlled areas alone, pointing to major long-term complications.³⁶⁷ The battle over school curricula and the teaching of subjects such as history and social studies has long been a bitter one in countries grappling with legacies of conflict and violence, and it is likely Syria is and will be no different. Understanding the challenges and taking action now may help in thinking through recommendations for the future when it comes to the content of the education Syrian children receive.

Alternative Schooling Mechanisms

In certain hot spots of violence, including the three areas examined here, a new type of school has emerged. Commonly referred to as “safe spaces,” they are often safer alternatives for students, though they lack the appropriate educational conditions.³⁶⁸ These schools are typically established in the basements of houses in cities and sometimes even in nearby caves, because caves are generally considered safe. Schools are also being set up in tents because parents are keen on preventing their children from dropping out. They insist on sending their children to school, even if it takes place in tents or caves, to minimize the damage inflicted by the conflict on the next generation.



PHOTO: The al-Nour camp, near the town of Jarjnaz in the province of Idlib, houses Syrian families displaced by the conflict. Russian air forces launched missile strikes on the camp on September 23, 2017. (SIJ)

The parents who participated in interviews and focus groups for this report agreed that they prefer to send their children to classes organized in homes in their city or town. The children also mentioned that they attended classes in homes, and those who were displaced and living in displacement centers spoke of attending their classes at makeshift schools in the camp. These mechanisms are usually short-lived and serve as an interim measure until the destroyed or damaged school is repaired or the situation in the area has calmed down enough for the school to reopen. These alternative schooling mechanisms were very similar across the three areas where data were collected.

Despite not being as effective as an actual school environment, these safe spaces were viewed by all as beneficial tools for the community. For instance, the principal of Imam Shafii in Atarib explained: “We prepared shelters intended for schooling and classes. We would dig a shelter or a basement and equip it with simple materials. It was a successful step. The other step that we took was distributing the students among teachers’ houses, but it was not very successful because the students did not follow up on the classes regularly, and the houses are not equipped as a class.

There were positive steps and negative ones, but we didn’t have an alternative. . . . We either cancel the classes or keep the school closed and the students would go to the teachers’ and parents’ houses . . . and honestly, we were trying as much as possible to provide these teachers with the support that they need, but it is very challenging.”³⁶⁹

³⁶⁶ Al Hessian (2016), 29-30.

³⁶⁷ Denselow (2016).

³⁶⁸ *Al Jazeera* (2016a).

³⁶⁹ Interview in Atarib on August 18, 2017.

Resilience

Despite the negative impacts of school attacks, including the disruption to education and the toll on victims' mental and physical health, the communities where the project team worked demonstrated a strong desire to rebuild what was destroyed and devoted considerable effort to reversing the negative impacts of these attacks. They established awareness sessions on safety and security as well as preventive measures and precautions in Douma, Atarib, and al-Haas. They put in place alternative forms of education and learning circles to mitigate the disturbance caused by the suspensions of school, all in an effort to deliver a proper education to students that covers the material they need to graduate. The communities have worked closely together with local councils, relief agencies, civil society organizations, and rescue units to support the school staff to go back to teaching and holding classes. Almost all the interviewees stressed the need to continue overcoming in the face of attacks that aim to hinder the education of the children in their areas.

The Syrian teachers demonstrated a strong commitment and dedication to their work, the students, and the community. Mustafa*, a 40-year-old teacher in al-Haas, for instance, said that he worked for two years without pay after the Ministry of Education fired him and discontinued his salary. "I participated in political activity at the beginning of the revolution where I would design the picket signs, so my name came to the attention of the security system of the regime, and I was notified that I was fired," he recounted. "I was told that I need to review my status with one of the departments in the ministry. . . . Of course, I didn't because it was a security department, and I was afraid that I would be arrested and detained. . . . Instead, I went and talked to the principal of the school, and I informed him that even though I am not getting paid anymore, I will keep teaching the class at least until the end of the school year. . . . I stayed for one year and then another one, then I was contracted by a nongovernmental organization."³⁷⁰

Similarly, teachers face some risk just doing their work. The principal of the school in Atarib said that he survived two assassination attempts while he was doing his job. The second attempt involved the bombing of one of the cars that he and his colleagues were taking on a field trip in the southern suburbs. "We don't know if we were specifically targeted or if they suspected that one of the cars belonged to an armed group," he said. "But you usually would be concerned if you have work outside the school and outside the area that you need to do to get supplies or something . . . but we are usually safe when we are working in the school."

