



HUMAN
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Classrooms in the Crosshairs

Military Use of Schools in Yemen's Capital



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Summary

I wish I could go back to my school, but ... it's a military camp.

—Atiaf, 15, a student displaced from Asal al-Wadi School, Sanaa, March 2012

Young people played a crucial role in Yemen's 2011 uprising, which ended the 33-year rule of Ali Abdullah Saleh. Yet many Yemeni children endured serious violations of their rights both during the protests and intermittent armed clashes, and after regime and opposition forces signed a peace agreement. Government security forces killed children in street demonstrations. The armed forces and armed opposition groups both recruited and used children as soldiers. And as this report details, government armed forces and non-state armed groups risked the lives of tens of thousands of children and curtailed their right to education when they entered and occupied schools.

Armed forces and armed groups deployed in at least 54 schools for military purposes in Sanaa, Yemen's capital, during 2011. Schools were used as barracks, bases, observation points, firing positions, and detention centers.

Although hostilities formally ceased with then President Saleh's signing of a Gulf Cooperation Council (GCC) transition agreement and implementing mechanism on November 23, 2011, Yemen's transitional government was unable fully to de-militarize Sanaa, and until April 2012, to clear schools of armed men.

Human Rights Watch found that armed groups occupied at least 14 schools as of late March 2012. The majority were cleared soon after we brought this to authorities' attention in March, but soldiers remained in at least one school (the Asma'a school for girls) until August. Many schools suffered significant damage to their classrooms and other facilities in attacks directed at the forces occupying the schools. In some instances, the forces inside schools came under attack while students and teachers were present.

Soldiers and members of armed groups lived or deployed in a number of schools for months after the transition agreement was signed, despite protests from school principals, teachers, and parents, and without regard for the grave threats posed to the children and the damage to their education.

In meetings with Human Rights Watch in March 2012, both government officials (who held their posts in both the Saleh and transitional regimes) and opposition leaders agreed that schools should be protected spaces and promised to immediately clear them of armed troops. Human Rights Watch provided government and opposition leaders with a list of seven occupied schools identified as still being used for military purposes in Sanaa—and by early April, soldiers had vacated all but one of those schools. The last, the Asma’a girls’ school, was vacated in mid-August.

Most soldiers and militiamen deployed in schools came from opposition forces, but government troops and allied militia occupied schools as well. On the pro-Saleh side, the forces included soldiers from units including the elite Republican Guard, commanded by Saleh’s son, Gen. Ahmed Ali Saleh; Central Security, a paramilitary force run by Saleh’s nephew, Yahya Saleh; and General Security, the regular police force; as well as tribal militias.

On the opposition side, the forces occupying or using schools included the First Armored Division, a powerful unit of the Yemeni army commanded by Gen. Ali Mohsen al-Ahmar, a former confidant of the president and longtime rival of Gen. Ahmed Ali Saleh, but who began siding with anti-Saleh protesters in March 2011. Other opposition forces included the militia of the al-Ahmars (allies of, but no relation to, General Mohsen al-Ahmar), one of Yemen’s most influential families.

The school occupations Human Rights Watch documented in Sanaa represent a pattern of armed forces and armed groups occupying schools in armed conflict situations throughout the country. Armed forces and armed groups from both sides of the uprising also deployed in more than a dozen education establishments in Taizz during 2011, including a technical school for pharmacists and physicians’ assistants. According to media reports, in northern Sa’da, a suicide attacker on May 25, 2012, drove an explosives-packed car into a school that northern Huthi rebels used as a base, killing at least 12 people. And al Qaeda militants in the Abyan province are reported to have occupied and used at least 52 schools in their conflict with government forces.

This report is based on a Human Rights Watch visit to Sanaa in March 2012. A Human Rights Watch team visited 19 schools in Sanaa and interviewed more than 75 students, parents, teachers, school principals, and school administrators, as well as more than 20

government officials, representatives of nongovernmental organizations, and members of the armed forces and various armed groups.

Human Rights Watch investigated 10 situations in which armed groups took over rooms or wings of boys' and girls' schools, both primary and secondary, while students continued to use the same facilities. Armed men took over parts of school buildings while classes were in session to use them as barracks, bases, surveillance and firing positions, and in at least two cases, used classrooms to detain people.

In another three instances investigated by Human Rights Watch, armed groups completely took over schools, forcing them to close. At least one more school was closed for at least seven months because of a significant military presence directly outside of the school's gates.

Armed groups sought to justify their takeover of schools by saying they "protected" the facility from other armed forces. Yet our investigations revealed the opposite: when troops entered schools, such schools became military targets and led other forces to attack them, putting students and teachers at far greater risk. Instead, armed groups appeared to use schools because of their locations near strategic points; the ease with which they could be initially infiltrated; the defensive advantages of thick walls, perimeter walls, electricity and water; and height for surveillance and situating firing positions.

Most of the school principals who spoke to Human Rights Watch said that they received no notification before armed forces or armed groups moved into their schools. They also said that soldiers or armed men used the schools despite school officials' strenuous protests and attempts to negotiate alternative agreements. In one case, a school official told Human Rights Watch that he received an advance call from a local government representative, who said he was acting on orders from the Education Ministry by allowing armed forces to enter the school. However, the deputy minister of education told Human Rights Watch in March 2012 that his ministry never granted permission for the use of government schools.

When the armed forces or armed groups took over a school, they frequently militarized and fortified the school buildings. This occurred both when they displaced the entire school population and when they occupied part of the school building while teachers and students attempted to hold classes in the remaining space. Troops built fortified concrete and sandbag bunkers on school roofs to shelter lookouts and armed troops. Some added additional fortifications to school balconies. In most instances, the military or militia

posted armed sentries at school gates. Troops carried and sometimes fired assault rifles or other weapons while on the school premises. They stored weapons and munitions within the school grounds and buildings. Even after the security forces vacated school premises, they sometimes left behind the militarized fortifications, creating a risk that the school would be mistaken as a military target.

Armed forces also detained and beat prisoners on school grounds, in some cases as teachers and students looked on. A student at Asma'a secondary school described how soldiers from the First Armored Division beat an elderly prisoner in front of her and her classmates. "They beat [and] electrocuted him right in the courtyard of the school ... during recess," she said.

In addition to endangering students' and teachers' safety, the military use of schools also hinders children's access to education and lowers the quality of their studies. At schools used by armed forces and armed groups in Sanaa, Human Rights Watch documented disruptions to studies, lower school enrollment, decreased school attendance, and damage to school infrastructure.

Military use of schools was particularly harmful to girls' education. Girls, who already lag behind boys in education in Yemen's highly gender-segregated and traditional society, dropped out in disproportionately higher numbers or missed greater portions of the school year, according to teachers and principals interviewed. They said parents preferred to remove daughters from class rather than allow them to study alongside armed men or at temporary study locations where they would be mixed with boy students.

Where security forces occupied only part of a school building, students had to study in overcrowded classrooms in the remaining parts of the school. Sometimes administrators combined students from different grades into one classroom, leading to greater disruption for students and hindering their ability to study. Some schools that Human Rights Watch visited dealt with overcrowding by running shifts and reducing the number of hours of instruction each student received per week.

The military occupation and use of schools can result in violations of international humanitarian and human rights law. International humanitarian law, or the laws of war, requires that all parties to a conflict take all feasible precautions to protect the civilian population and civilian objects, such as schools, under their control against the effects of attacks. Moreover, each party to a conflict must remove, to the extent feasible, civilians under

its control from the vicinity of military objectives. Thus, it is unlawful to use a school simultaneously as a military base, barrack, or firing position, and also as an educational center.

International human rights law, which is applicable in both times of war and peace, guarantees the right of students to education. Since the extended use of a school by armed forces or armed groups affects children's ability to attend classes in an environment conducive to learning, this poses a threat to their right to education as guaranteed under international human rights law, as well as under the Yemeni Constitution.

The use of schools by armed forces and armed groups in Sanaa also violated the terms of Yemen's transition agreement, which Saleh and the political opposition signed in November 2011. The deal, brokered by the Gulf Cooperation Council (GCC), mandated the transition of power from Saleh to his vice-president, Abdu Rabo Mansour Hadi, and the formation of a national unity government. A United Nations-facilitated "implementing mechanism," which both sides signed along with the GCC deal, established a military affairs committee headed by Hadi, and tasked it with ensuring that the government security forces and other armed formations returned to their camps, ended all armed presence in Sanaa and other cities, and removed all road blocks, checkpoints, and improvised fortifications.

