

tool 33 Recognizing the Grave Violations

Annotated case study

The following case descriptions can be used in trainings as a case study or role play. Depending on the mandate of your organization and on the type of engagement you have in the MRM (alert, informal communication, documentation), some sections and guiding questions may be more or less relevant and may need to be tailored to your specific context. The purpose of the exercise is to identify potential grave violations and to map steps to be taken in terms of documentation of the incident and follow-up.

You are in a town called ABC that was attacked by rebels two months ago. You meet one of the local teachers who recalls the events of that day:

- They came straight for the school. I was in the first room with my 5th graders, and my colleague Mrs. B was in the other room with the 4th graders. They ordered the students to assemble outside in the courtyard. I saw them hit Mrs. B several times and they dragged her to the back of the building but I couldn't do anything. One of them hit me on the head with his gun and I lost consciousness. I woke up later in the same place. Two of my students were standing next to me calling my name and throwing water on my face. They said the men took three of the boys from the other class and two girls from my class with them. I asked them about Mrs. B and they said they didn't see her leave. I haven't seen her since the attack. The headmaster was shot in the shoulder. He was at the market and ran to the school as soon as he heard that there was an attack. Apparently they stopped him just outside the school as they were leaving. He tried to reason with them to let the kids go, but they just shot him and took off.

A few days after you spoke to the teacher, the armed forces attack and take control of an old hospital building in a town not far from ABC that was being occupied by the rebels. You know one of the soldiers who took part in this attack and he tells you that there were several children in that hospital with the rebels. Some of them were killed in the attack and the others were taken to the military base for questioning and then handed over to the police. You alert the teacher in ABC town and he joins you the next day at the police station together with the parents of the five children who were taken from the school two months ago. The police takes you to a cramped cell with 10 children. They are visibly distressed and some are injured. Two of the parents who are with you recognize their children: a boy and a girl. The guard agrees to let the boy and the girl out to a separate room where you, the teacher and their parents talk to them.

The boy tells:

- The soldiers took us to that hospital building and told us we were men now and had to fight for our nation. They gave us real guns and taught us how to shoot. Some of the kids were really small and the guns were too heavy for them. Whenever they missed the target they were punished. I remember on the third day, a kid called Z. was shot dead right there in front of us as a punishment. He was only 10 years old. After a few weeks, we started to go out on night raids with the soldiers to villages in the area. My role was to set fire to the houses even if people were inside. My friend C.'s role was to keep watch down a road leading to a camp for displaced people near the town. The foreigners sometimes sent their trucks with water, food and medicine down that road. He had to alert the commander by phone and then the commander would send a couple of soldiers to set up a road block and tax the convoy. Sometimes they just took food, other times they asked for money. One day apparently they had a bad argument with a foreigner from one of those organizations and there were no more convoys on that road after that.

The girl tells:

- I was taken to the kitchen in the hospital building. I think the hospital had not been functioning for a long time because there were not many instruments we could use to cook. There were other women and girls there with me. We had to cook and fetch water for over 50 people. At night, we all slept in the same room on the floor. One night, I noticed that one of the older girls called M., who usually slept next to me, was not there. I think it was the night before the soldiers took over the hospital. She came back a couple of days later covered in bruises. She didn't want to talk to anybody, but we all knew what had happened to her. She is over there in the cell, but she's still not talking to anybody. When the soldiers attacked the hospital we ran in all directions. My friend F. and I were caught by a group of soldiers and they took us to the army camp. It was not a nice place, there were all these men and they were angry at us. I stayed there for three days and then they brought me here, I don't know why. I guess F. is still at the camp.

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Guiding questions for discussion:

Useful handouts for discussion:

- Tool 32 – Checklist ‘Documenting cases of grave violations’
- Tool 5 – ‘International legal foundation of the six grave violations’

1) What violations can you identify in this scenario?

- **Killing?** Yes: the case of Z. Further discussion: what about the children who were killed by the armed forces during the attack against the hospital, according to the soldier?
- **Abduction?** Yes: five children were taken by force from the school by an armed group.
- **Attack against a school?** Possibly. Was there damage to the school? Did the school close because of the attack? Was ammunition or unexploded ordnance left behind?
- **Attack against education personnel?** Yes: the two teachers and the headmaster (even if he was attacked outside the school premises).

