



## The Syrian Regime Bombs a Kindergarten and Kills Nine Children We Want to Hear a Condemnation from the High Commissioner for Human Rights and the Office of the United Nations Special Envoy

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### I. Introduction

Harasta city is associated with Damascus suburbs governorate and it is located in the eastern parts of the capital Damascus which is five kilometers from Harasta city. The city is under the control of armed opposition factions.

In this report, we document the targeting of a kindergarten by government forces, where SNHR team spoke to a number of residents, eyewitnesses, survivors, and local media activists. The report includes three accounts. We have explained the purpose of the interviews to the witnesses who gave us their permission to use the information they provided in this report.

Also, we have reviewed the pictures and videos we received and verified their authenticity. These pictures and videos show the damages to the kindergarten yard and the children victims. We have copies of all the pictures and videos mentioned in this report.

The investigations included in this report have proven that the targeted areas are civil areas where no military centers or weapon warehouses for armed opposition factions or extremist Islamic groups were found before or during the attack.

This report only represents the bare minimum of the actual magnitude and severity of the violation that occurred. Additionally, the report doesn't cover the social, economic, and psychological ramifications.





## II. Details

Sunday 6 October 2016, at approximately 9:00 AM, a government forces artillery fired no less than eight mortar shells that fell in the vicinity of “Ajyal Al Mustqabal” kindergarten in Al Zahla neighborhood. One of the shells fell in the kindergarten yard. The shelling was at the time of the recess when children gather in the schoolyard which resulted in the killing of nine children while about 15 others were wounded. Additionally, the kindergarten yard was damaged. The kindergarten has no less than 30 boys and girls who are 4-6-year-old.

SNHR spoke, in a video call via Facebook Messenger, to a girl who was at the kindergarten at the time of the shelling and got injured:

*“All my friends were at the schoolyard when the shell fell on them. The school ground turned red from their blood. I was in class when this happened and my finger was injured. My friends were in pain because of their injuries. Shells and bombing make me scared and I will never go to school again.”*

Khaled, the girl’s uncle, told SNHR, in a video call via Facebook Messenger, of what he saw:

*“The shelling was approximately at 9:00 with multiple mortar shells. One of the shells targeted the schoolyard. I believe the shelling came from the direction of the Division 41 which is stationed in Dahyat Al As-sad. The shell fell between the children in the yard but my nephew was in class at that time which why she wasn’t killed. She was taken to the hospital to get treatment for a simple injury she had. However, she is severely traumatized, she sat still and didn’t utter a word for hours. This shelling’s effects exceed destruction and death, the psychological and mental state of children and a whole generation is devastated because of it.”*





Fadel AbdulGhani, chairman of SNHR, says:

***“The UNICEF keeps using the phrase “All parties” when talking about the targeting of schools and kindergartens. However, the Syrian society need to listen a clear and explicit condemnation from the High Commissioner for Human Rights and the Office of the United Nations Special Envoy especially when serious violations, such as this, occur. The incidents of kindergartens, universities, and schools being targeted must not go unnoticed.”***

SNHR contacted Mr. Abu Mohammad, a civil defense member, who took part in the aiding operations via Facebook:

*“The kindergarten ground ran red with the blood, and the children and families were traumatized. Three children were killed on the spot and more than 20 others were injured; six of them died in the hospitals. The wounded children, it was a painful sight. One of the nurses found out that her nephew was among the wounded after she cleaned the blood off her face.”*

### III. Appendixes and Attachments

[Video](#) of the wounded children after the shelling of the kindergarten

[Video](#) showing the damages in the kindergarten yard and the wounded children at the medical point

[Video](#) showing the damages in the kindergarten yard

Pictures of the damages in the kindergarten







Pictures of the children at the medical point







Pictures showing a number of the children victims









## II. Conclusions and Recommendations

### Legal conclusions

- 1- The Syrian regime has, beyond any doubt, violated Security Council Resolutions 2139 and 2254 which both state that indiscriminate attacks must be halted. Also, the regime violated Article 8 of Rome Statute through the act of willful killing which constitutes war crimes. In addition, the regime violations a number of basic rules of the customary international law.
- 2- We can confirm that the shelling mentioned in this report has targeted armless civilians. Therefore, government forces have violated the rules of the international human rights law which guarantee the right to life. Additionally, these violations were perpetrated in a non-international armed conflict which amount to a war crime where all elements were fulfilled.
- 3- The attacks mentioned in this report, which were carried out by the Syrian regime, are considered a violation of the customary international law as the shells were fired at a populated area rather than a specific military object.
- 4- Aerial bombardment has caused collateral damages that involved loss of lives, injuries, and significant damages to civil facilities. There are strong indicators suggesting that the damage was too excessive compared to the anticipated military benefit.

### Recommendations

#### The Security Council

- The Security Council has to take additional steps as it has been a year since Resolution 2139 was adopted and no pledges to cease the indiscriminate bombardment operations have been made. All the conflict parties must respect these steps and adhere to the rules of the international humanitarian law.
- The Syrian case must be referred to the International Criminal Court and all those who are responsible must be held accountable
- To instill security and peace in Syria and implement the norm of the Responsibility to Protect in order to protect the lives, culture, and history of the Syrian people from being destroyed, looted, and ruined.
- To expand the sanctions to include the Syrian and Iranian regimes and all of their pillars who are directly involved in committing crimes against humanity and war crimes against the Syrian people.





## **The Office of the United Nations High Commissioner for Human Rights**

The Office must submit a report to the Human Rights Council and other organs of the United Nations on this massacre specifically and the massacres that preceded considering that these massacres are an explicit and glaring sign among daily sporadic and less severe massacres. Also, the Office should try to implement the recommendations in the report.

## **The International Community**

- In light of the split of the Security Council and its utter inability, Steps must be taken on the national and regional levels to form alliances to support the Syrian people that would protect them from the daily killings and siege and enhance the support for the relief efforts. Additionally, the principle of universal jurisdiction must be activated in local courts regarding these crimes in order to conduct fair trials for all those who were involved.
- SNHR has repeatedly called for the implementation of the Responsibility to Protect in tens of studies and reports and as a member of the International Coalition for the Responsibility to Protect (ICRtoP) after all political channels through the Arab League's plan and then Mr. Kofi Annan's plan were drought out. Therefore, steps under Article 7 of the Rome Statute must be taken and the norm of the Responsibility to Protect, which was established by the United Nations General Assembly, must be implemented. The Security Council is still hindering the protection of civilians in Syria.
- Renew the pressure on the Security Council to refer the case in Syria to the International Criminal Court.
- Work on fulfilling justice and achieving accountability in Syria through the United Nations General Assembly and the Human Rights council and work on activating the principle of the universal jurisdiction.

## **Acknowledgment**

Our thanks and condolences for the families and local activists who enriched this report majorly.