During times of conflict and insecurity, maintaining ongoing access to education is of vital importance for children. Schools, if they remain safe and protective environments, can provide an important sense of normalcy that is crucial to a child's development and psychological well-being. Schools can also help provide important safety information and services. For example, in Yemen, where landmines killed 28 children in 2011 and 13 in just the first three months of 2012, schools can provide important points of mine awareness education. When armed groups use schools for military purposes, they jeopardize all of this.

More than half of Yemen's 24 million people are under the age of 18. Even in times of peace, Yemeni children face multiple challenges in getting education. They have the lowest levels of literacy in the Middle East and fall into the bottom third of countries worldwide for school enrollment rates. In 2011, more than a quarter of Yemen's school-aged children did not attend school, according to the United Nations Children's Fund (UNICEF). Only 75 percent of school-age boys and 64 percent of school-age girls attend primary school. Girls' attendance drops by more than half by the time they get to secondary school, with only 27 percent of girls attending secondary school, as compared to 48 percent of boys, UNICEF reported. Many schools also closed due to general insecurity, violence, and teachers' strikes during the 2011 uprising, though they have since reopened.

It is against this backdrop that the occupation and use of schools and other education institutions by the armed forces and armed groups has made an already bad situation worse.

As Yemen's children struggle to recover from the trauma of violence in their streets, homes, and schools, Yemen's government should renovate and restore all schools occupied by government and opposition forces, and take measures to raise school enrollment to at least pre-conflict levels. While there is a period of relative calm in the capital, tensions remain high and conflict continues elsewhere around the country. The government should protect children from future incursions on their schools by enacting domestic legislation or regulations banning armed forces and armed groups from using or occupying schools, school grounds, or other educational facilities in a manner that would endanger civilians or civilian objects, or that would violate children's right to education under international human rights law. Donors who are supporting the reconstruction and rehabilitation of education institutions in Yemen should also advocate for the adoption of such legislation as part of their assistance. Non-state armed groups should also adopt and publish policies banning the use of schools as military storage facilities, detention centers, firing positions, barracks, or operating bases.

Government Forces and Non-State Armed Groups

The following government armed forces and non-state armed groups in Sanaa are mentioned in this report:

314th Brigade: An army brigade based in Hasaba, Sanaa. Although the brigade fell under North-Western Military District commander Gen. Ali Mohsen al-Ahmar, the brigade's commander, Brig. Gen. Mohammed Ali Khalil, refused calls by General al-Ahmar to defect to the opposition. Nonetheless, the brigade also came under attack from the Presidential Guard when suspected of considering defection.

Al-Ahmar militia: Armed tribesmen loyal to Sheikh Sadiq al-Ahmar, the chief of the powerful Hashid tribal federation. Sheikh Al-Ahmar declared support for the opposition in March 2011, and played a pivotal role in the uprising.

Central Security: A paramilitary force, formally part of the Ministry of Interior but under the de facto command of former president Saleh's nephew, Gen. Yahya Muhammad Saleh.

Emergency Unit (al-Najda): A special police unit, under General Security.

First Armored Division: One of the army's largest and best-trained units, headed by Gen. Ali Mohsen al-Ahmar, who broke with President Saleh following a sniper attack on demonstrators outside Change Square, the main site of Sanaa's protests, on March 18, 2011, that killed at least 45 people. After that attack, General al-Ahmar dispatched his troops around the boundaries of Change Square, the center of the protest movement, stating that his intention was to protect the uprising. His troops clashed with Saleh's forces in Sanaa starting in September 2011.

General Security: Yemen's regular police force under the command of the Interior Ministry.

Republican Guard: An elite unit led by former president Saleh's son, Brig. Gen. Ahmed Ali Abdullah Saleh, a longtime rival of General al-Ahmar, and the most powerful ground force in Yemen apart from the First Armored Division.

Methodology

Research for this report was conducted in Sanaa, the capital city of Yemen, in March 2012. Sanaa is the seat of Yemen's central government, and Yemenis from throughout the country came to the city's Change Square in 2011 and 2012 in order to protest against the regime in power, making it a key site of conflict. Though armed groups occupy and use schools throughout the country, Sanaa was identified by NGOs as having the highest concentration of school occupations related to the uprising.

Two Human Rights Watch researchers and three research consultants interviewed more than 100 people, including students, teachers, principals, school administrators, government officials, members of armed forces and non-state armed groups from all sides, and representatives of Yemeni and international nongovernmental organizations. We interviewed 12 boys and 18 girls, ages 13 to 17.

Interviews were conducted either in Arabic or English by researchers who spoke these languages, or through an interpreter. Interviews took place either on school grounds or in individuals' homes. No one interviewed received compensation for providing information.

Human Rights Watch visited 19 schools in Sanaa. Of these schools, five were partially occupied at the time of our visit in March 2012, two remained completely occupied at the time of our visit, seven had previously been fully or partially occupied, one was closed because of the military presence close to the school, seven had been attacked in 2011, and at least two were receiving students from other schools because those schools were occupied or because there was a military presence nearby. At the time of this report's publication in early September, all of the schools had been cleared.

Pseudonyms are used for all children quoted in this report. In some cases, adult interviewees also requested that we not use their names because of security considerations, or because they were government employees and feared repercussion. All instances where pseudonyms have been used are indicated in the footnote by the use of only a first name.

I. Background

Popular discontent from rising joblessness and government corruption soared in late 2010 after Yemeni President Ali Abdullah Saleh proposed to amend electoral laws and the constitution so he could run again for reelection when his seventh term expired in 2013. In January 2011, inspired by mass protests in Tunisia and Egypt, thousands of Yemenis took to the streets seeking an end to Saleh's 33-year rule.¹

A protracted political crisis has gripped the country since February 2011, when the number of protesters swelled to hundreds of thousands. Government forces and pro-government gangs responded to the largely peaceful demonstrations with excessive and lethal force, particularly in the capital, Sanaa; Aden, which had been the capital of the former South Yemen; and Taizz, the capital city in Yemen's western governorate of the same name.

Nationwide, Human Rights Watch confirmed that at least 270 protesters and bystanders died in attacks by Yemeni security forces—including the Republican Guard, Central Security, and General Security—and pro-government assailants on demonstrations against Saleh from February through December 2011. Thousands more protesters were injured.²

Even as the protests remained overwhelmingly peaceful, they were overshadowed in May 2011 by armed clashes that erupted between government forces and the opposition fighters of Yemeni elites vying for power. Those clashes rose to the level of a non-international armed conflict in which scores more civilians were killed, many in what appeared to be indiscriminate attacks in violation of international humanitarian law (the laws of war).

In Sanaa, the fighting initially pitted army and paramilitary forces—including the elite Republican Guard army unit and Central Security paramilitary forces headed by President Saleh's son Ali Ahmed and nephew Yahya, respectively—against the tribal forces of the al-Ahmar clan, one of Yemen's most prominent families. In September, al-Ahmar fighters were

¹ International Crisis Group, "Popular Protest in North Africa and the Middle East (II): Yemen between Reform and Revolution," Middle East/North Africa Report N°102, March 10, 2011, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iran-gulf/yemen/102-popular-protest-in-north-africa-and-the-middle-east-ii-yemen-between-reform-and-revolution.aspx> (accessed September 10, 2011).

² Human Rights Watch confirmed the deaths through victims' relatives, medical records, or both. The actual number may be significantly higher. Human Rights Watch has extensively documented the government's use of excessive force against peaceful protesters in news releases since February 2011; see Human Rights Watch's Yemen page: <http://www.hrw.org/middle-eastn-africa/yemen>. Hospital officials and dozens of witnesses also have given Human Rights Watch credible accounts of scores of civilian deaths during fighting between armed factions since the protests began. See, for example, Human Rights Watch, "No Safe Places": Yemen's Crackdown on Protests in Taizz, February 2012.

bolstered by forces from the renegade First Armored Division of Gen. Ali Mohsen al-Ahmar (no relation to the al-Ahmar clan), a senior commander and former confidant to Saleh, who six months earlier had defected to the opposition and assigned his troops to guard protesters in Sanaa. Many of the opposition commanders had ties with the Yemeni Congregation for Reform, the country's largest and most powerful opposition party, commonly known as Islah.

The fighting in Sanaa was concentrated in neighborhoods including Hassaba, the headquarters of the al-Ahmar family compound, Kentucky Roundabout, and other areas surrounding Change Square, a sprawling protesters' camp near Sanaa University. The Square was a key site of protests and served as a base for protestors. Various political groups and protestors erected tents where they lived, held meetings, ran media operations, offered first aid, and conducted other activities. The settlement came to cover dozens of city blocks. Most of the school occupations by forces loyal to Saleh or to General al-Ahmar and the al-Ahmar clan took place in one of the above areas.