The children who participated in focus groups and interviews nevertheless had many aspirations for their future. Rand, who lost her leg in the attack on her school in Douma, originally wanted to become a surgeon but now has decided to become a computer engineer after her mother told her that schools of medicine are available only in Damascus and she cannot go there. In the focus group discussions, 13-year-old Faten* expressed what she hoped would be done in the future to improve the situation. "We should fix the schools," she said, "and the water and electricity infrastructures and encourage the students to go back to school."³⁷¹

³⁷⁰ Interview in al-Haas on August 17, 2017. This issue of salary warrants further mention. In many areas outside government control, many teachers could no longer receive their salaries, either because the regime stopped paying teachers' salaries or because the teachers had to collect their salaries from regime-controlled areas and they felt it was too unsafe to do so (Khaddour, 2015). Though some schools found alternative sources to keep the teachers they had, many others lost personnel (Save the Children, 2016). In areas under control of the opposition forces, stipends were provided to teachers through aid from education initiatives, or through the local council of the area, who still should have been receiving funding from the Ministry of Education to support teachers. This funding has not always been consistent or stable, however, and when not available through the councils, teachers have had to work without pay or their salaries have been delayed. Interview with expert from Women Now for Development, February 5, 2018.

³⁷¹ Focus group discussion in Ma'aret al No'man on August 17, 2017.

Chapter 8: Seeking Acknowledgment in the Midst of Conflict

As this report makes clear, attacks on schools have been devastating and have had many and multifaceted impacts on the victims and communities. As such, no one avenue for conveying the short-, medium-, and longer-term consequences was deemed sufficient. While this report represents a permanent account of attacks on schools, offering a comprehensive description of the impacts alongside legal and political analysis, the organizations involved in the Save Syrian Schools project knew that hearing personal testimonies from survivors of attacks would be the best way for the general public to truly understand what attacks on schools actually mean for real people and real lives. A public hearing could also offer some modest acknowledgment and formal recognition of the suffering Syrians have been through. The Save Syrian Schools project team thus hosted a public hearing in Geneva, Switzerland, in front of a broad audience, including a “Panel of Conscience” made up of prominent human rights defenders who bore official witness to the testimonies given. The participating organizations also hosted a side event during the 37th Regular Session of the United Nations Human Rights Council, during which they shared their findings, analysis, and recommendations with numerous UN member states and other national and international officials. To reach an even wider audience, the groups also created a website showcasing the main findings of the Save Syrian Schools project’s work and a number of additional testimonies and other features.

Leading up to and throughout the project team’s time in Geneva, the participating organizations sought to engage with key actors and processes related to accountability in Syria, most notably with the International, Impartial and Independent Mechanism on international crimes committed in the Syrian Arab Republic (IIIM); the Global Coalition to Protect Education from Attack; the Office of the Special Representative for Education and the Committee on the Rights of the Child, both at the Office of the High Commissioner for Human Rights; Human Rights Watch; Child Rights Connect; and key foreign governments such as Australia, Canada, Sweden, Switzerland, and the United Kingdom (UK).

The first of the two formal events was a side event held on the margins of the 37th Regular Session of the Human Rights Council at the UN headquarters in Geneva. The primary aim of this event was to highlight the work the organizations undertook as members of the Save Syrian Schools project team and to call attention to the disturbing trend of attacks on schools in front of governments and policymakers with the power and influence to take action. A joint statement made by the groups summarized the findings of this report and demanded action in the form of the various recommendations made based on the team’s analysis of attacks on schools and their impact. Ambassador Julian Braithwaite, permanent representative to the Mission of the United Kingdom to the UN in Geneva, made opening remarks, signaling support for the project and the topic at hand. In particular, Ambassador Braithwaite commended the project for representing the voices of Syrian civil society organizations and focusing on a concrete topic with clear human impact rather than remaining in the abstract. Numerous other UN member state representatives attended, including from Austria, Australia, Bulgaria, Canada, Denmark, Germany, EU, Finland, Italy, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Netherlands, Norway, Qatar, Turkey, Saudi Arabia, Sweden, Switzerland, the UK, and the United States.

