



'OUR KIDS ARE BOMBED'

SCHOOLS UNDER ATTACK IN YEMEN

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Cover photo: The al-Asma School after it was attacked by the Saudi Arabia-led coalition, Mansouriya, Hodeidah, 8 November 2015. © Amnesty International

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EXECUTIVE SUMMARY

“Imagine. When the plane comes to strike, and even if it doesn’t, you can’t hear it, you just feel the strike that falls on your head ... Right now we are living in fear and in terror. Today I saw the plane and I was very afraid and terrified. The sound today was loud but the feeling I had was like that of all of the girls at school today, of course we are afraid.”

12-year-old student at school destroyed by coalition airstrike in August 2015

A devastating air bombardment campaign launched in March 2015 by a Saudi Arabia-led coalition, acting at the behest of the internationally-recognized Yemeni government of President Abd Rabbu Mansour Hadi, has killed and injured hundreds of civilians in Yemen, many of them children.

The coalition has carried out thousands of airstrikes in areas controlled by the Huthis, a northern Yemen Zaidi Shia armed group, and armed forces loyal to former President Ali Abdullah Saleh. The Huthis forcibly took over the capital Sana’a in September 2014 and in the subsequent months gained control of large swathes of the country.

Many coalition strikes have targeted military objectives but hundreds have struck civilian infrastructure including health facilities, schools, factories and power facilities, and bridges and roads.

These strikes have not only killed and injured civilians and destroyed civilian property but have a grave and far reaching impact on access to health care, the delivery of humanitarian aid, on children’s education, and on the ability of civilians to provide for their families.

The conflict has had a brutal impact on education in Yemen; 34% of children in the country have not gone to school since the conflict began in March 2015. As of October 2015 1.8 million children were not in school. In some cases parents and children are deterred from going to school because of fear of airstrikes, while in others, schools have been rendered unusable due to the conflict either because they have been damaged or destroyed.

Amnesty International investigated five strikes that took place between August and October 2015 in Hodeidah, Hajjah, and Sana’a governorates, which appear to have directly targeted schools. These strikes killed five and injured at least 14 civilians, including four children. They have severely disrupted the education of the some 6550 children who regularly

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attended the schools.

The strikes that Amnesty International has researched were unlawful – in that they deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the concrete and direct military advantage anticipated from the attack, or failed to distinguish between civilian objects and military objectives.

International humanitarian law prohibits deliberate attacks on civilians not taking a direct part in hostilities and on civilian objects, as well as attacks which do not distinguish between civilians/civilian objects and combatants/military objectives, or which cause disproportionate harm to civilians/civilian objects. Such attacks are serious violations of international humanitarian law and can constitute war crimes. Further, the Rome Statute of the International Criminal Court specifically sets out that intentionally targeting educational facilities that are not military objectives is a war crime.

To date, the lack of investigations by the Saudi Arabia-led coalition into such incidents raises serious concerns about its apparent disregard for civilian life and for fundamental principles of international humanitarian law. The apparent absence of investigations by the internationally recognized Yemeni government, at whose behest the coalition forces are acting, raises similar concerns.

Some of the weapons used by the Saudi Arabia-led coalition forces in Yemen which have hit civilian targets, were produced and/or designed in the United States of America (USA) and United Kingdom (UK). The UK and US governments are also providing logistical support and intelligence to the coalition.

All countries have legal responsibilities under international law to control the transfer of weapons and to restrict or prohibit their transfer in certain circumstances. Under Article 6 of the Arms Trade Treaty (ATT), which came into force in late 2014, a country is prohibited from authorizing an arms transfer if it has knowledge at the time of authorization that the arms would be used in the commission of “attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.” Further, article 7 of the ATT requires that states assess the potential that the arms being exported could be used to commit a serious violation of international human rights or humanitarian law; if there is an overriding risk of this, their export shall not be authorized.

The UK government has ratified the ATT and is legally bound by the treaty’s provisions. The US has signed the treaty and as such, must not take any action that would undermine its object and purpose which includes “contributing to international and regional peace, security and stability”; “reducing human suffering”; and “promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms...”.

In addition to the ATT’s provisions, under customary international law, states may incur liability for aiding or assisting another state to commit internationally wrongful acts such as commission of attacks directed against civilian objects or civilians protected as such, or any

other war crime. In this context providing means or other material support (such as military equipment) with the knowledge that its use will lead to or facilitate the commission of serious violations of international humanitarian law may lead to liability under international law.

Amnesty International is calling on states - including the USA and UK - who supply arms to the members of the Saudi Arabia-led coalition to suspend all transfers to coalition members that are carrying out attacks in Yemen, of general purpose bombs, fighter jets, combat helicopters and associated parts and components.

Amnesty International is also calling for the establishment of an independent international inquiry to investigate alleged violations by all parties to the conflict in Yemen, establish the facts, and identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.

METHODOLOGY

This report is based on research that Amnesty International conducted in Hajjah, Hodeidah and Sana'a governorates in November 2015. Amnesty International requested and received permission from the Huthi authorities to visit these areas, which are under their control.

An Amnesty International delegate visited five schools that had been hit by air strikes and investigated the circumstances and impact of the attacks.