On November 23, 2011, amid mounting domestic, regional, and international calls to leave office, Saleh signed an accord brokered by the Gulf Cooperation Council (GCC) and backed by the United States and European Union member states to immediately transfer power to Vice President Abdu Rabo Mansour Hadi but remain as honorary head of state until February 21, 2012.³ In exchange, the accord offered Saleh and his officials immunity from prosecution for crimes during his presidency. A national unity cabinet was formed, with the membership split evenly between Saleh's General People's Congress party and its allies, and the political opposition.

Clashes in Sanaa between opposition and government fighters, as well as state security forces' assaults on peaceful protesters, continued until early December.⁴

On February 21, 2012, presidential elections were held with Hadi as the lone candidate on the ballot. At least five children were reportedly killed and three were injured in election-related violence in the southern governorates of Aden, Lahj, and al-Dhale.⁵ At least 14 schools used as polling stations in Aden governorate were also reportedly attacked.⁶

³ The Gulf Cooperation Council consists of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

⁴ See, for example, Kareem Fahim, "Forces Loyal to Yemen's President Fire on Protesters," *New York Times*, December 24, 2011, http://www.nytimes.com/2011/12/25/world/middleeast/forces-loyal-to-yemens-president-fire-on-protesters.html?_r=1&ref=yemen (accessed December 25, 2011).

⁵ UNICEF, "Yemen Situation Report," March 7, 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_642.pdf (accessed March 27, 2012).

⁶ UNICEF, "Yemen Situation Report," March 7, 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_642.pdf (accessed March 27, 2012).

A UN-facilitated document known as the “implementing mechanism” that was signed by all sides in November 2011, along with the GCC deal, directed the national unity government to, among other tasks:

Take the necessary steps, in consultation with the other relevant actors, to ensure the cessation of all forms of violence and violations of humanitarian law; end the confrontation of armed forces, armed formations, militias and other armed groups; ensure their return to barracks; ensure freedom of movement for all through the country; protect civilians; and take the other necessary measures to achieve peace and security and extend State control.⁷

The implementing mechanism also called for the formation of a Committee on Military Affairs for Achieving Security and Stability, headed by Hadi, to work to:

- (a) End the division in the armed forces and address its causes;
- (b) End all of the armed conflicts;
- (c) Ensure that the armed forces and other armed formations return to their camps; end all armed presence in the capital Sanaa and other the cities; and remove militias and irregular armed groups from the capital and other cities;
- (d) Remove roadblocks, checkpoints and improvised fortifications in all governorates;
- (e) Rehabilitate those who do not meet the conditions for service in the military and security forces;
- (f) Take any other measures to reduce the risk of armed confrontation in Yemen.⁸

However, at the time of Human Rights Watch research in March 2012, military installations continued to dominate Sanaa, with both government and opposition checkpoints dividing the city, and armed soldiers, militias, and opposition troops controlling its streets. While military presence has diminished somewhat since that

⁷ Implementation Mechanism for the Transition in Yemen Pursuant to the GCC Initiative, November 23, 2011, art.13(a), copies on file with Human Rights Watch.

⁸ Implementing Mechanism to the GCC Initiative, art. 16.

time, the capital remains militarized. In an attempt to thwart Hadi's military restructuring, government and tribal forces loyal to Saleh launched sporadic, deadly attacks on troops loyal to the transitional government as recently as August 2012.⁹

⁹ "Loyalists of Yemen's Ousted President Attack Defense Ministry in Sanaa, 5 Killed in Clashes," *Washington Post*, August 14, 2012.

II. Occupation of Schools

Armed forces and non-state armed groups attacked at least 82 schools in Sanaa between the start of protests in February 2011 and November 2011, and had occupied at least 54 schools as of November 2011, according to an assessment carried out by UNICEF and various local and international nongovernmental organizations.¹⁰ Schools were used as operating bases, barracks, firing positions, and, in at least two cases, as detention centers.

On March 24, 2012, the Ministry of Education informed Human Rights Watch that armed men from the al-Ahmar tribal militia, the renegade First Armored Division and the Yemeni army continued to occupy at least 12 schools. While Human Rights Watch visited seven occupied schools in March 2012, as of this report's writing, Yemen's military affairs committee had since cleared all of these schools of armed men.

Eight of the schools used for military purposes that Human Rights Watch investigated were occupied by the First Armored Division and allied militia during 2011 or 2012. Saleh loyalists sought to use this fact to discredit these forces, which had cast themselves as defenders of the Yemeni uprising.¹¹ However, Human Rights Watch also investigated the military use of eight schools by the pro-government Republican Guard, the Emergency Unit of General Security, pro-government tribal militia, and the 314th Brigade. (At least one school was used by both anti-government and pro-government forces at different periods of time.)

General al-Ahmar, commander of the First Armored Division opposition forces, told Human Rights Watch that, "The main question is why we entered [these schools]. The schools [that we entered] near [Change] Square were used by the other side, for snipers to shoot from them." He added, "Now [in March 2012] the schools are used only at night when the students are not there."¹²

¹⁰ UNICEF Yemen – Bi-Weekly Situation Report, reporting period 1-15 November 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/F_R_439.pdf (accessed June 9, 2012).

¹¹ For example, in April 2012, the Republican Guard arranged for a busload of students and teachers from schools occupied by the First Armored Division to visit a Human Rights Watch researcher to complain of the troops' presence, as pro-government media filmed the event for daily news reports.

¹² Human Rights Watch interview with Gen. Ali Mohsen, Sanaa, March 27, 2012.

Partial Occupation of Schools

Asma'a School

When Human Rights Watch visited Asma'a School, a government girls' school near Change Square in late March 2012, approximately 70 to 100 soldiers from the First Armored Division were using two buildings within the school's campus, and living on the campus. Soldiers did not leave the school until the middle of August, and left the buildings they had used in a state of disrepair.

During the period of the First Armored Division's occupation, soldiers' use of school buildings caused severe overcrowding. "They are in two buildings," an administrator told Human Rights Watch. "One is the library, so students can't go there anymore. Our school has only three buildings."¹³ Another building used by soldiers contained classrooms for 300 girl students.

The troops first moved onto the school campus in July 2011 during the school vacation, and moved into the two buildings sometime before the beginning of the new school year in September.¹⁴ Outside the school gate, several armed sentries were deployed inside a small sandbag fortification.¹⁵ When Human Rights Watch visited Asma'a school, we found that girl students continued to attend school while soldiers lived there.

Students, teachers, and administrators told Human Rights Watch that the soldiers harassed and frightened them, and disrupted schooling. "A week or two ago, we went out for gym class," one teacher said. "The sixth grade girls were playing, and the soldiers shot [in the air] twice just for fun. The girls got very scared. One fainted. Now we don't have gym class anymore."¹⁶ A school administrator told Human Rights Watch that soldiers regularly fired in the air, and that when they did so in March 2012, girls ran in fear from the sound.¹⁷ One high school student told Human Rights Watch how, during the rush, she slipped and fractured her leg.

¹³ Human Rights Watch interview with school administrators, Asma'a School, Sanaa, March 31, 2012.

¹⁴ Human Rights Watch interview with school official, Asma'a School, Sanaa, March 19, 2012.

¹⁵ Human Rights Watch site visit to Asma'a School, March 19 and 21, 2012.

¹⁶ Human Rights Watch interview with teachers, Asma'a school, March 31, 2012.

¹⁷ Human Rights Watch interview with school administrators, Asma'a school, March 31, 2012.

School administrators and students also told Human Rights Watch that the troops detained and beat men in their custody on the school grounds. In at least one incident, troops beat a detainee in the school courtyard during the students' break period, as students and teachers looked on.

"Twenty days ago, they brought some detainees to the school and beat them here," one administrator said. "We heard arguments and screams.... In the courtyard they beat a guy really severely."¹⁸ Ahlam, a 13-year-old girl student, told Human Rights Watch, "When they tortured the old man here, we got very scared. They beat him [and] electrocuted him right in the courtyard of the school. It was during recess."¹⁹

September 26 School

Soldiers from the First Armored Division were using the September 26 School, near the old campus of Sanaa University, with an enrollment of 1,400 boys from grades 1 through 9, when Human Rights Watch visited in March 2012, though by the end of the month they left the premises.²⁰ The First Armored Division entered the school around 1 a.m. one morning in early September 2011 before the start of the new school term. According to a school official, "[When] I came the next morning, their number was very large—there were around 200 of them." He told Human Rights Watch that at first the soldiers justified their use of the school by saying that they wanted to protect the school from thieves, but then they said it was because the Central Security forces, a paramilitary unit run by Saleh's nephew, might otherwise enter the school.²¹ The official said:

We agreed with a representative of the [troops] that if they would leave the school, we would be responsible and make sure no one else would enter. But they did not honor this agreement.... Then we went to Ali Mohsen [the renegade First Armored Division commander]. We told him, "We are not with this side or that side." He promised a solution, but he did not give written orders to limit their number or which rooms they could use.²²

¹⁸ Ibid.