After the event, one government representative who attended commented on the importance of hearing firsthand from those affected and noted that the event was a timely reminder of why action is so important. Several states also expressed interest in different recommendations, most prominently the recommendation to initiate dialogue about the potential for a special protective emblem for schools in conflict settings and the recommendation for all governments who have not already done so to immediately sign and endorse the Safe Schools Declaration. Thus far, the Declaration has been signed by 73 member states.



The main focus of the week was the public hearing held on March 22 that featured the devastating yet powerful testimonies of four Syrians affected by school attacks. Two of them—Mohamad Shehab^{*372} and Tarek al-Massri—spoke about their experiences as students who were in their schools when they were attacked. Rama Mahmoud spoke of her experience as a teacher in Raqqa and her witnessing of a massacre that took place at Ibn Tufail Commercial Secondary School there. Finally, Raneem Mahrous spoke about her experience as the mother of a child who was present on the day of an attack on his school, and the obstacles she has faced in ensuring both the safety and the education of her family. The hearing was presided by a Panel of Conscience that included Pablo de Greiff, UN special Rapporteur on the

PHOTO: The side event held on the margins of the 37th Regular Session of the Human Rights Council at the UN headquarters in Geneva was attended by numerous UN member state representatives. (ICTJ)

Promotion of Truth, Justice, Reparations and Guarantees of Nonrecurrence; Navanethem “Navi” Pillay, former UN High Commissioner for Human Rights; and David Tolbert, then-President of ICTJ.

During opening remarks in both English and Arabic, representatives from the Save Syrian Schools project stressed the critical need to take action to stop attacks on schools and proactively address the harms that have resulted. Speakers called on the entire international community to come together to do its part to “denounce and stop the massive violations of human rights that are occurring in Syria, address their consequences, and bring justice to victims.” Remarks touched upon the importance of looking past just the numbers—which can often sterilize a conflict—to really listen to the voices of those affected, including the courageous voices of Mohamad, Tarek, Rama, and Raneem. One of the speakers stressed the importance of education and school in Syrian society, describing attacks on schools as “the cause of a generation,” which have affected “the whole of Syrian society.” The remarks concluded with a reflection on the importance of truth seeking and truth telling and the role they play in sharing the experiences of victims—those present and the thousands of others who have experienced similar violations—with the world.

Tolbert offered opening remarks on behalf of the Panel of Conscience, expressing his gratitude, first and foremost to the survivors present for giving their testimonies and also to those in attendance at the hearing, and explaining the process. Though not a court or full truth commission, the Panel of Conscience was intended to signal the support of well-known and well-respected human rights figures and advocates for and their solidarity with Syrians

372 The names of the four survivors have been changed, here and during the public event.

affected by school attacks. He urged all who were present, or watching then on live stream or later on recorded stream,³⁷³ to listen carefully to the voices of the survivors in order to feel real empathy and consider the best course of action for providing them justice, acknowledgment, and redress.

The testimonies began with that of Tarek al-Massri, an 18-year-old from Homs now living in Germany. After moving around and missing months at a time of schooling because of the conflict, Tarek moved to al-Raqqa. Once there, he stayed for over a year without going to school because the only option was a school located far away in a pro-government neighborhood where he felt threatened for his views and because of where he lived. Eventually, he did start attending that school despite these fears because he felt he needed to get back on track with his education. Unfortunately, while there, he was indeed not immune from violence. He spoke of one incident when snipers were firing at his school. Describing the experience, he said “I was afraid for my life and was thinking about my parents. I hoped they had not died, and for them, I hoped nothing would happen to me.” He eventually got out, but only after seeing fellow students beaten and shot, including “two students who I have not seen or heard from since, so I don’t know what happened to them.” After this, he stayed out of school for a month because of fear. Tarek spoke of being torn between two choices: “to go back to school and risk being killed or to stay home.” Eventually, he made the hard decision to go back but soon was again faced with violence at school.