Amnesty International interviewed 21 witnesses and victims on the ground about attacks on schools.

The names of affected persons and witnesses whose testimony is included in this report have been omitted in order to protect their identity.

In compiling this report, Amnesty International also examined photo and video material, some of which was provided by local residents and some of which was publicly available, crosschecking these sources of information with witness accounts, media articles, and other reports.

In December 2015, Amnesty International wrote to the Saudi Arabian Ministry of Defence detailing its findings, and requesting information about the choice of targets and decision-making process and rationale behind the airstrikes documented in this report. The organization requested that the Saudi Arabian authorities share the findings of any investigations that may have been carried out so far into these cases. At the time of publication, Amnesty International had not received any response from the Saudi Arabian authorities.

Amnesty International wishes to thank all those who contributed information and otherwise supported the production of this report.

SCHOOLS TARGETED

Amnesty International investigated five Saudi Arabia-led coalition¹ airstrikes that took place between August and October 2015 in Hajjah, Hodeidah, and Sana'a governorates and that appeared to target schools without any evidence that they had been used for military purposes. These strikes killed five and injured at least 14 civilians, including four children. They have also severely disrupted the education of the some 6550 children who regularly attended the schools.

These strikes deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the expected military gain from the strike, or failed to distinguish between these and military objectives. Such attacks violate international humanitarian law and can constitute war crimes.

Amnesty International found schools at a distance from any military objectives and that had been struck more than once, suggesting that these schools were in fact the intended target of the attack.

Amnesty International also found no evidence indicating that the schools that appeared to be targeted had been used for military purposes or otherwise contained military objectives.

To date coalition forces have provided no evidence that the premises struck in the cases investigated in this report were used for any purpose that would have made it lawful to target them.

There are prior cases of parties to the conflict using schools for military purposes. For example, Amnesty International received information indicating that the Arwa School in Ta'iz was being used by the Huthis as a detention centre. The Saudi Arabia-led coalition then struck the school in June 2015, killing civilians in the surrounding area, in what appeared to have been an indiscriminate attack.²

In the southern city of Aden, in July 2015 Amnesty International also documented the anti-Huthi Popular Resistance Committees (PRCs) using a school for military purposes.³ In other

¹ Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Sudan and the United Arab Emirates (UAE) are participating in the Saudi Arabia-led coalition, which has carried out airstrikes as well as ground operations in Yemen. The United States and United Kingdom have been providing intelligence and logistical support to the coalition.

² See, Amnesty International, "Yemen: Airstrike and weapon analysis shows Saudi Arabia-led forces killed scores of civilians", 2 July 2015, <https://www.amnesty.org/en/latest/news/2015/07/yemen-airstrike-analysis-shows-saudi-arabia-killed-scores-of-civilians/>.

³ Amnesty International observed anti-Huthi PRC fighters based in the Omar Ben Khattab School in Dar Saad, Aden. See, Amnesty International, '*Nowhere Safe for Civilians: Airstrikes and ground attacks in Yemen*' (Index: MDE 31/2291/2015), August 2015, <https://www.amnesty.org/en/documents/mde31/2291/2015/en/>.

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cases in Aden and the western city of Ta'iz PRC fighters were stationed next to or launching attacks near schools.⁴

Both state and non-state armed groups should refrain from using schools for military purposes or operating nearby, which can have the effect of making them legitimate military targets and subject to attack, consequently putting civilians at risk and having long-term adverse impact on children's access to education.

UN Security Council Resolution 2225 on children in armed conflict adopted on 18 June 2015 calls "on all parties to conflict to respect the civilian character of schools as such in accordance with international humanitarian law" and "expresses deep concern that the military use of schools in contravention of applicable international law may render schools legitimate targets of attack, thus endangering the safety of children and in this regard encourages Member States to take concrete measures to deter such use of schools by armed forces and armed groups."⁵

Warring parties also have obligations to take precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary.⁶ Each party must, to the extent feasible, avoid locating military objectives within or near densely populated areas.⁷

Access to education has been severely affected across Yemen as a result of the conflict. According to UNICEF (United Nations International Children's Emergency Fund), 34% of children in Yemen have not gone to school since the conflict began in March 2015, and as of October 2015 1.8 million children were not in school.⁸

In some cases parents and children are deterred from going to school because of fear of airstrikes, while in others, schools have been rendered unusable due to the conflict either because they have been damaged or destroyed or because they are being used for other purposes. Ministry of Education officials in Sana'a told Amnesty International in July that 600,000 students have been unable to sit their final high school exams because schools are

⁴ Residents said that PRC fighters frequently launched attacks from near the Omar Ben Khattab School in Dar Saad, Aden. In another incident, civilians sheltering in a school in Block 6 neighbourhood in al-Mansoura, Aden were killed and injured in an attack on the school on 6 July. Survivors said that PRC fighters operated from the area. Amnesty International researchers also observed a PRC checkpoint on the main road at al-Sha'b School some 150m south-east of al-Kawthar neighbourhood in Ta'iz city. See, Amnesty International, "*Nowhere Safe for Civilians: Airstrikes and ground attacks in Yemen*", August 2015.

⁵ UN Security Council, Resolution 2225, 18 June 2015, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225(2015)) (accessed on 7 December 2015).