- **Recruitment and use of children?** Yes: children abducted by the armed group, including the girls who were used for cooking (non-combat activities are still considered ‘use’).
- **Denial of humanitarian access?** Yes: road block on the way to the internally displaced persons (IDP) camp.
- **Rape/sexual violence?** Possibly: case of M.
- **Attack against hospital?** The hospital was occupied by the armed group – was the hospital operational when that happened? The hospital was then attacked by the armed forces in retaliation to the presence of the armed group. While the hospital was by then a legitimate military target (due to the presence of the armed group), the attack was perhaps not conducted according to the principles of proportionality and precaution.

» **Note:** determining whether or not a particular incident is a grave violation depends on the details of the case and the context in which it occurred. When in doubt, always report the case to the MRM focal point.

2) What type of sources do you have for each of those violations?

What additional sources could you find to confirm that information?

Violation	Available source	Possible other sources
Killing	The boy is a primary source (eyewitness).	The other children present in the police station may have witnessed the killing as well.
Abduction	The boy and girl are primary sources, as they were the victims.	The two students who woke up the teacher are eyewitnesses.
Attack against school	Teacher and all students present at the school.	Site visit to observe any damage.
Attack against education personnel	Teacher is victim and eyewitness for Mrs. B. Headmaster (if still alive) is victim.	Students may have witnessed the attack on the headmaster.
Recruitment and use of children	Boy and girl are victims and eyewitnesses.	Other children present at the police station are victims and eyewitness.
Denial of humanitarian access	Boy is secondary source (heard about it).	Other children present at the police station may be able to confirm the story. Humanitarian actors may have a record of when and why convoys to the IDP camp were interrupted.
Rape/sexual violence	M. is victim.	Medical examination would confirm whether there was rape or other form of sexual violence.

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3) What additional information would you ask the people you talked to in this scenario?

Additional questions for the teacher:

- What was the age range of the children present in the school when it was attacked?
- Aside from the five children taken by the armed group, according to the students, are all the other children accounted for?
- Was the school building damaged during the attack by the armed group?
- Did the headmaster survive? Where is he now?
- Was the hospital operational before the armed group started occupying it?

Additional questions for the soldier:

- How many children were detained after the attack on the hospital?
- How many children were killed or wounded during the attack on the hospital?
- Was the hospital operational when the armed group occupied it?
- Who was the leader/commandant of the rebel group?

Additional questions for the boy:

- Do you know what happened to the two boys and the other girl who were taken with you from the school?
- Do you know how many children were with you at the hospital before the attack?
- How many other children did you see at the military base before you were sent to this police station?
- How did they treat you at the military base?
- Clarify who the 'soldiers' are. The boy seems to use the term 'soldier' to refer to the rebels, while the girl uses the term 'soldier' to refer to the armed forces that took control of the hospital.

Additional questions for the girl:

- Do you know what happened to the two boys and the other girl who were taken with you from the school?
- Do you know how many children were with you at the hospital before the attack?
- How many other children did you see at the military base before you were sent to this police station?

- How did they treat you at the military base?
- Clarify who the 'soldiers' she is referring to are. The boy seems to use the term 'soldier' to refer to the rebels, while the girl uses the term 'soldier' to refer to the armed forces that took control of the hospital.
- Inconsistency: how many days was M. gone? She mentions the night before the hospital was taken, but she also says M. came back 'two days later'.

4) What response/follow-up measures could you take?

- Advocacy for immediate treatment of the wounded children.
- Advocacy for the release of all children present at the police station and/or referral for legal aid.
- Alert the UN human rights office and/or the ICRC on the detention of the children.
- Follow up with armed forces for the handover of any remaining children still detained at the base and/or to raise any concerns about mistreatment of children detained at the camp.
- Check with the morgue to see if any bodies of children were taken there following the attack on the hospital and if so, how many.
- Try to speak to M. and see if she accepts to see a doctor. There may still be time for an emergency post-rape kit (within 72h after rape) which could prevent pregnancy or sexually transmissible diseases. She also seems to need post-trauma support. Contact with M. should ideally be done by a female trained in dealing with survivors of sexual violence.
- Update the parents of the other three children still missing if the boy or girl gave you any information on the whereabouts of those children.

related tools

 [tool 32](#) – Checklist 'Documenting cases of grave violations'

 [tool 5](#) – 'International legal foundation of the six grave violations'