He spoke of the day his new school was again attacked by sniper fire. The day had started out normally, except that his bus never came, so he went on foot with several fellow classmates. Once there and in class, his teacher held his classmates back a few minutes from break until the students had finished their work. Tarek said “those three minutes saved my life.” It was then that Tarek started to hear heavy gunshots and the screams of students and teachers. “There was suddenly chaos,” he recounted. After hiding for two hours, Tarek and his classmates escaped. Upon leaving, Tarek encountered a body that he later came to find out was his close friend and neighbor. It was “too difficult to bear,” he said. “I had been used to seeing blood and death everywhere, but this was very difficult.” After the incident, Tarek described how he spent two years out of school while his family sought safe haven in other parts of Syria, then Lebanon, Turkey, and finally Germany. Tarek concluded his testimony with his wish that “My friends in Syria will have the same opportunity that was availed to me, and hopefully, my country will again be a place where people can study and be safe.”

Mohamad, a 16-year-old from Damascus, shared similar experiences, including the trauma and terror of watching friends and loved ones die, the frustrations and challenges of being kept out of school for so long, and his resiliency and determination despite it all to receive an education for his own future and for that of Syria. Mohamad, in fact, lived through multiple attacks on his schools. The day after the second attack, this time on a different school, his father urged him, “Don’t go to school. I don’t want you to die there.” But even though he did feel scared, he felt more determined, and went anyway. Unfortunately, their fears were realized, and the day after the attack, his school was hit again. This time, Mohamad and his classmates hid on the ground while his class was bombed and, similar to Tarek, Mohamad later found out that two of his close friends had been killed. He spoke of seeing many people die, having witnessed a person’s beheading, and how, for a long time, “he couldn’t sleep at night.” After this attack, Mohamad was unable to attend school for almost four years. When asked by the panel how that made him feel, he said, “I felt strangled, I felt suffocated. I could not handle my life. My friends were feeling the same—suffocated. They couldn’t do anything, they couldn’t even feel.” Mohamad also spoke poignantly about the long-term impacts of being out of school for so long and the challenges he has faced with language and identity. Now, living in Switzerland, Mohamad told the audience that he remains illiterate. He expressed frustration at not even being able to write his parents’ name in his own language, in Arabic. “When I see a Swiss or Turkish citizen, they speak so many languages, and as far as me, I can’t even speak my own.”

373 At the time of writing, the footage of the hearing had approximately 1,300 views.

Rama Mahmoud spoke of her experiences as both a mother and a teacher in the province of Raqqa and of witnessing atrocities committed by both the Syrian regime and ISIS, or Da'esh. She painted a picture of her hometown before the conflict, as a place where people frequented cafes and socialized by the river. "Our citizens loved poetry," she reminisced, "and ladies wore their red lipstick and perfume." Soon everything changed, first when the region came under fire by the Syrian government, "because we believed in democracy" she said, and later when ISIS famously took over Raqqa for years, until the Syrian Democratic Forces seized control in late 2017. Rama told of how at some point, her sons were forced to either travel many miles to attend a school in a different governorate or receive private tutoring in homes of former teachers with fellow former classmates.

One day, as she went to school to pick up her son from one of these private sessions, she heard the bombing from afar. She described how she and the other parents rushing to the building "were scared to death. We were hysterical, crying, shouting, yelling." Though she eventually found her son and the other children amid the rubble, she spoke of the lasting trauma. "These events play over and over. They are enshrined in my mind and in my memories. I will never forget them." She explained that attacks such as this one made it easier for ISIS to recruit young men in particular—they were either too scared or unable to go to school, and ISIS filled that void by promising many

young men money and a sense of purpose. "They became a danger to themselves and to others. I was scared for my kids—more than of death, I was scared to see them indoctrinated. And as I said before, the main reason for this [indoctrination] was the bombing of the schools."