⁶ ICRC Customary IHL Study, Rule 22.

⁷ ICRC Customary IHL Study, Rule 23.

⁸ UNICEF, Yemen Humanitarian Situation Report, 23 September – 1 October 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Yemen%20Crisis%20Humanitarian%20SitRep%2023Sep-1Oct%202015.pdf> (accessed on 7 December 2015).

being used to house internally displaced placed (IDPs).

According to UNICEF, as of 10 October 1000 schools were inoperable, including 146 that were totally destroyed, 398 that were partially damaged, and 439 that were being used to shelter displaced persons.⁹

Amnesty International also received detailed information from the Sana'a based Ministry of Education identifying as of 30 October 2015, 254 schools that had been completely destroyed, 608 that were partially damaged, and 421 that were being used by displaced persons, resulting in 1283 schools being affected.¹⁰ These schools were located across the country, both in and outside of Huthi control. Amnesty International was not able to independently verify these figures.

THE SCIENCE AND FAITH SCHOOL, MAGREESH, BENI HUSHAYSH, SANA'A



The Science and Faith School after it was attacked by the Saudi Arabia-led coalition, Beni Hushaysh, Sana'a, 7 November 2015. © Amnesty International

The Science and Faith school in Magreesh, Beni Hushaysh, Sana'a was struck by several aerial strikes on 27 and 28 October and approximately one week beforehand.

Amnesty International visited and interviewed four residents, including the school director,

⁹ UNICEF, Yemen Humanitarian Situation Report, 23 September – 1 October 2015.

¹⁰ On file with Amnesty International.

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who told Amnesty International that the school was hit on four separate occasions.¹¹ The director told Amnesty International that 1,200 students were enrolled in the school, the only one in the village. He said that at the time of the attack they were getting ready to start the school year but that classes were not yet in session. Following the attack, he said that students were now unable to continue with their studies.¹²

The first attack, they said, took place at around 6am in mid to late October. It was followed by a second attack about a week later on 27 October at around noon. The third strike, also on 27 October, injured and killed some of the residents who went to the strike site to look at the damage inflicted earlier that day. Residents said that three civilians were killed and at least 10, possibly as many as 15, were injured.¹³

A fourth strike further damaged the school on 28 October but did not injure or kill additional residents, according to the witnesses who spoke to Amnesty International.¹⁴

Amnesty International observed the impact sites from the missiles that struck the school building and vicinity and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions.

The school director told Amnesty International that the school was not being used and had never been used for a military purpose and that the closest military objective to the school was a checkpoint several kilometres away in Khish al-Baker, which was not struck. Amnesty International reviewed video footage released by a local media website on 28 October taken after the strikes on the school. The video does not show the presence of any military personnel or materiel, consistent with the school director's statements.¹⁵ The repeated strikes over the space of the week indicate that the school was the coalition's intended target.

¹¹ Interviews in Yemen, 7 November 2015.

¹² Interview in Yemen, 7 November 2015.

¹³ Interviews in Yemen, 7 November 2015.

¹⁴ Interviews in Yemen, 7 November 2015; See also, "Coalition plans bomb Magreesh school in Beni Hushaysh again and destroy it completely," *Yemen Today TV*, 28 October 2015, <http://www.yementodaytv.net/details.php?recordID=28557> (accessed on 7 December 2015).

¹⁵ Yemen Today Channel, "Saudi Coalition planes resume bombing schools in Bani Hushaysh Directorate, Sana'a," published on 28 October 2015, <https://www.youtube.com/watch?v=FJq7hNjfqdQ>, (accessed on 7 December 2015).

KHEIR SCHOOL, AL-SHARAFI VILLAGE, HADHRAN, BENI HUSHAYSH, SANA'A



The Kheir School after it was bombed by the Saudi Arabia-led coalition, Beni Hushaysh, Sana'a, 7 November 2015. © Amnesty International

Approximately 300 students attended the Kheir School in the village of Hazran, which had not yet opened for the academic year when a coalition air strike struck it in late October. Amnesty International spoke with six residents, including one child, in the village, which is comprised of about 200-250 homes. Residents worked primarily in the surrounding agricultural fields (growing grapes and qat) or as government soldiers. They told Amnesty International that the Kheir School was the only school in the village or vicinity.¹⁶

The residents told Amnesty International that coalition forces conducted multiple air strikes in the village on two different days. According to the residents, three strikes on 21 October hit the Hadhran mosque in the village (at around 11:30am), a nearby hill, and then a home. The strike on the mosque killed one man and injured a second, according to the residents and pro-Ansarullah local media reports.¹⁷ Residents said the man who was killed was Ali Mohammed al-Garadee, a farmer, 25, and that his cousin Hamed Abd al-Garadee, a farmer, around 18-20 years old, was injured. They said the two men were praying in the mosque at

¹⁶ Interviews in Yemen, 7 November 2015.