¹⁹ Human Rights Watch interview with Ahlam, 13, student at Asma'a school, March 31, 2012.

²⁰ Human Rights Watch site visit, September 26 School, Sanaa, March 24, 2012.

²¹ Human Rights Watch interview with school official, September 26 School, March 24, 2012.

²² Ibid.

The school's administration then attempted to negotiate with the soldiers about their presence. According to a school official, at first the soldiers agreed to only occupy the roof of the school. However, the school official said the soldiers were afraid that they were too exposed to attack there, so after three days they descended and started using the first floor of the school building, while the students held classes on the second and third floors. The school administration negotiated with the soldiers again, so that the troops would only stay at the school's gate and in five rooms previously used by the school's administration.²³ At the time of Human Rights Watch's visit in late March, only a few soldiers were visible in the school and they were only using four rooms. According to a school official, during the school day around three soldiers were usually stationed at the gate, "but after school the whole school is occupied by around 15 soldiers."²⁴

According to an eyewitness, the First Armored Division at times also detained individuals overnight in a classroom they had occupied, and once during the school day.²⁵

Sanaa University Old Campus

Sanaa University suspended studies at the campus in February 2011 following attacks by pro-government forces on protesters and other insecurity related to the uprising. Soldiers from the First Armored Division then moved into the school. The campus remained closed to students until January 2012, when students in the science department returned. Students in the literature department returned at the end of February 2012.²⁶

At the time of Human Rights Watch's visit in late March 2012, First Armored Division soldiers were stationed at the gates and an armored personnel vehicle was parked inside the campus. Sandbag fortifications were also visible at points along the university's walls, and we witnessed many troops using the cafeteria inside the campus.²⁷ As of early April, the First Armored Division had evacuated the campus.

²³ Human Rights Watch interview with school official, September 26 School, March 24, 2012.

²⁴ Ibid.

²⁵ Human Rights Watch interview with eyewitness, September 26 School, March 24, 2012.

²⁶ Human Rights Watch interview with Hafsa, fourth year literature student, Sanaa University Old Campus, Sanaa, March 25, 2012.

²⁷ Human Rights Watch site visit to Sanaa University Old Campus, March 22, 2012.

Al-Faaruuq School

Al-Faaruuq School is located close to the presidential residence in Sanaa. Although the school usually has 1,800 boy and girl students in grades 1 to 9, at the time of Human Rights Watch's visit, a number of children displaced from other schools also were studying there, swelling enrollment to around 2,000.

Presidential Guard soldiers established sandbag and concrete block fortifications at at least two points on the school's roof in 2011, which they occasionally used as observation and firing positions. The rooftop fortifications, along with concrete shields on the balcony of the school's second floor, remained there at the time of Human Rights Watch's visit in March 2012.²⁸ We also noted individual soldiers from the Presidential Guard entering and roaming the campus while student and teachers were there.

A school official told Human Rights Watch that the guards had set up their defenses on the roof during the school vacation in 2011.²⁹ He explained, "When there is a confrontation and fighting, [the Republican Guard] close the school and are located in the top of the building. But when the students come back they leave."³⁰

Al-Furadh School

"All sides wanted to take control of our school," a school official at al-Furadh School, a girls' primary and middle school, told Human Rights Watch. Soldiers from the Republican Guard of the Yemeni army occupied the school from September to October 2011, and members of the 314th Brigade, a unit which remained loyal to the government, controlled the school from October 2011 until the time of our visit in March 2012, but cleared the school shortly after. From October until February 2012, an armored personnel carrier (APC) was parked in the school's courtyard.³¹

Al-Furadh School stands on a main road leading to Change Square along which marches regularly passed.³² When Human Rights Watch visited the school in March 2012,

²⁸ Human Rights Watch site visit, al-Faaruuq School, March 25, 2012.

²⁹ Human Rights Watch interview with school official, al-Faaruuq School, March 25, 2012.

³⁰ Human Rights Watch interview with school official, al-Faaruuq School, March 25, 2012.

³¹ Human Rights Watch interview with school official, al-Furadh School, Sanaa, March 19, 2012.

³² Human Rights Watch interview with Alia J., Nisreen A., al Furadh School, March 19, 2012; interview with group of three teachers, al Furadh School, March 19, 2012.

researchers found bullet holes in the doors of all first-floor classrooms and major damage to walls and windows in second-floor administrative offices. “In mid-October, clashes occurred while teachers were still inside [the school],” a school official said. “There was shooting from upstairs and towards the school from outside.”³³

Administrators and teachers said that soldiers had broken windows, destroyed laboratory equipment, and removed school computers. “We tried to fix things with our own money,” one teacher told Human Rights Watch. “They even stole the notebooks and clothes we keep for poor children.”³⁴

At the time of Human Rights Watch’s visit, men identified by school administrators and teachers as members of the 314th Brigade still lived on the third floor of the school. “Sometimes they come and go during classes,” the school official said. “But we don’t go to the third floor, and they don’t come to our floors.”

Students told Human Rights Watch they feared the soldiers, and wanted them gone from the school. “The scariest thing [for me] is [seeing] the soldiers,” Alia, a 16-year-old girl in the 10th grade, told Human Rights Watch. “Sometimes, suddenly, a group of [soldiers] wearing uniforms would enter—about 10 at a time.”³⁵

Al-Ahmar School

In early May 2011, armed men reportedly affiliated with the al-Ahmar tribal militia entered the al-Ahmar school, a girls’ school in the Hassaba neighborhood of Sanaa. “My house is near the school, and I was coming to the school to look at exam results,” one school administrator told Human Rights Watch. “The guard called me and said that a group of armed men wanted to enter to protect the school. I said we should say ‘no.’” She added that in June the men affiliated with the Ahmar tribe were driven out of the school and another armed group entered. They remained in the school until late 2011.

At the time of Human Rights Watch’s visit, visible damage left by the armed occupation included bullet holes in classroom walls and doors, windows broken when, according to

³³ Human Rights Watch interview with school official, al-Furadh School, Sanaa, March 19, 2012.

³⁴ Human Rights Watch interview with teacher, al Furadh School, March 19, 2012.

³⁵ Human Rights Watch interview with Alia, 16, student at al Furadh School, March 19, 2012.

teachers, opposing forces fired on the school, and graffiti on external walls that teachers attributed to the fighters.

Soqotra School

Armed men from a tribal militia allied with the government entered the Soqotra School campus in Sanaa in July 2011.³⁶ According to a school official, the men did not request permission from the school's administration before entering or using the school.³⁷

The school had been recently built, and school classes had not yet commenced in the building. When the new school year began in September and students and teachers turned up for classes, around 200 fighters were already deployed in the school. The men were armed with assault rifles, hand grenades, and rocket launchers. Most of the men did not wear uniforms, but some of them sometimes wore the uniform of the Central Security forces.³⁸ They had set up positions on the third floor of the school buildings and on half of the second floor, overlooking an area occupied by opposition First Armored Division troops. They had also fortified parts of the schools with sandbags and other concrete shielding. "You couldn't recognize that this was a school because of the military barracks here," one school official told Human Rights Watch.³⁹

The armed men finally left the school around January 15, 2012. The school's principal paid 70,000 rials (US\$326) for the labor to remove the sandbags and other shielding left behind, a school official said.⁴⁰

When Human Rights Watch visited in March 2012, most of the windows on the third floor of the building remained shattered from gunshots, and there were pockmarks both inside classrooms and on the outside of the building from gunfire. The blackboards on the top floor of the school were covered in messages from the fighters, some of them vulgar and inappropriate for children, and some of the doors and walls had graffiti.

³⁶ Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

³⁷ Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

³⁸ Human Rights Watch interview with school official, Soqotra School, March 19, 2012, and Iyad, age 17, student, March 18, 2012.

³⁹ Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

⁴⁰ Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

Khalid ibn al-Walid School

Armed militiamen from a pro-government tribe stayed in Kalid ibn al-Walid School in Sanaa for at least five months from September 2011 to January 2012.⁴¹

Classes continued while the armed men used the boys' school. When protests would pass by the school, the men would go to the roof of the building near the main street, a student who saw them told us.⁴²

According to a school official, the tribal militia justified their presence in the school by saying that they did not want the First Armored Division soldiers to come into the school—they claimed that they were the “school’s protection.”⁴³

A school official estimated that at their height, the number of armed men using the school was around 400, occupying 25 classrooms. He told Human Rights Watch that the school’s administration tried to progressively push them out and reclaim the classrooms “step by step.”⁴⁴ Two students interviewed by Human Rights Watch remembered seeing smaller numbers during the school day, citing between only 25 and 50 men.⁴⁵

The militia men would sometimes interact with the boy students. Assem, a 17-year-old student at the school, told Human Rights Watch that he would chat with the men, whom he described as being “like gangsters.”⁴⁶ “I would talk with them. Ask them why they are here. They told me that they were here to protect us.... Sometimes I would make jokes with them and have fun.”⁴⁷ But Assem’s classmate, 16-year-old Abdullah, said that he did not like to be in contact with the men.⁴⁸

During the school day, the militia posted three armed men at the gate. A school official told Human Rights Watch that he asked the men to leave their weapons behind in the classroom if they were leaving the school between 7 a.m. and 1 p.m. so as not to cross the

⁴¹ Human Rights Watch interview with school official, Khalid ibn al-Walid School, March 25, 2012.

