



When Intelligence Fails: A Legal Targeting Analysis of the Minab School Strike

By [Joseph N. Orenstein](#)

Published on March 26, 2026

Introduction

On the morning of Feb. 28, 2026, as the first wave of U.S.-Israeli airstrikes swept across southern Iran, a Tomahawk cruise missile [struck](#) the Shajarah Tayyebah girls' elementary school in Minab, Hormozgan Province. Three missiles struck the compound in rapid succession. At the time of impact, between 170 and 264 students were [present](#) — most of them girls between the ages of 7 and 12. At least 165 schoolchildren, teachers, and parents were [killed](#). It appears to be the deadliest single incident involving civilian casualties so far in the conflict.

A preliminary U.S. military inquiry has since concluded that American forces were likely responsible and that the strike resulted from a targeting error rooted in stale intelligence [data](#). The Defense Intelligence Agency had labeled the school building as a legitimate military target — a classification derived from when the site was originally part of an adjacent Islamic Revolutionary Guard Corps (IRGC) naval base. Satellite imagery later [confirmed](#) that the school had been physically separated from that base between 2013 and 2016: fenced off, repainted in bright colors, equipped with playgrounds, and converted entirely to civilian educational use.

The strike has triggered condemnation from the [United Nations](#), bipartisan concern in [Congress](#), and an ongoing Pentagon [investigation](#). It has also placed squarely before the public a question that military lawyers and targeting officers confront in every armed conflict: How does the law governing the conduct of hostilities protect civilians when the intelligence supporting a strike is inaccurate, and what legal consequences flow from getting it wrong?

Part I: The Facts as Currently Known

The Target and Its History

The Shajarah Tayyebah school sits on a block in Minab that [also contains buildings](#) used by the IRGC Navy — a lawful military target under the law of armed conflict. The key factual dispute concerns the school building itself. According to [reporting](#) by *The New York Times*, confirmed by satellite imagery analysis, the building that housed the school was originally part of the IRGC base compound. At some point between 2013 and 2016, it was physically separated from the base: a fence was erected, watchtowers were removed, three public entrances were opened, a sports field was painted on the asphalt, and the walls were decorated in blue and pink—strong visual markers of a school. The school also had a “years-long [online presence](#).”

By February 2026, the building’s civilian function was visible in open-source satellite imagery. Yet the target coding provided by the Defense Intelligence Agency to U.S. Central Command (CENTCOM) still [labeled](#) the building as part of the military installation. Officers at CENTCOM reportedly created targeting coordinates for the strike using that outdated DIA data without verifying its currency against current imagery or intelligence. The result was a target package that included what was, in fact, a functioning primary school.

The Strike

The school was hit during the morning school session, between approximately 10:00 and 10:45 a.m. local time. The compound was struck three times. After the first impact, the school principal reportedly moved students to an interior prayer room and called parents to come collect their children. The [second strike hit](#) that room directly, and the [third strike](#) likely hit close by.

The weapon system used [was](#) the BGM-109 Tomahawk Land Attack Missile (TLAM), a U.S. Navy cruise missile fired from surface ships. Video footage geolocated by the investigative collective Bellingcat [showed](#) a Tomahawk striking the adjacent IRGC naval facility on the same date. Missile fragment [imagery](#) reviewed by munitions experts for NBC News and CNN was consistent with [Tomahawk](#) components. The United States is the only country in the current conflict known to operate Tomahawks.

The Preliminary Investigation

Multiple news outlets have reported that a preliminary U.S. military [inquiry](#) has found American forces likely responsible for the school strike. The core finding is that the strike constituted a targeting error [attributable](#) to outdated DIA target coding. The

investigation is reportedly [examining](#) whether the error originated in human analytical failure, an AI-assisted geospatial targeting system (although officials have said this is unlikely), or some combination of the two. The investigation has not yet been formally completed or officially published.

Part II: The Legal Framework

Understanding whether this strike was lawful—or unlawful—or criminal requires working through three layers of legal analysis: (1) the foundational principles of international humanitarian law (IHL) that govern all targeting; (2) the specific procedural obligations those principles generate; and (3) the standard for individual criminal responsibility when something goes wrong.

The Four Core Targeting Principles

IHL mandates four core targeting principles: (1) military necessity; (2) distinction; (3) proportionality; and (4) precautionary measures.