¹⁷ Interviews in Yemen, 7 November 2015; "The killing of civilians in an attack on a mosque in Beni Hushaysh in Sana'a," *Almotamar.net*, 21 October 2015, <http://www.almotamar.net/news/125989.htm> (accessed on 7 December 2015); Almasirah TV, "The Coalition targets a mosque, school, and citizen homes, in the area of Hadhran in Beni Hushaysh 24-10-2015," published 24 October 2015, https://www.youtube.com/watch?v=1VqQihE0_Hc (accessed 7 December 2015).

the time of the strike.¹⁸

Residents said that two days later, on 23 October, just before dusk, coalition forces conducted an air strike that struck the Kheir School, which was vacant at the time, causing extensive damage and rendering it unusable; the attack also hit the home of Ali Ali Ahmed Khaled, 100 metres away. According to the residents, this strike killed two of Ali's children, five year old Morad Ali Ali Khaled, and his six year old sister, Abeer Ali Ali Khaled, and injured their mother.¹⁹ A further strike hit a nearby hill.

Residents told Amnesty International that there were no weapons present in either the mosque or the school.²⁰ Amnesty International observed the impact craters from the air strikes that hit the school and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions.

Amnesty International reviewed video footage released by a local media site on 24 October taken after the strikes on the mosque and school. The video does not show the presence of any military personnel or materiel, consistent with the residents' statements.²¹ Residents said that the nearest military objective to the village was the Shujah checkpoint, several kilometres away.²²

¹⁸ Interviews in Yemen, 7 November 2015.

¹⁹ Interviews in Yemen, 7 November 2015.

²⁰ Interviews in Yemen, 7 November 2015.

²¹ Almasirah TV, "The Coalition targets a mosque, school, and citizen homes, in the area of Hadhran in Beni Hushaysh 24-10-2015," published 24 October 2015, https://www.youtube.com/watch?v=1VqQihEO_Hc (accessed 7 December 2015).

²² Interviews in Yemen, 7 November 2015.

AL-ASMA SCHOOL, MANSOURIYA, HODEIDAH



The al-Asma School after it was attacked by the Saudi Arabia-led coalition, Mansouriya, Hodeidah, 8 November 2015. © Amnesty International

1,200 students were typically enrolled in the al-Asma School in Mansouriya village: boys in the first to third grade and girls from the first to ninth grade, according to the school's deputy director.²³

Amnesty International spoke with four residents from Mansouriya village, including a student from al-Asma School and the school's director and deputy director during a visit to the school on 8 November. All four told Amnesty International that al-Asma School was never used for military purposes and was attacked by coalition forces despite its purely civilian status.²⁴

The school's director said that al-Asma school was hit at around 12:30pm on 24 August. She was at home at the time, but heard the coalition plane overhead, and heard the sound of the explosion when the missiles struck the school. She said that at the time, the school year had not yet started but that students had been coming to the school to complete their exams from the previous year. At the time of the attack however, she said the school was empty.²⁵

A student from al-Asma School who was nearby at home at the time of the attack also described to Amnesty International what she heard during the attack. She said,

²³ Interview in Yemen, 8 November 2015.

²⁴ Interviews in Yemen, 8 November 2015.

²⁵ Interview in Yemen, 8 November 2015.

*"I was in the room playing with my sister with toys. When we heard the sound of the missile my sister said to me, 'A missile, a missile!' I told her, 'No, it's not a missile, it's just a plane.' It's normal that we would hear the plane and we wouldn't be afraid. When we felt the sound of the explosion we were very afraid and upset. We didn't know where the missile struck. When we were told that it was al-Asma school we were also upset and we cried."*²⁶

Both the director and the deputy director denied that the school was being used or had been used for any military purpose. The deputy director told Amnesty International,

*"Al-Asma school is an active school, in culture, in society, in sports. It is a friendly school. It is the only school in the eastern part [of Mansouriya]... There was talk in the media that there was a strike because there were Huthi [fighters] here, but this is untrue. There is no one here except for the citizens that are around. The homes surrounding the school were affected but no one thankfully [was hurt]."*²⁷

Amnesty International reviewed video footage published by a local media site on 25 August taken after the strikes on the school. The video does not show the presence of any military personnel or materiel, consistent with the residents' statements.²⁸

Amnesty International also observed the impact craters from the air strikes that hit the school and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions. The strikes on the school were extensive and left the school largely inoperable.

The school director told Amnesty International that before the school was hit, representatives from UNICEF had visited it regularly and that they planned to support the reopening of the school. "We spent eight years building the school," she told Amnesty International. "And in one minute they destroyed everything."²⁹

The deputy director explained that, while there were four schools in the area, the others were five to six kilometres away from al-Asma School. The distance, he explained, was a deterrent for some parents to send their children to school, both because it was inconvenient and because of safety concerns.³⁰ He added that students continued to be terrified of potential future attacks on schools. He said,

"Psychologically there is an impact until now. Today there was a situation, I wish I had not witnessed it, when the plane came and we were distributing books [in the

²⁶ Interview in Yemen, 8 November 2015.

²⁷ Interview in Yemen, 8 November 2015.

²⁸ Almotamar.net, "Saudi coalition planes bomb al-Aama School for Girls in al-Mansouriya district in Hodeidah governorate," published 25 August 2015, <https://www.youtube.com/watch?v=knkTyMu4RDE> (accessed 7 December 2015).

²⁹ Interview in Yemen, 8 November 2015.