⁴² Human Rights Watch interview with Abdullah, age 16, Khalid ibn al-Walid School, March 25, 2012.

⁴³ Human Rights Watch interview with school official, Khalid ibn al-Walid School, March 25, 2012.

⁴⁴ Human Rights Watch interview with school official, Khalid ibn al-Walid School, March 25, 2012.

⁴⁵ Human Rights Watch interview with Assem, age 17, and Abdullah, age 16, Khalid ibn al-Walid School, March 25, 2012.

⁴⁶ Human Rights Watch interview with Assem, Khalid ibn al-Walid School, March 25, 2012.

⁴⁷ Human Rights Watch interview with Assem, Khalid ibn al-Walid School, March 25, 2012.

⁴⁸ Human Rights Watch interview with Abdullah, age 16, Khalid ibn al-Walid School, March 25, 2012.

school armed.⁴⁹ However, Assem told Human Rights Watch that the tribal militiamen “always carried weapons in the school. It is like a custom for these people. They do not leave their weapons no matter what happens.”⁵⁰

Al-Thulaya School

Starting from at least June 2011, soldiers from the First Armored Division used al-Thulaya School. Although most of the troops left around December, a small number continued to use the school at the time of Human Rights Watch’s visit, mainly staying in the guardhouse and at the school’s gates.⁵¹

“Honestly, it was difficult to get them to go,” one teacher told Human Rights Watch. “The principal tried so hard to convince them. It’s bad for the students to be with the soldiers. Most of them were well behaved, but not all.”⁵²

A school official explained that the soldiers had occupied the school because they “felt the obligation to protect the school so no other group would come and occupy it.”⁵³

During the daytime, four or five soldiers were placed at the school’s two gates, and the remaining soldiers stayed in a large room on the third floor of the school: students reported seeing around 20 soldiers in the school during the day.⁵⁴ At night, they spread out over the school. A school official explained, “So in the mornings they would collect their stuff and lock it in one classroom and leave.”⁵⁵ However, during November the school was closed completely due to the general insecurity in the area, and “it was like the whole school was part of the First Armored Division.”⁵⁶

Fifteen-year-old Shadi said he talked to the soldiers “about the crisis, the war, [and how] we all wanted the problems to be over.”⁵⁷ But 13-year-old Omar said the presence of the

⁴⁹ Human Rights Watch interview with school official, Khalid ibn al-Walid School, March 25, 2012.

⁵⁰ Human Rights Watch interview with Assen, Khalid ibn al-Walid School, March 25, 2012.

⁵¹ Human Rights Watch interview with school official, teachers, and Shadi, age 15, March 26, 2012.

⁵² Human Rights Watch interview with teacher, al-Thulaya School, March 26, 2012.

⁵³ Human Rights Watch interview with school official, al-Thulaya School, March 26, 2012.

⁵⁴ Human Rights Watch interview with Shadi, age 15, Omar, age 13, and Tariq, age 15, al-Thulaya School, March 26, 2012.

⁵⁵ Human Rights Watch interview with school official, al-Thulaya School, March 26, 2012.

⁵⁶ Human Rights Watch interview with school official, al-Thulaya School, March 26, 2012.

⁵⁷ Human Rights Watch interview with Shadi, age 15, al-Thulaya School, March 26, 2012.

armed men made him “a little bit scared.”⁵⁸ Similarly, Tariq said that his younger brothers were scared by the soldiers’ presence.⁵⁹

The school had 1,800 male students enrolled, some of whom, according to a school official, were the sons of First Armored Division soldiers.⁶⁰

Aisha School

Aisha School is a girls’ school in Sanaa’s al-Thawra district that runs two shifts, one in the morning and one in the afternoon. Soldiers from the 314th Brigade, loyal to the government, occupied part of the school in 2011.⁶¹

Around 60 or 70 soldiers arrived first in June, a school official told us. Some left in mid-September; between 10 and 30 remained until early October.⁶² According to one school employee, the soldiers who remained after the beginning of the new school year would enter the school after the end of the school day and then leave in the morning before classes began.⁶³ Nonetheless, a school official told us, the forces finally left, “[b]ecause the families of the girls didn’t like the soldiers being around the girls, so we had to get them out.”⁶⁴

Al-Ulafi School

Pro-government tribal militia forces occupied al-Ulafi school, located in the Ha’il neighborhood of Sanaa, from February 2011 until January 2012.⁶⁵ The school serves boy students through the third grade and girl students through the ninth grade. A school official told Human Rights Watch that the principal received a call from the municipal council branch in the neighborhood informing her that troops would be entering the school in February in order to protect it. The principal attempted to challenge the decision, but was told, “This is for your security.” After approximately two months and “much negotiation,” the principal reached an agreement with the neighborhood sheikh that

⁵⁸ Human Rights Watch interview with Omar, age 13, al-Thulaya School, March 26, 2012.

⁵⁹ Human Rights Watch interview with Tariq, age 15, al-Thulaya School, March 26, 2012.

⁶⁰ Human Rights Watch interview with school official, al-Thulaya School, March 26, 2012.

⁶¹ Human Rights Watch interview with school official, Aisha School, March 26, 2012.

⁶² Human Rights Watch interviews with school official and school employee, Aisha School, March 26, 2012.

⁶³ Human Rights Watch interview with school employee, Aisha School, March 26, 2012.

⁶⁴ Human Rights Watch interview with school official, Aisha School, March 26, 2012.

⁶⁵ Human Rights Watch interview with a group of four teachers, al Ulafi School, March 19, 2012.

soldiers would leave the school grounds during classroom hours, and return after students left for the day.⁶⁶ “We refused their presence, and [the principal] also refused, [but] we had no choice in the matter,” one teacher told Human Rights Watch during a group interview.⁶⁷ According to these teachers, the armed men slept inside classrooms until October 2011. Though they left during the day, they left their belongings behind, and teachers instructed students not to enter these areas.⁶⁸

Schools Completely Occupied and Used

Asal al-Wadi School

Asal al-Wadi School is a girls’ school located within the new campus of Sanaa University. It is a “mixed sector private and public school.”⁶⁹ Students pay tuition, but the school is under the control and supervision of Sanaa University, which is a public body.

In May 2011, during summer vacation, soldiers from the First Armored Division entered the school. At first they said they were using the school because it overlooked the First Armored Division’s main camp to guard that camp. According to a school official, at the end of the summer vacation:

We asked them to remove their tanks from inside the school so that we could come back. They removed the tanks from inside and in front of the school, and we returned for only two days, then the problems and unrest began to resume.... Things got worse in September, so they closed Sanaa University, and First Armored Division soldiers did not allow anyone to enter Sanaa University at all. The First Armored Division returned to the school in big numbers and ... turned it into part of their brigade, training in it, sleeping in it.⁷⁰

As a result, the authorities closed the school and again advised students to move to a companion boys’ school, the Asal Hadda school. “We couldn’t stay.... We were scared. That place had become dangerous,” explained one teacher.⁷¹

⁶⁶ Human Rights Watch interview with school official, al Ulafi School, March 19, 2012.

⁶⁷ Human Rights Watch interview with a group of four teachers, al Ulafi School, March 19, 2012.

⁶⁸ Ibid.