Military Necessity

Military necessity [permits](#) force only against objects that make an effective contribution to military action and whose destruction offers a definite military advantage. The IRGC naval base in Minab qualified. The school building did not. Once converted to civilian use and physically separated from the base, it lost its status as a permissible target. The DIA's contrary classification was wrong as a matter of fact, and a factually wrong classification cannot satisfy military necessity regardless of the confidence with which it was held.

Distinction

The principle of [distinction](#) is the cornerstone of IHL. It requires parties to an armed conflict to always distinguish between civilians and combatants and between civilian objects and military objectives. Attacks may only be directed against combatants and military objectives. Schools are [classified](#) as presumed civilian objects (see also paragraph 5.4.3.2 of the DOD [Law of War Manual](#), for instance). Children are specially [protected persons](#) under IHL.

Article 52(2) of Additional Protocol I to the Geneva Conventions [defines](#) “military objectives” as those which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization, in the circumstances ruling at the time, offers a definite military advantage. The phrase “in the circumstances ruling at the time” is critical: it requires a

contemporaneous assessment of the object’s status. While the United States is not a party to Additional Protocol I, this provision is widely recognized as reflecting customary international law.

Article 52(3) provides a presumption in favor of civilian status: in cases of doubt as to whether an object normally dedicated to civilian purposes is being used to make an effective contribution to military action, it shall be presumed not to be used in that way. A functioning elementary school in session is not a case of ambiguity. It falls squarely within the civilian presumption.

Proportionality

Proportionality [prohibits](#) attacks expected to cause excessive incidental civilian casualties relative to the anticipated military advantage. The analysis requires a prospective, good-faith assessment at the time of targeting. Here, if the school was genuinely believed to be an unoccupied military facility, a targeting officer might have assessed minimal civilian risk—a calculation that would satisfy proportionality on its face. But that calculation rested on false premises. The question this case raises is not simply whether anticipated advantage exceeded anticipated harm but whether the estimation of harm was itself the product of adequate precautionary measures.

Precaution in Attack—Verification and Constant Care

Precaution (included under the umbrella of “Humanity” in the Department of Defense [Law of War Manual](#)) is, in many respects, the principle most directly implicated by the Minab strike. In another provision recognized as [binding](#) custom, article 57 of Additional Protocol I [requires](#) those who plan or decide upon an attack to do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects; to take all feasible precautions in the choice of means and methods of attack; and to refrain from attacks expected to cause excessive civilian casualties.

The “feasibility” standard is not unlimited — it is calibrated to the realities of the operational environment, the time available, and the resources at hand. But it does require, at minimum, that target data be reasonably current. A strike package built on intelligence data that is years out of date, for a fixed installation in a non-denied access environment, against an object whose civilian conversion was visible in unclassified satellite imagery, is difficult to reconcile with the “everything feasible” standard.

Precaution further imposes a requirement that military forces exercise [constant care](#) to spare civilian populations, civilians, and civilian objects, as established in Article 57(1). The duty of constant care is the animating principle behind the more specific

precautionary duties in Article 57(2) and applies continuously throughout planning and execution, not merely at the moment a strike is approved.

Part III: U.S. Doctrine and the Targeting Process

U.S. military targeting is governed by a well-developed doctrinal framework rooted in [Joint Publication 3-60](#) (Joint Targeting) and [collateral damage estimation methodology](#) (CDEM) (formerly defined in [Chairman of the Joint Chiefs of Staff Instruction 3160.01](#)). These documents translate IHL principles into operational procedure and are designed to implement—and, in some respects, exceed—international legal obligations.

The Joint Targeting Cycle

The U.S. joint targeting cycle consists of six phases: (1) commander's objectives, targeting guidance, and intent; (2) target development and prioritization; (3) capabilities analysis; (4) commander's decision and force assignment; (5) mission planning and force execution; and (6) combat assessment. The event that produced the Minab strike likely failed in phase two: target development.

Target development requires confirmation that a nominated object qualifies as a lawful military objective (see Appendix A, para. 4a of the JP 3-60). This includes verification of its current status. JP 3-60 and supporting doctrine require that target data be current and that targeting officers review all-source intelligence—not simply accept inherited target coding from a database without validation (see Appendix A, para. 4b(7) of the JP 3-60).

The Defense Intelligence Agency's role is to support that process, but the responsibility for ensuring that a nominated target is lawful before it is included in a strike package does not end with the DIA. CENTCOM targeting officers, operational lawyers, and the commander in the approval chain all bear a share of that [verification](#) responsibility. Under U.S. doctrine, a judge advocate (JAG) is also embedded in the targeting cycle at each echelon to confirm that nominated targets are lawful; a legal review premised on stale DIA classification data would not have surfaced the foundational error here, pointing to a systemic rather than individual failure.