³⁰ Interview in Yemen 8 November 2015.

*school courtyard]. I was shocked when the kids started screaming and running in a terrified way. Everything that we were building towards in the last two weeks, with the plan that today they would start studying, in the minute they heard the sound of the plane, it had a completely opposite impact [than getting them ready for school]."*³¹

The student who spoke to Amnesty International said that she was one of the many students who continues to be terrified of future attacks and whose education was disrupted because of the attack on the school. She said,

*"I don't study these days but God willing we will make up the year, the half of the year, that we missed. But the plane is really scary. It keeps you from being able to focus. Imagine. When the plane comes to strike, and even if it doesn't, you can't hear it, you just feel the strike that falls on your head... Right now we are living in fear and in terror. Today I saw the plane and I was very afraid and terrified. The sound today was loud but the feeling I had was like that of all of the girls at school today, of course we are afraid... We just want the aggression [coalition forces] to stop [shelling] on schools. It is a shame for them to bomb kids, a shame for them to attack schools. Their kids study in Saudi Arabia in private universities and everywhere. Our kids are bombed."*³²

AL-SHAYMEH EDUCATION COMPLEX FOR GIRLS, HODEIDAH

"I felt that humanity has ended. I mean, a place of learning, to be hit in this way, without warning, I said, where is humanity? Places of learning are considered sacred. It is supposed to be illegal, in any war, to strike such places."

*Director of al-Shaymeh School*³³

³¹ Interview in Yemen 8 November 2015.

³² Interview in Yemen 8 November 2015.

³³ Interview in Yemen, 9 November 2015.



A child in the rubble of the al-Shaymeh Education Complex for Girls after it was struck by missiles fired by the Saudi Arabia-led coalition, Hodeidah, 9 November 2015. © Amnesty International

The al-Shaymeh Education Complex for Girls was struck multiple times by coalition forces on 25 and 27 August, despite its civilian nature.

Amnesty International visited the school on 9 November and spoke with three employees there, including the school director.³⁴ According to the witnesses, at least two people, one man, Abdullah Miswak, approximately 30 years old, and a woman, approximately 25, were killed in the strikes.

The school, which is part of a larger compound that also includes an office for the Ministry of Education, has a primary and secondary school for girls and a kindergarten for boys with a total of 3200 regular students, according to the school director.³⁵

The director told Amnesty International that students had finished exams on 24 August, so that on 25 August when two air strikes hit the school compound the only people present in the school were the guard and his family, neither of whom were injured in these strikes. She told Amnesty International that after the strikes she went to the school to retrieve the school exams and move them to a safe space. She said,

"I was at home when I heard the news. In the evening we came to the school to collect the exams and move them to a safe space... I had left the school just hours

³⁴ Interview in Yemen, 9 November 2015.

³⁵ Interview in Yemen, 9 November 2015.

before and it was peaceful and now it was on the ground."³⁶

Amnesty International reviewed video footage published on YouTube on 25 and 27 August taken after the strikes on the school. The video does not show the presence of any military personnel or materiel, consistent with the residents' statements.³⁷

Amnesty International also observed the impact craters from the air strikes that hit the school compound and observed that there was no evidence that the school had contained any military materiel. There were no weapon remnants and no evidence of secondary explosions.

The school's director told Amnesty International that three missiles hit the school compound on 27 August, two days after the initial attack.

A guard working in the Ministry of Education office in the al-Shaymeh school compound told Amnesty International that, although most employees were not in the building on 27 August because of the earlier strike on 25 August, he was present. He said,

*"I was resting in the office. The plane was circling overhead. I went to wash my face and to get dressed and go out, and next thing, the sound of the missile, shhhhhboom. I turned like this, I turned like that, and there was nothing, the room was totally dark."*³⁸

He said that after the attack, he fled the compound, and saw one man, Abdullah Miswak, die as a result of a shrapnel injury to the chest.³⁹

Citing local residents, Masdar Net, an online news outlet, reported on 27 August that Huthi fighters were positioned inside the al-Shaymeh school complex.⁴⁰

However, both the guard and the school director told Amnesty International that they never saw any weapons or fighters in the school compound prior to the attacks.

³⁶ Interview in Yemen, 9 November 2015.

³⁷ Hodeidah Ministry of Education News, "The destruction of al-Shaymeh Education Complex in a Saudi coalition bombing today," published on 25 August 2015, https://www.youtube.com/watch?v=w4_vhVOF27U (accessed on 7 December 2015); Yemen Today Channel, "The Saudi coalition resumes bombing of al-Shaymeh Education Complex in Hodeidah," published on 27 August 2015, <https://www.youtube.com/watch?v=EXwp1kRD4Ik> (accessed on 7 December 2015).

³⁸ Interview in Yemen, 9 November 2015.

³⁹ Interview in Yemen, 9 November 2015.

⁴⁰ "The Coalition shells and throws leaflets," *Masadr Net*, 27 August 2015, http://msader.info/muta.php?d_no=236&no=857623 (accessed on 7 December 2015).