⁶⁹ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

⁷⁰ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

⁷¹ Human Rights Watch interview with a teacher from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

In November, the forces split the school into a field hospital and barracks for the soldiers.⁷²

Although the number of soldiers decreased in 2012, troops remained in at least three classrooms as of March 2012.⁷³ When Human Rights Watch attempted to visit the school, four soldiers from the First Armored Division were stationed at the school's gate and did not let us enter. Through the open gate, two military Land Cruisers with mounted machine guns were visible parked in the schoolyard.⁷⁴ These soldiers said they were present to stop efforts by the school principal and the president of the university from converting the school into a private school, whereas the First Armored Division wanted "equality for all students." They said that they were closing the school only temporarily until they had received an order from the government that the school would remain a public school.⁷⁵ A senior official at the school disputed this allegation completely.⁷⁶

Al-Ramah School

When Human Rights Watch first approached al-Ramah School, a member of the Thunderbolt forces, a rapid-response unit within Yemen's Central Security forces, informed us that the school was closed and the situation around the area was tense. A man in civilian clothes and carrying two rifles later emerged from a hole in the wall surrounding the school and advised us not to move any closer to the school.⁷⁷

A local shopkeeper told Human Rights Watch that armed men from government forces were living in the school and that the school was also badly damaged from fighting.⁷⁸ Sandbag defenses were also visible at the school.⁷⁹

Tarim School

In May 2011, after the end of the school term, 20 to 30 armed militiamen from the opposition al-Ahmar tribe entered Tarim School in the Hassaba area of Sanaa through a

⁷² Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

⁷³ Ibid.

⁷⁴ Human Rights Watch visit to Asal al-Wadi School, March 19, 2012.

⁷⁵ Human Rights Watch interview with soldiers from the First Armored Division at gate of Asal al-Wadi School, March 19, 2012.

⁷⁶ Human Rights Watch interview with a teacher from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

⁷⁷ Human Rights Watch site visit to al-Ramah School, March 25, 2012.

⁷⁸ Human Rights Watch site interview with shopkeeper, March 25, 2012.

⁷⁹ Human Rights Watch site visit to al-Ramah School, March 25, 2012.

hole they made in the wall between the school and the neighboring mosque.⁸⁰ The armed men converted the school into a military barracks and base. The roof of the school provided a good view of the Ministry of Interior building, a contentious location between pro- and anti-government forces during May 2011.

The Republican Guard later fought to take over the school and remove the militiamen, and replaced them with more than 20 armed men from the Emergency Unit of the regular police force, who stayed for less than a month.⁸¹

The school was returned to the school administration in September before students returned.⁸²

School Closed Due to Military Presence Near School

Masr El-Yemen School

When Human Rights Watch visited the boy's campus of Masr El-Yemen School in March 2012, we were unable to enter: the gate was shut and a ripped sign on the door stated that the school was closed and that classes had been moved to the nearby companion girls' school. Human Rights Watch saw a heavy presence of soldiers from the First Armored Division on the two sides of the school that faced the street. There were also multiple sandbag barricades for the soldiers around the school and an armored personnel vehicle parked alongside.

A school official from the boys' school, then working at the girls' school, informed Human Rights Watch that the boys' school was closed entirely because of insecurity in the area from September to mid-November 2011, but after the situation improved, the school had remained closed because of the military presence outside the boys' school, while the students attended classes at the girls' school.⁸³ The same school official also informed us that attendance at the school had dropped from 500 to 150 boys, coinciding with the move. Moreover, he said, the boys' school did not register any new students for the 2011-2012 school year.⁸⁴

⁸⁰ Human Rights Watch interviews with school official and school guard, Tarim School, March 24, 2012.

⁸¹ Human Rights Watch interview with school guard, Tarim School, March 24, 2012.

⁸² Human Rights Watch interview with school official, Tarim School, March 24, 2012.

⁸³ Human Rights Watch interview with school official, Masr El-Yemen School, March 19, 2012.

⁸⁴ Human Rights Watch interview with school official, Masr El-Yemen School, March 19, 2012.

III. Attacks on Occupied Schools

Although armed forces and non-state armed groups who deployed in Sanaa schools frequently tried to justify their presence as being there “to protect” the schools, investigations by Human Rights Watch found that some schools came under attack precisely because combatants lived in or deployed in them.

Under the laws of war, the presence of an armed force or an armed group in a school makes not only the combatants, but also the school itself a valid military objective subject to attack.⁸⁵ In Sanaa, such attacks have put children and teachers at risk and led to the damage of important educational infrastructure.

In some cases, the behavior of the armed men within the schools has also endangered students or damaged the school.

For example, because of the presence of pro-government tribal forces in Soqotra School, the building was frequently hit by gunfire in November 2011. Two shells also fell on the school. A school official told Human Rights Watch:

Most of that month, there were confrontations, usually in the afternoon.... The First Armored Division wanted to enter the school. Every now and then there was shooting and confrontation between these armed groups.... We stopped schooling for about one week.... Parents were afraid for their children. They were afraid of the shooting.... The students also suffered psychological problems because during school some fighting took place between the First Armored Division and the armed people here in the school.⁸⁶

⁸⁵ See Section 5, below. Under the laws of war, civilian objects, including schools, are protected against attack, unless and for such time as they are military objectives. Military objectives are those objects, which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. See ICRC, *Customary International Humanitarian Law*, chapter 2, citing Protocol I, art. 52.

⁸⁶ Visit to school, and Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

On one occasion there was shooting at the school while the students were attending. Fourteen-year-old Ashraf said, “When they started shooting, the principal led us all to the basement.”

When Human Rights Watch visited Soqotra School in March 2012, the classrooms on the top floor of the building were still unusable due to damage from the fighting. Windows remained smashed, with broken glass littering the floor. Both exterior and interior walls had also been damaged by gunfire.

At al-Thulaya School, the third floor classrooms were frequently struck at night by gunfire, and on at least two occasions by shells in late 2011. While one senior school official stated that he felt the reason why the third floor was getting hit was because it was the highest floor,⁸⁷ another school employee noted that the third floor was where the soldiers from the First Armored Division stayed.⁸⁸

At Tarim School, Republican Guards fought the al-Ahmar militiamen who were occupying the school, and took it over, during the school vacation break in 2011.⁸⁹

In September 2011, two shells struck Asal al-Wadi school while it was fully occupied by soldiers from the First Armored Division. A teacher was visiting one morning when a shell fell on the school.⁹⁰ The school building was also damaged because the soldiers from the First Armored Division used a corridor in the school for shooting training.⁹¹

An eyewitness also told us of two events in which soldiers from the First Armored Division occupying the September 26 School discharged their weapons while children were present, endangering them. On the first occasion, soldiers fired into the air to disperse students gathered outside the school gates on a day when the school was closed for security reasons. On the second occasion, a soldier fired into the air in the school courtyard in the afternoon for no apparent reason. He was then disarmed and detained by his colleagues.⁹²

⁸⁷ Human Rights Watch interview with school official, al-Thulaaya School, March 26, 2012.

⁸⁸ Human Rights Watch interview with school employee, al-Thulaaya School, March 26, 2012.

⁸⁹ Human Rights Watch interview with school guard, Tarim School, March 24, 2012.

⁹⁰ Human Rights Watch interview with a teacher from Asal al-Wadi School, at Asal Haddah School, March 19, 2012, referring to the experience of a colleague-teacher.

⁹¹ Human Rights Watch interview with a teacher from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

⁹² Human Rights Watch interview with eyewitness, September 26 School, March 24, 2012.

One of the various armed groups that used Tarim School caused extensive damage to the school's facilities. Human Rights Watch could not find eyewitnesses to confirm which of the armed groups that used or occupied the school during different times over the school's vacation break in 2011 was responsible for the damage, but during one of the periods of occupation, computers, chairs, DVDs, registration records, and students' files were all stolen. Doors, windows, and taps in the school's toilet were all broken.⁹³ Men from the Emergency Unit also drew graffiti on the school with their slogans.⁹⁴ A school official told Human Rights Watch that the principal had already spent 115,000 rials (US\$540) from the school's funds on repairs, and was now spending money from her own salary on repairs.⁹⁵

⁹³ Human Rights Watch interview with school official, Tarim School, March 25, 2012.

⁹⁴ Human Rights Watch site visit to Tarim School, March 25, 2012.

⁹⁵ Human Rights Watch interview with school official, Tarim School, March 25, 2012.

IV. Disruption of Education

The presence of armed forces and non-state armed groups in Sanaa schools also interfered with students' right to education. Of particular concern is that military use of schools in Yemen led to disruption of studies, overcrowding, lower enrollment, and decreased attendance. Girls' education suffered even greater harm because their parents, teachers, and the students themselves had additional concerns about having them study in close proximity to armed men.

Disruption of Studies

The presence of armed forces or groups caused schools to start late or suspend classes. For example, teachers said the new school year at Soqotra School started two weeks late because of the presence of a pro-government tribal militia.⁹⁶ School authorities also had to suspend classes for one week due to fighting in and around the area of the school between the militiamen and the First Armored Division.

In November 2011, an alternative studying site for students from Sanaa University Old Campus was established at Sanaa's Turkish Institute. But the institute provided a poor alternative. "It was crowded there, and there weren't enough lecture halls," one science student told Human Rights Watch.⁹⁷ Half a year of studies was lost as a result of the various closures at Sanaa University Old Campus.⁹⁸

Overcrowding

When armed men took over portions of school buildings, the students crowded into the remaining space. For example, because militiamen occupied the Soqotra School's entire top floor and half of the second floor, school officials combined students from different classes into the same classroom. A school official told Human Rights Watch:

⁹⁶ Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

⁹⁷ Human Rights Watch interview with Hani, second year science student, Sanaa University, March 25, 2012.