Because Rama was a teacher at this time, she also spoke of a different attack she witnessed in September 2013, this time on a formal school. At the time, the Directorate of Education in Raqqa had been disbanded and many teachers had left the area, so she and the others who remained came together to facilitate education and taught without pay. On the first day of the new school year, when several students were also out in the



PHOTO: Rama Mahmoud gives an emotional testimony about the hardship she and her family experienced during the war. (ICTJ)

courtyard protesting to demand greater access to education, another bomb hit. The regime perpetrated the attack, despite a public commitment by the Syrian government and other actors not to target schools. The airstrike ultimately killed at least 14 civilians, mostly students, and severely injured at least 30—several of whom lost limbs and experienced other chronic physical trauma. Rama depicted a gruesome, chaotic scene: "The students turned into flesh, scattered all over. The ambulances arrived, and it was hysteria. It was horror, it was horror everywhere." She spoke of an 8-year-old girl with flesh of other children on her body begging to be filmed so the world would help and of parents crying out for their children. "It was the worst moment of my life and the same for other parents who have experienced this horror.

What happened on that day was enough to actually push the kids out of school. It was like a warning to the parents. That it happened on the first day of school was like a clear message to parents: 'You will never be able to enjoy education. You will sink in ignorance for the rest of your life.' And that really was our fate." With the eradication of education in Raqqa, she said, "an entire generation was condemned."

When asked by the Panel Members about potential solutions to address the horrible loss, trauma, and missed education experienced by so many young Syrians, Rama made a call on behalf of parents, students, teachers, and children for everyone to come together and “strive first for human reconstruction, the rebuilding of children’s lives.” The rest will come later, she said. She noted, too, that children must no longer be caught up in political equations or become fodder for political agendas. She called for rehabilitation for teachers and students and truthful, unbiased curriculum that teaches tolerance, democracy, and truth rather than blindly serving one party or another. “This has been a popular revolution by a country that has been betrayed and lied to for 50 years,” she explained. “We are relying on the new generation to write history based on truth. This generation will no longer believe the lies.”

The final testimony came from Raneem Mahrous, another mother who experienced the trauma of having a child in school when it was attacked. She spoke of several years of hardship during the conflict, trying to keep her children safe at all costs while still offering them some level of education. Raneem’s story began in her hometown in May 2011, the early part of the conflict. One night while her husband was at work, armed authorities raided her home and attacked a then-pregnant Raneem in front of her four children. She was left unconscious and woke up days later to discover that she had lost her baby. Describing the moment the nurses told her, she said “I lost it. I started shouting and screaming and the nurses came to comfort me and calm me down. A few days later when I came back home, I remembered how they knocked on the door, how my children were terrified, how my children rushed to me.” Eventually, the trauma was too much, and she moved with her family into a different home.

At this point, her children were still attending school, despite ever increasing bombings and attacks. At that point, school was still seen as a safe haven, she said. “They used to say . . . if you want to hide somewhere, you hide in the school. It was the safest place; it could not be attacked. So I would hold their hand and take them and I felt that there, they were safe..Nothing could happen to them at school.” This all changed one day. The raids had been getting worse, and Raneem was reluctant to let her children go to school that morning. Her daughters acquiesced, but her son insisted he had a test and ran out the door. Soon after, her family heard the deafening sound of an air raid nearby. “The walls were shaking from the sound of this blow,” she said. Her daughters cried out for their brother. Describing her reaction, Raneem said “I was just wearing my robe, and I imagined that my child was out there. . . . I felt like I was jumping every four stairs, running to get down. I imagined that my child was among these children with their shattered bodies.” The attack had occurred at noon, right when one shift of school was ending and the afternoon session was beginning, maximizing the damage. In the end, she found her son. “I saw him and was blinded to everything else,” she said. “I was hugging him and checking all his body parts.” He had survived because he had run after his ball at the exact moment of the attack. Now, however, she had had enough. “I said to him, ‘Look, you forget about school.’ He cannot go anymore. He accepted this time. I said, ‘Look, maybe this is the end of your future and maybe this will shatter your dreams. I will be a tough mother, but this is for me to protect you. I will do my best to stand by your side.’” Raneem did do what she could to educate her children at home by herself. In the process, she herself ended up sitting for exams and enrolling in an alternative school alongside one of her daughters. “I was happy for a time,” she said. “We were successful, my daughter and I.”