Scattered school books in the al-Shaymeh Education Complex for Girls after it was attacked by the Saudi Arabia-led coalition, Hodeidah, 9 November 2015. © Amnesty International

The director explained at length why she believed it was inconceivable that there were weapons in the school. She said,

“There were no weapons in the school. People on Twitter or online say there are weapons in the school but I asked for proof. Parents and teachers came and searched the school and found nothing just 15 or 18 days before the missile struck ...And this is what is unjust and what hurts. If I had seen one weapon I would have said, that’s it, that is the school’s fate, and it deserves to be hit because it had weapons or fighters in it but this did not happen at all...What happened affected us very much. Approximately 3,000 students lost their classrooms, their memories, everything that connects them to this school.”⁴¹

She also told Amnesty International that she heard no secondary explosions after the missiles struck and that she had never seen any weapons or military personnel in the school before the strikes. She believed the closest military objective to the school was the Hodeidah International Airport which is also used as a military airport, which is about five kilometres away.

⁴¹ Interview in Yemen, 9 November 2015.

HUDA SCHOOL, BENI MUSHTAH, ABS, HAJJAH



Students at the al-Huda School ready to learn despite fears of Saudi Arabia-led coalition strikes, Beni Mustah, Abs, Hajjah, 11 November 2015. © Amnesty International

Amnesty International visited the al-Huda school in Beni Mushtah, Abs in Hajjah governorate on 11 November 2015 and spoke with the school director, two students, and a former student of the school. On 27 October a missile struck a field approximately 100 meters from the school in a field. On the same day, a Huthi checkpoint leading into the town of Abs approximately one kilometre away was also hit. The school does not appear to have been mistakenly targeted by an attack on the checkpoint given the distance of the checkpoint from the school and the difference in landscape surrounding the school – a rural village – and the checkpoint – a main thoroughfare.

Amnesty International observed the strike site near the school, the school, and the surrounding homes in the rural area and saw, consistent with witness statements, that there were no visible military objectives in the area.

The director told Amnesty International that the strike near the school had significantly affected enrolment. He said,

“This year we started receiving students: registering them starting from 5 September and receiving them from 3 October when we were taken by surprise by the strike next to the school to the left at a distance of about 100 meters at dusk. There was one strike here and another far away next to the checkpoint [leading to Abs about 1 kilometre away]... This strike [near the school] has really had a strong impact. Even the students who have registered for the year, today it is 11 November, the only

students who came are about five students per class. But during registration time before the strike about 300 students had registered. But now only about five from each class are attending."⁴²

The director told Amnesty International that before the war about 650-700 students attended the school. A 12-year-old al-Huda student who was among those who did continue to attend school told Amnesty International,

*"Last year when there was no war students would come from the beginning. They would be happy at school and everything. But this time when they said school was going to open some of the students did not want to come. They are afraid."*⁴³

Another student, a 15-year-old girl, said, "I just want to go to school and for Yemen to be safe."⁴⁴

Amnesty International observed that the school suffered minor damage in the strike, including broken windows. Residents said that four civilians, all children, were injured in the attack. The school director told Amnesty International, "When I entered the school after the strike I was surprised that one of my nephews was wounded. He was playing football in the valley when a piece of shrapnel injured his leg. We have four injured from the strike."⁴⁵ The injured children's ages were between 3 and 14.

The director refuted any suggestion that the school was used for any military purpose, insisting,

*"This place is far away from everything. There are no weapons storage or government buildings. The only government building here is the school...The school here has never been used by any soldiers or for any military purpose. It is just a school. A place for learning."*⁴⁶

⁴² Interview in Yemen, 11 November 2015.

⁴³ Interview in Yemen, 11 November 2015.

⁴⁴ Interview in Yemen, 11 November 2015.

⁴⁵ Interview in Yemen, 11 November 2015.

⁴⁶ Interview in Yemen, 11 November 2015.

APPLICABLE INTERNATIONAL HUMANITARIAN LAW

Yemen, as well as Saudi Arabia, the United Arab Emirates, Jordan and many other coalition states, are party to principal instruments of international humanitarian law the four Geneva Conventions of 1949 and their Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).⁴⁷ They are also bound by customary international humanitarian law.

International humanitarian law, or the laws of war, sets out rules that legally bind all parties to armed conflict, whether state armed forces or non-state armed groups. These rules aim to minimize human suffering, and offer particular protection to civilians and those who are not directly participating in hostilities. Serious violations of international humanitarian law are war crimes and those who commit or order war crimes are individually responsible and must be brought to justice.

The principle of distinction, a cardinal rule of international humanitarian law, requires that parties at all times distinguish between combatants and military objectives and civilians and civilian objects and direct attacks only at the former. Intentionally directing attacks against civilians who are not directly participating in hostilities and civilian objects is prohibited and is a war crime.⁴⁸ The Rome Statute of the International Criminal Court specifically sets out that intentionally targeting educational facilities that are not military objectives is a war crime.⁴⁹

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited”.⁵⁰ Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.⁵¹ Launching an indiscriminate attack which results in death

⁴⁷ Additional Protocol II, 8 June 1977, <https://www.icrc.org/applic/ihl/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545> The involvement of forces from other states in the conflict in Yemen does not make the conflict an international conflict, as it is taking place at the request/with the agreement of the Yemeni government.