⁹⁸ Human Rights Watch interview with Hani and Amar, second-year science students, and Hafsa, fourth-year literature student, Sanaa University, March 25, 2012.

It created problems for students and teachers. For example, the teacher cannot follow-up with students, cannot deliver the information to students, and couldn't explain lessons to students, and couldn't comment on their notebooks. In addition, there was the problem of students shouting and fighting because of the crowdedness.⁹⁹

A school official at September 26 School also told us that the presence of soldiers from the First Armored Division, combined with the school accepting displaced children, led to overcrowding there.¹⁰⁰

Because more than 300 students from Asal al-Wadi school were displaced to the campus of Asal Haddah where around 800 boys already studied, it constrained the students' studies and activities. A school official explained, "It's a small space [here at Asal Haddah School], and there isn't enough room for two schools."¹⁰¹

The girls from Asal al-Wadi were additionally restricted because Asal Haddah is a boys' school. Studies were shortened by one class and one hour each day, so that, according to one girl student, "The boys leave after us and we don't meet them when we are leaving school."¹⁰² The boy students continued to study the regular length of the day. Teachers also did not allow the girl students leave the classrooms during breaks because they did not want them interacting with the boy students.¹⁰³ "We used to play sports, and do cultural activities, and do scientific activities," one girl lamented.¹⁰⁴

Troops using classrooms at al-Ulafi School caused overcrowding at the school, even though the troops vacated the school during the day, because teachers would not allow students into the rooms where the troops had left their belongings. "We had between 80 and 90 children per class," one teacher said. "[During this period] the grades of the students dropped a lot, and many people failed."¹⁰⁵

⁹⁹ Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

¹⁰⁰ Human Rights Watch interview with school official, September 26 School, March 24, 2012.

¹⁰¹ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

¹⁰² Human Rights Watch interview with Balkees, 17 years old, student of Asal al-Wadi School, at Asal Haddah School, March 22, 2012.

¹⁰³ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

¹⁰⁴ Human Rights Watch interview with Aisha, age 17, Asal Haddah School, March 19, 2012.

¹⁰⁵ Human Rights Watch interview with teacher, al Ulafi School, March 19, 2012..

A school official at al-Furadh School told Human Rights Watch that use of classrooms by the First Armored Division caused overcrowding, and that school administrators had to cut class periods in order to accommodate two shifts a day. “Sometimes we only had three class [periods] per day,” Nisreen, a 15-year-old girl student, told Human Rights Watch.

Decreased Attendance and Enrollment

The presence of armed men, even in parts of schools, has caused students to drop out and prevented new students from enrolling, especially girls. A school employee at al-Thulaya School, for example, told Human Rights Watch that the presence of troops at the school caused problems for attendance, due to political tensions between some neighbors and the soldiers. “Some [families] were uncomfortable having the First Armored Division in the school so they wouldn’t send their children to the school.”¹⁰⁶

School attendance was also affected at Aisha School. “Some parents complained in the beginning of September,” one of the school’s officials told Human Rights Watch. “They complained that they would not register their daughters here, because it’s a very sensitive issue having daughters with soldiers. But after [the soldiers from the pro-government 314th Brigade] left, everyone came and registered back at the school.”¹⁰⁷

At al-Furadh School, one student told Human Rights Watch about one of her neighbors, a 15-year-old fellow student. “She didn’t come back because she was scared,” Nisreen said, referring to the troops from the First Armored Division stationed in her school.¹⁰⁸

Grade 8 Soqotra School student Shadi said, “The military barracks terrified us, and students didn’t come to school because they were expecting that anything could happen.”¹⁰⁹ His classmate, 14-year-old Ashraf, told Human Rights Watch similarly, “I was afraid of the military barracks and I used to come to school with my parents and we used to come late just in case something happened. And before we entered the school we asked people whether something was happening.”¹¹⁰

¹⁰⁶ Human Rights Watch interview with school employee, al-Thulaya School, March 26, 2012.

¹⁰⁷ Human Rights Watch interview with school official, Aisha School, March 26, 2012.

¹⁰⁸ Human Rights Watch interview with Alia, student at al-Furadh School, March 19, 2012.

¹⁰⁹ Human Rights Watch interview with Shadi, age 18, grade 8 student, Soqotra School, March 19, 2012.

¹¹⁰ Human Rights Watch interview with Ashraf, age 14, grade 8 student, Soqotra School, March 19, 2012.

In September 2011, at the beginning of the school year, 1,000 students registered at Soqotra School. When Human Rights Watch visited in March 2012, enrollment had fallen to 750 students. School officials said they believed some of these students registered at other schools.¹¹¹ However, Shadi, a student in Grade 8, told Human Rights Watch that he fled with his family to a village outside of Sanaa. “I tried to study [there],” he told Human Rights Watch, “but the school there wouldn’t accept me because they wanted my education file.”¹¹² Shadi later returned to Soqotra school.

At Asma’a School, where 70 to 100 soldiers from the First Armored Division occupied two buildings on the campus when Human Rights Watch visited in March 2012, a school official said: “The main problem for students is the presence of the First Armored Division in the school buildings. Some students stopped going to school.”¹¹³ However, this school official said all students had returned to the school since October.¹¹⁴ A supervisor from the Department of Education told Human Rights Watch that he estimated that the school was running approximately one month behind where it should be in its curriculum.¹¹⁵

Enrollment was also down at Asal al-Wadi school even after classes resumed. Students were displaced to a companion boys’ school, Asal Haddah, when troops from the First Armored Division took over Asal al-Wadi for their barracks and a field hospital. Before the occupation, enrollment was around 1,000 students, but as of March 2012, after classes resumed at the new location, it was down to no more than 380 students, a school official said.¹¹⁶ Asal Haddah School is approximately 10 to 30 minutes away from Asal al-Wadi school, depending upon the traffic. “Because of the current economic situation and because petrol prices increased, people couldn’t pay for transportation to faraway places,” a school official explained.¹¹⁷ One student estimated that it cost her an additional 4,000 rials (\$18) per month to travel to the new school.¹¹⁸ Nevertheless, most

¹¹¹ Human Rights Watch interview with school official, Soqotra School, March 19, 2012.

¹¹² Human Rights Watch interview with Shadi, age 18, grade 8 student, Soqotra School, March 19, 2012.

¹¹³ Human Rights Watch interview with school official, Asma’a School, March 19, 2012.

¹¹⁴ Human Rights Watch interview with school official, Asma’a School, March 19, 2012.

¹¹⁵ Human Rights Watch interview with Ministry of Education supervisor, March 19, 2012.

¹¹⁶ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

¹¹⁷ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

¹¹⁸ Human Rights Watch interview with Balkees, age 17, student of Asal al-Wadi School, at Asal Haddah School, March 22, 2012.

of the students are believed to have enrolled in other schools.¹¹⁹ The 2011-2012 school year started a few weeks late due to the moving of the students to a different school.¹²⁰

The school also had to fire around 30 teachers and 10 other school employees due to decreased income from the decreased enrollment, a school official said. Salaries for the remaining staff were cut by around 25 percent.¹²¹

¹¹⁹ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

¹²⁰ Human Rights Watch interview with Balkees, age 17, student of Asal al-Wadi School, at Asal Haddah School, March 22, 2012.

¹²¹ Human Rights Watch interview with school official from Asal al-Wadi School, at Asal Haddah School, March 19, 2012.

V. International Standards and Military Use of Schools

To the extent that the hostilities in Yemen amounted to a situation of armed conflict, international humanitarian law, or the laws of war, was applicable. The laws of war restrict the means and methods of warfare by all parties to an armed conflict—both to regular armies and non-state armed groups—and impose upon them a duty to protect civilians. During armed conflict, international human rights law also remains in effect.

International Humanitarian Law

International humanitarian law for a non-international (internal) armed conflict, such as has been taking place in parts of Yemen, is found in Common Article 3 to the Geneva Conventions of 1949,¹²² the Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II),¹²³ and customary international humanitarian law.¹²⁴

All parties to an armed conflict are prohibited under international humanitarian law from attacking civilian objects, including schools, unless they are being used for military purposes.¹²⁵ They are obligated to take all feasible precautions to protect the civilian population and civilian objects such as schools under their control against the effects of attacks. Moreover, each party to the conflict must, to the extent feasible, remove civilians under their control from the vicinity of military objectives.¹²⁶ Thus it is unlawful to use a school simultaneously as an armed stronghold and as an educational center.