Unfortunately, attacks in their new neighborhood also began to get worse. Raneem’s family had enough money saved for her husband and children to go to Switzerland, but she stayed back without her family for six months while she saved to join them. “I went to search for a job, especially in schools, anything that could remind me of my children,” she recalled. Ultimately, after earning enough, and with the support of a teacher in Switzerland who was moved by Raneem’s daughter begging for her mother, she was able to reunite with her family. Despite this relatively positive ending, Raneem spoke of the lasting trauma of nearly losing her son in the attack on his

school. “When I saw the flesh everywhere [the day of the attack], I just imagined my son shattered like this,” she said. “And now, every time I see something like this on the news on TV, I look at my son and think, oh my God, he could have been one of those as well.” Similar to the others, she expressed gratitude to Switzerland for accepting her family, but also spoke of the hardships felt by refugees living abroad. “I am grateful. But at the same time, they did not let me go to visit my mother in Turkey before she died,” she said. “And now my dad has cancer, and they do not let me go visit him.” She spoke of how broken all of these experiences have left her. “I don’t show it. I am here, but I am psychologically destroyed,” she admitted. “I tell jokes, I try to pretend, but I am destroyed. I came here to say what’s in my heart. I am not scared of anyone, but as a mother, and I am afraid for my children.”

Despite these feelings, Raneem asserted her determination. She told the audience about her first paid contract as a chef in the refugee camp where she herself first arrived. “I used to do it as a volunteer opportunity,” she explained. “I wanted to show them I have talents, that I have a skill. I love to help. And now, after three to four months of volunteer work, I have my first paid contract.” Now, she says, her main priority is obtaining residency for her family. “I don’t want to beg. I want to give back to the Swiss what we owe them,” she said. Raneem ended by expressing frustrations similar to those of Mohamad about language and identity, this time from the perspective of a mother. She talked about how her youngest daughter—who left Syria at 7 years of age—barely speaks Arabic and often does not understand her mother. “She knows what she hears at home, but in terms of jargon, terminology, nothing. And it’s so sad. It’s a pity. It’s her mother tongue after all. Each human being should have their own mother tongue, and she has none of it,” she said. “This is a great source of grief for me. It really makes you grieve to see your own flesh not speak their mother tongue. She has been deprived of it, Arabic.”

The panel met each of the testimonies with expressions of gratitude, respect, and congratulations. It lauded the survivors for their courage, and de Greiff commended in particular the eloquence with which the two young people spoke. Their dedication, not only to their own education but to that of their friends and fellow Syrians, the panel noted, underlines the importance of the Save Syrian Schools project. The Panel of Conscience expressed gratitude to the survivors for shedding so much light on the nature and impact of conflict, especially on education and children. “We are deeply indebted to you for coming before this large crowd to talk so personally about the impact on your own lives,” said Tolbert, who noted how difficult this task can be. The panel thanked the survivors not only on behalf of its members but also on behalf of the entire audience and the broader international community. “What you’ve said today needs to resonate well beyond the contours of this room, through Geneva, UN institutions, and beyond,” Tolbert concluded.

Both the audience and the survivors who testified were clearly affected by the event. After the event Raneem exclaimed, “I felt like I finally got my rights and some justice for everything I’ve been through.” The youngest of the four, Mohamad, wanted to know when the next opportunity would be to speak up because sharing his story made him feel brave. “For the past three years, when I think about Syria, it’s always sad and upsets me so I try not to think about it,” he shared. “When I was giving my testimony, even though it was hard to relive those moments, it made me happy because I felt like I was doing something good for Syria and that someone was listening.” The other young student, Tarek, said after the event, “I’ve always felt like there isn’t anything I can do for Syria anymore because I’m outside the country. But after giving my testimony I felt like I was able to tell people the truth about Syria and somehow help my people.”

While the side event, public hearing, policy engagement, and this report collectively represent the culmination of the first phase of the Save Syrian Schools project, ICTJ and the participating Syrian organizations aim to continue moving this work forward through sustained advocacy and engagement in Geneva and elsewhere. Developing a strong sense of cooperation, trust, and collective sense of purpose among 11 diverse organizations

has taken hard work and care but has undoubtedly led to the success of the first phase of the project. Together, the organizations of the Save Syrian Schools project pledge to continue to advocate for the recommendations laid out next and to support Syrian students, teachers, parents, and all other victims, especially those of attacks on schools, in any way possible in the hopes of moving closer to a world where “never again” may finally ring true.