⁴⁸ ICRC Customary IHL Study, Rule 156, pp. 591,593,595-598. See also Rome Statute of the ICC, articles 8(2)(e)(i). See also discussion in ICRC Customary IHL Study, p. 27.

⁴⁹ Rome Statute of the ICC, article 8(2)(e)(iv).

⁵⁰ ICRC Customary IHL Study, Rule 11; Additional Protocol I, Article 51(4).

⁵¹ ICRC Customary IHL Study, Rule 12; Additional Protocol I, Article 51(4)(a).

or injury to civilians constitutes a war crime.⁵² It is also prohibited to launch a disproportionate attack, that is an attack which 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. Knowingly launching a disproportionate attack constitutes a war crime.⁵³

In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.⁵⁴ International humanitarian law requires an attacking party take feasible precautions to minimize harm to civilians and damage to civilian objects. Failure to take feasible precautions is itself a violation and can lead to other violations of international humanitarian law. Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, give effective advance warning to civilians unless circumstances do not permit, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate.⁵⁵ In this regard the following rule is particularly important to the protection of schools: "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."⁵⁶

Intentionally attacking schools in which there are no fighters, soldiers or military objectives constitute direct attacks on civilian objects and are war crimes.

Parties to the conflict also have obligation to take all feasible precautions to protect civilians and civilian objects under their control from the effects of attacks.⁵⁷ Each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas.⁵⁸

There is an emerging consensus that state and non-state armed groups should refrain from using schools for military purposes. This is in keeping with provisions in international humanitarian law that offer special protection to children in armed conflict. For example, under Additional Protocol II, it is a fundamental guarantee that children receive an education, in keeping with the wishes of their parents.⁵⁹ Using schools for military purposes disrupts their education and can have other adverse consequences.

UN Security Council Resolution 2225 on children in armed conflict adopted on 18 June 2015 calls "on all parties to conflict to respect the civilian character of schools as such in accordance with international humanitarian law" and "expresses deep concern that the

⁵² ICRC Customary IHL Study, Rule 156, p.599.

⁵³ ICRC Customary IHL Study, Rule 14; Rule 156, p. 599.

⁵⁴ ICRC Customary IHL Study, Rule 15.

⁵⁵ ICRC Customary IHL Study, Rules 16-19.

⁵⁶ Additional Protocol I, Art 52(3); see also discussion of Rule 10 in ICRC Customary IHL Study.

⁵⁷ ICRC Customary IHL Study, Rule 22. See also Protocol II, Article 13(1).

⁵⁸ ICRC Customary IHL Study, Rule 23.

⁵⁹ Additional Protocol II, Art 4 (3)(a).

military use of schools in contravention of applicable international law may render schools legitimate targets of attack, thus endangering the safety of children and in this regard encourages Member States to take concrete measures to deter such use of schools by armed forces and armed groups.”⁶⁰

To this end, several states have developed the Guidelines on Protecting Schools and Universities from Military Use in Armed Conflict, which prohibit the fighting forces of parties to an armed conflict from using functioning schools and universities to support the military effort.⁶¹ Coalition members Jordan and Qatar were among the first group of states to endorse the Guidelines.⁶² As of November 2015, 51 states have committed to implementing the Guidelines,

States are responsible for violations of international humanitarian law by their forces and must make full reparation for loss or injury caused.⁶³ And states have a responsibility to investigate alleged war crimes perpetrated by their nationals and armed forces or on their territory, and if warranted, prosecute the suspects.⁶⁴ Further, under the principle of universal jurisdiction, all states have a right to investigate and, where enough admissible evidence is gathered, prosecute war crimes.⁶⁵

All states also have legal responsibilities under international law to control the transfer of weapons and restrict or prohibit it in certain circumstances. States may not encourage violations of international humanitarian law by parties to an armed conflict. They must exert their influence to stop violations.⁶⁶

Under Article 6 of the Arms Trade Treaty (ATT), which came into force in late 2014, a country is prohibited from authorizing an arms transfer if it has knowledge at the time of authorization that the arms would be used in the commission of “attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.”⁶⁷ Further, article 7 of the ATT requires that states assess

⁶⁰ UN Security Council, Resolution 2225, 18 June 2015, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225(2015)) (accessed on 7 December 2015).

⁶¹ Global Coalition to Protect Education from Attack, “37 Countries Start Process of Protecting Schools and Universities during Conflict”, 29 May 2015, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf.

⁶² Global Coalition to Protect Education from Attack, “37 Countries Start Process of Protecting Schools and Universities during Conflict”, 29 May 2015.

⁶³ ICRC Customary IHL Study, Rule 150.

⁶⁴ ICRC Customary IHL Study, Rule 158.

⁶⁵ See for example ICJ, Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, I.C.J. Reports 2002, p.3, where the majority of the court confirmed the right of all states to exercise universal jurisdiction. Amnesty International, *Universal jurisdiction: The duty of states to enact and implement legislation*, (Index: IOR 53/003/2001), September 2001.

⁶⁶ ICRC Customary IHL Study, Rule 144.