The Committee on the Rights of the Child, an international expert body charged with monitoring state compliance with the Convention on the Rights of the Child, has urged

¹²² Geneva Conventions of August 12, 1949, art. 3.

¹²³ Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of June 8, 1977. Yemen ratified Protocol II in 1990.

¹²⁴ International Committee of the Red Cross (ICRC), Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press, 2005). Many customary rules applicable in non-international armed conflicts can be found in the Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977.

¹²⁵ See ICRC, *Customary International Humanitarian Law*, chapter 2, citing Protocol I, art. 52.

¹²⁶ See ICRC, *Customary International Humanitarian Law*, rules 22 and 24, citing Protocol I, arts. 58(c) and 58(a).

states not to use schools for military purposes.¹²⁷ It has noted that, “Military presence in the vicinity of schools significantly increases the risk of exposing school children to hostilities and retaliations by illegal armed groups.”¹²⁸ In instances of such military occupation of schools, the Committee has also called on a state to “conduct prompt and impartial investigations of reports indicating the occupation of schools by the armed forces and ensure that those responsible within the armed forces are duly suspended, prosecuted and sanctioned with appropriate penalties.”¹²⁹

The UN Security Council has also called on armed forces to refrain from using schools for military operations because of the impact it can have on children’s access to education. A statement delivered by the president of the UN Security Council in April 2009 reads: “The Security Council ... urges parties to armed conflict to refrain from actions that impede children’s access to education, in particular ... the use of schools for military operations.”¹³⁰

International humanitarian law is binding on non-state parties to an armed conflict just as it is on state parties. However, non-state armed groups do not have the legal capacity to sign or ratify international treaties. One approach to this issue was the drafting of the 2010 Deed of Commitment for the Protection of Children from the Effects of Armed Conflict, a document that would give armed groups an opportunity to demonstrate their commitment to international norms protecting children during armed conflict. The document contains, among other commitments, the provision: “To further endeavor to provide children in areas where we exercise authority with the aid and care they require, in cooperation with humanitarian or development organizations where appropriate. Towards these ends, and among other things, we will: ... v) avoid using for military purposes schools or premises primarily used by children.”¹³¹

¹²⁷ Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka, CRC/C/OPAC/LKA/CO/1 (2010), para. 25.

¹²⁸ Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Colombia, U.N. Doc. CRC/C/OPAC/COL/CO/1 (2010), paras. 39-40.

¹²⁹ Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Colombia, U.N. Doc. CRC/C/OPAC/COL/CO/1 (2010), paras. 39-40.

¹³⁰ Statement by the President of the Security Council, 6114th meeting of the Security Council, April 29, 2009, S/PRST/2009/9. Although presidential statements are not legally binding, they require a consensus to be adopted, and they are thus persuasive indicators of the views of the membership of UN’s principle body for the maintenance of peace and security.

¹³¹ Geneva Call, Deed of Commitment under Geneva Call for the Protection of Children from the Effects of the Armed Conflict (2010).

International Human Rights Law

During armed conflict, international human rights law remains in effect.¹³² When the extended use of a school by government security forces affects children's ability to receive education, they may be violating children's right to education guaranteed under international human rights law.¹³³

States are under an obligation to achieve progressively the full realization of the right to education. These include measures to encourage regular attendance at schools, reduce dropout rates, encourage the development of higher forms of education, and continually improve the material conditions of teacher staff. Two major international treaties to which Yemen is a party guarantee the right to education. The International Covenant on Economic, Social and Cultural Rights (ICESCR) in article 13 provides:

1. The States Parties to the present Covenant recognize the right of everyone to education ...
2. ... [W]ith a view to achieving the full realization of this right:
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms, ... shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - (c) Higher education shall be made equally accessible to all.

The Convention on the Rights of the Child also guarantees individuals under the age of 18 the fundamental right to education.¹³⁴

¹³² The International Court of Justice in the Nuclear Weapons advisory opinion stated that, "The protection of the International Covenant of Civil and Political Rights does not cease in times of war, except by operation of Article 4 of the Covenant whereby certain provisions may be derogated from in a time of national emergency." International Court of Justice (ICJ), *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 1996, ICJ Reports (July 8, 1996) para. 25. According to the Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), the ICCPR "applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be specially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive." Human Rights Committee, General Comment 31, *Nature of the General Legal Obligation on States Parties to the Covenant*, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 11.

¹³³ See Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990 and ratified by Yemen May 1, 1991, art. 28(a); International Covenant on Economic, Social, and Cultural Rights (ICESCR), adopted December 6, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, and acceded to by Yemen on February 9, 1987.

¹³⁴ CRC, art. 28:

Yemeni Law

The right to education is protected under the Yemeni Constitution:

Education is a right for all citizens. The state shall guarantee education in accordance with the law through building various schools and cultural and educational institutions. Basic education is obligatory. The state shall do its best to obliterate illiteracy and give special care to expanding technical and vocational education.¹³⁵

The Constitution states that education, along with health and social services “are the basic pillars for building and developing the society. Society shall with the state take part in providing them.”¹³⁶

It also provides that educational institutions, along with residences and places of worship, “have a sanctity which may not be violated through surveillance or search except in the cases stipulated by the law.”¹³⁷

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, ... make them available and accessible to every child...;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means; ...
- (e) Take measures to encourage regular attendance at schools and the reduction of dropout rates.

¹³⁵ Constitution of Yemen, art. 54. The constitution was to be redrafted during the two-year transition period but was still in force at this writing.

¹³⁶ Constitution of Yemen, art. 32.

¹³⁷ Constitution of Yemen, art. 52.

Recommendations

To the Yemeni Government and Non-state Armed Groups

- Consistent with the provisions of the Gulf Cooperation Council accords requiring all armed elements to “return to barracks,” ensure that all military units and their equipment and munitions are fully removed from schools and other education institutions throughout Yemen.
- Do not permit any future use of school buildings for camps, barracks, military deployments, or weapons, ammunition and supply depots where it would unnecessarily place civilians at risk or deprive children of their right to education.
- When leaving a school, remove all vestiges of military occupation and use, such as fortifications, munitions, and signs that would signify the presence of combatants.

To the Yemeni Government

- Enact domestic legislation or institute regulations or official policies that would prohibit armed forces and armed groups from using or occupying schools, school grounds, or other education facilities in a manner that either violates the international humanitarian law requirement to take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks, or that violates the right to education under international human rights law.
- Promptly form an inter-ministerial working group on schools and armed conflict including appropriately delegated representatives of the Ministries of Human Rights, Education, Defense, Higher Education, Technical and Vocational Training, Youth and Sports, and the offices of the president and prime minister. The Working Group should:
 - Visit each school and education institution that is currently or was recently occupied or used by armed forces or armed groups to meet, separately, with school principals, teachers, municipal or neighborhood councils, current and former students, and parents to determine what additional

services the school and students may require to address the disruption to their education and take appropriate action.

- Visit each school and education institution that suffered damage from military operations during 2011 to meet with the above groups to assess the needs of the school and students to address the disruption to their education and to ensure that appropriate infrastructure repairs are carried out and completed.
- Assist affected schools and students by providing as necessary repairs or construction of school facilities, psycho-social support to children, and remedial education programming.

To Donor Governments and United Nations Agencies

- Privately and publicly press the Yemeni government to adopt the above recommendations.

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Classrooms in the Crosshairs

Military Use of Schools in Yemen's Capital

Students, teachers, and schools often got caught in the crosshairs when government armed forces and militias and opposition armed groups deployed in at least 54 schools in Yemen's capital, Sanaa, during the 2011-2012 uprising. Troops from both sides used schools as barracks, bases, observation points, firing positions, and places of detention.

Classrooms in the Crosshairs is based on extensive visits to schools in Sanaa, and interviews with students, teachers, parents, government officials, and members of the military and armed groups. It documents how the military use of schools endangered children's safety and their right to education.

Many schools suffered significant damage to their classrooms and other facilities in attacks targeting the forces occupying the schools. Some schools came under attack while students and teachers were present.

Students in occupied schools had their studies disrupted and enrollment and attendance dropped. Girls' education suffered even greater harm when soldiers occupied their schools, as many parents preferred to withdraw daughters from class rather than allow them to study alongside armed men or transfer to schools with boys.

The report calls on the Yemeni government to prohibit armed forces and armed groups from using schools or other education facilities in a manner that either violates international humanitarian law or the right to education. The government should also assess the damage done to schools and educational programming during the unrest and assist schools with repairs and remedial programs. In addition, donor governments should assist Yemen in achieving these aims.



A girl student leaves al-Furadh School at the end of the day. Soldiers relax and chew qat outside the school walls. They lived in third-floor classrooms for several months, students and teachers said.

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