Chapter 9: Recommendations

Immediate action is required to stop the violence and to address the myriad harms and violations of human rights that have resulted. While efforts are underway on several political tracks, additional pressure is needed from across the international community. For many of these recommendations to be implemented, a serious political process involving all parties is necessary.

Stopping Attacks and Respecting International Standards

To parties to the conflict:

- First and foremost, all attacks on schools must cease immediately. Access to safe and quality education is a right and nonnegotiable for Syrian families and communities.
- Immediately pass domestic laws and military policies outlawing attacks on schools and their use by the military during conflict.
- All parties involved in the conflict must fully respect international humanitarian law (IHL), sparing and protecting civilian populations from the hazards of armed conflict and fully respect international human rights law, especially, the Convention of the Rights of the Child and its Protocol of children in armed conflict.
- Cluster munitions have reportedly been used by the Syrian regime and in Russian-Syrian joint operations. Both of these parties, as well as the others involved in the conflict in Syria, should sign and ratify the Convention on Cluster Munitions and immediately cease using this form of munitions.

To international organizations and UN member states:

- A distinctive emblem that is both recognizable and visible is needed to protect schools from attack, similar to the emblems used to protect hospitals, medical vehicles, and people providing medical services and relief in armed conflict or to protect religious sites and cultural heritage. An international agreement should be reached to create such a distinctive emblem, define how it can and should be used, and outline clearly what obligations exist on the part of armed forces for respecting such an emblem. That IHL emblem should grant special protection to schools and children in the Syrian conflict and guarantee those schools and those children the special protection and respect to which they are entitled under international law. All countries that are signatories of the Geneva Conventions should be required to enact domestic laws and military policies prohibiting attacks on schools displaying the distinctive school emblem.

- Refer this report to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM) to start full investigations into attacks on schools in Syria.
- The UN Security Council should act immediately in response to the attacks on schools, including by referring the situation in Syria to the prosecutor of the International Criminal Court for investigation.
- All state parties should immediately sign the Safe Schools Declaration endorsing implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. In addition to considering all “feasible alternatives before attacking” a school or university, under Guideline 4(a), “Prior to any attack on a school that has become a military objective, the parties to armed conflict should take into consideration the fact that children are entitled to special respect and protection,” as well as “the potential long-term negative effect on a community’s access to education posed by damage to or the destruction of a school.”

Restoring the Education System

- Immediately start rebuilding and repairing Syria’s schools and education system throughout the country.
- To fill the tremendous gaps in education caused by the conflict, consider steps to accelerate the learning that has been missed, recognize certain types of informal schooling or tests, and provide support and opportunities to prepare for and take qualifying exams that were missed during conflict.
- A peace process should include a rigorous reassessment and reform of the national curriculum that not only gives every student the same quality education but also teaches about history in an unbiased way that does not glorify one side or another but presents facts and sheds light on victims’ voices and narratives of justice, peace, and coexistence.
- Teachers who are still in Syria should be supported and protected. This includes ensuring safe access to salary payments, freedom from harassment and attack, and support to schools so they have adequate materials and safe environments in which to teach.
- Not as much is known about the situation of students and the broader education system in areas under the control of ISIS. More research and perhaps a full investigation is needed to address any specific harms or additional consequences of violations being committed in these areas.

Acknowledgment and Reparative Actions

- The Syrian government and other parties complicit in or responsible for attacks on schools—including nonstate armed groups and foreign actors with direct involvement in attacks—should issue a public acknowledgment of the harms they have caused to schools, children, teachers, parents, families, and communities. They should issue a full public apology to all victims of these attacks.
- Provision of psychosocial support should be an immediate priority as well as a long-term need that must form part of relief and reparations measures.

- Reparations programs must consider the massive loss of education and should include some of the steps noted earlier—accelerating learning options, recognizing informal schooling and international credits, supporting opportunities to prepare for and take qualifying exams that were missed during conflict—as well as other forms of educational and possibly vocational assistance based on a thorough assessment of victims’ needs.
- Loss of limbs has been a widespread consequence of violence and attacks. Long-term medical support, rehabilitation, and funds for prosthetic limbs—including replacements as needed until children have fully grown—must be provided to victims.
- Incentives must be provided for teachers to return to Syria. For those who have started teaching in informal settings, some accelerated qualification program must be created to allow them to use that experience and become teachers.

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