⁶⁷ Arms Trade Treaty (ATT), Article 6, pp. 4-5, <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf> Text taken verbatim from: Amnesty International, *Applying the Arms Trade Treaty to ensure the protection of human rights*, February 2015, Index: ACT 30/003/2015,

the potential that the arms being exported could be used to commit a serious violation of international human rights or humanitarian law; if there is an overriding risk of this, their export shall not be authorized.⁶⁸

In addition to this treaty obligation, under customary international law, states may incur liability for aiding or assisting another state to commit internationally wrongful acts such as commission of attacks directed against civilian objects or civilians protected as such, or any other war crime.⁶⁹ In this context providing means or other material support (such as military equipment) with the knowledge that its use will lead to or facilitate the commission of serious violations of international humanitarian law may lead to liability under international law.

pp. 4-5, <https://www.amnesty.org/download/.../ACT3000032015ENGLISH.PDF>

⁶⁸ Arms Trade Treaty (ATT), Article 7, pp. 5-6, <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

⁶⁹ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, International Law Commission, Yearbook of International Law Commission, 2001, vol. II, Part Two, Article 16, p. 36.

RECOMMENDATIONS

TO STATES MEMBERS OF THE SAUDI ARABIA-LED COALITION

- Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any airstrikes by ensuring that civilians and civilian objects including schools are not targeted; and end indiscriminate attacks and disproportionate attacks;
- Take all feasible precautions to minimize harm to civilians and damage to civilian objects, including giving advance effective warnings of impending attacks when possible to civilians likely to be affected; ensure that targets are in fact military objectives, and, particularly in the case of schools, adhere strictly to the presumption of civilian character in case of doubt;
- Ensure that the cases detailed in this report and any others where there is credible information that violations of international humanitarian law have taken place are independently and impartially investigated, make public the findings of the investigations, and bring those suspected of criminal responsibility to trial in fair trials;
- Provide full reparation to victims of unlawful attacks and their families, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Disclose the intended targets of strikes that resulted in civilian casualties or which destroyed or damaged civilian objects, and which coalition members participated in these attacks;
- Do not use schools for military purposes or place military objectives near schools where they would put the students, teachers, and facilities at risk; and commit to implementing the Guidelines on Protecting Schools and Universities from Military Use during Armed conflict.

TO THE GOVERNMENT OF PRESIDENT ABD RABBU MANSOUR HADI

- Demand that the states members of the Saudi Arabia-led coalition take the actions listed above and provide assistance to victims and families of victims of unlawful attacks to seek and obtain justice and reparation;
- Do not use schools for military purposes or place military objectives near schools where they would put the students, teachers, and facilities at risk; and commit to implementing the Guidelines on Protecting Schools and Universities from Military Use during Armed conflict.

TO STATES PROVIDING SUPPORT TO THE COALITION, INCLUDING THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM

- Suspend the transfer to members of the Saudi Arabia-led coalition which are carrying out airstrikes in Yemen of fighter jets, combat helicopters and associated parts and components, and general purpose bombs;
- Press the coalition members to publically denounce reported violations of international humanitarian law, including those documented in this report, and ensure they are independently, transparently and impartially investigated and that victims and their families are afforded full reparation.

TO HUTHI/SALEH-LOYALIST ARMED GROUPS AND ANTI-HUTHI/PRC ARMED GROUPS

- Do not use schools for military purposes or place military objectives near schools where they would put the students, teachers, and facilities at risk; and commit to implementing the Guidelines on Protecting Schools and Universities from Military Use during Armed conflict.

TO THE UN HUMAN RIGHTS COUNCIL, THE UN GENERAL ASSEMBLY, AND THE UN SECURITY COUNCIL

- Publicly denounce attacks on education by all parties to the conflict in Yemen;
- Increase detailed reporting on attacks on education in Yemen under UN Security Council resolution 1612;
- Establish an independent international inquiry to investigate alleged violations by all parties to the conflict in Yemen, establish the facts, and identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.

'OUR KIDS ARE BOMBED'

EDUCATION UNDER ATTACK IN YEMEN

The conflict in Yemen has had a brutal impact on education; 34% of children in the country have not gone to school since the conflict began in March 2015. As of October 2015, 1.8 million children were not in school. In some cases parents and children are deterred from going to school because of fear of airstrikes, while in others, schools have been rendered unusable due to the conflict either because they have been damaged or destroyed.

Amnesty International investigated five strikes that took place between August and October 2015 in Hodeidah, Hajjah, and Sana'a governorates, which appear to have directly targeted schools. These strikes killed five and injured at least 14 civilians, including four children. They have severely disrupted the education of the some 6550 children who regularly attended the schools.

The strikes that Amnesty International has researched were unlawful – in that they deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the concrete and direct military advantage anticipated from the attack, or failed to distinguish between civilian objects and military objectives.

Some of the weapons used by the Saudi Arabia-led coalition forces in Yemen which have hit civilian targets, were produced and/or designed in the United States of America (USA) and United Kingdom (UK).

Amnesty International is calling on states - including the USA and UK - who supply arms to the coalition to suspend all transfers to coalition members that are carrying out attacks in Yemen, of general purpose bombs, fighter jets, combat helicopters and associated parts and components.

Amnesty International is also calling for these, and other, alleged violations to be investigated independently and impartially and for those responsible to be held accountable. It is also asking the coalition to provide full reparation to victims of unlawful attacks and their families.

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