Stale Intelligence as a Systemic Risk

The use of legacy target databases without systematic currency validation is a known risk in military targeting (exemplified, for instance, in the U.S. bombing of the Chinese Embassy in Belgrade in 1999, where the U.S. [reportedly relied](#) on an outdated map). Objects that are accurately classified at one point in time—factories, depots,

barracks—can change character over months or years. Schools, hospitals, mosques, and other specially protected objects have sometimes been found in proximity to or even on former military sites.

The Minab case illustrates this risk acutely. The site had been a school for at least a decade before the strike. The conversion of the site from military to civilian use was not hidden; it was visible in commercial satellite imagery, reflected in open-source mapping data, and, by all accounts, known to the local population. The failure was not in the availability of the corrective information, but the institutional process for surfacing it before a strike was approved.

Multiple [reports](#) indicate that investigators are examining whether AI-assisted geospatial tools used in the [targeting process](#) may have perpetuated or failed to flag the outdated classification. This is a critical question for the future of targeting law. Machine-learning systems trained on historical data can reproduce historical errors at scale. If the [Maven Smart System](#) or a similar tool incorporated legacy DIA target codes without a verification layer, the AI did not create the error—but it may have laundered it into the strike package with a false aura of analytical confidence.

Part IV: Was the Strike Unlawful?

The legal assessment of the Minab school strike requires distinguishing between three separate questions that are often conflated in public commentary: Was the strike a violation of IHL? If so, was it a war crime? And who, if anyone, bears individual criminal responsibility?

IHL Violation

First, a strike that kills civilians because it was directed at an object that was, in fact, a civilian object at the time of the attack is, on its face, a violation of the principle of distinction. IHL imposes an objective obligation: the target must actually be a military objective. The U.S. does incorporate a [good faith](#) qualifier into the analysis. In other words, if an attack is based on a reasonable, good faith view that a target is lawful, that will satisfy the obligation. This provision is meant to reflect that commanders can only act based on the information they have at the time. The issue becomes one of reasonableness. A sincere but negligent belief that it was does not retroactively make the strike lawful, but it may mitigate or vitiate culpability.

Second, if targeting officers failed to take all reasonable measures to verify the current status of the school building before approving the strike, that failure is itself an independent violation of the precautionary obligations reflected in Article 57 of Additional Protocol I—separate from the distinction violation.

The triple-tap pattern adds a further dimension. After the first strike, parents began receiving calls from the school indicating that children had survived and were sheltering inside. Before civilian rescue efforts could reach the compound, two additional strikes followed. Whether targeting officers were aware of the first strike's outcome before the second and third missiles were released is a factual question the investigation must resolve. If they were aware, or if the subsequent strikes were pre-programmed without human reassessment, this raises a separate and serious precautionary concern, including with respect to the obligation to take "constant care" to spare the civilian population and civilian objects.

The War Crimes Threshold

Under international criminal law — including Article 8 of the [Rome Statute](#) and the customary law codified in [Additional Protocol I](#) — the bar for a war crime is meaningfully higher than the bar for an IHL violation. While the United States is not a party to the Rome Statute, it does observe much of the substantive components as customary international law. Further, the Rome Statute informs the view of most of the United States partners and allies, so its construction is useful to understand international perspectives on armed conflict.

A war crime requires that an IHL violation be committed willfully and constitute a grave breach of the applicable conventions. In practice, and particularly under the Rome Statute's Article 30 mental element standard; this means the perpetrator must have acted with intent and knowledge—not merely with negligence or even gross negligence. The "should have known" formulation that appears in some IHL contexts does not translate cleanly into Rome Statute war crimes liability, and it is unlikely to sustain a prosecution under Article 8 on the facts as currently known.

Article 8(2)(b)(ii) of the Rome Statute specifically criminalizes "intentionally directing attacks against civilian objects." The operative word is "intentionally." A targeting error rooted in stale database entries — where no individual in the targeting chain appears to have known the building was a functioning school — falls well short of that threshold. If the preliminary investigation's framing as a targeting mistake holds up, and the evidence does not support intent, it is legally significant: it forecloses the most direct path to a war crimes prosecution under the Rome Statute.

The United States federal war crimes statute, [18 U.S.C. 2441](#), applies to military and civilian personnel. It criminalizes murder, mutilation, or the intentional causation of great bodily harm against civilians and people who have been "placed out of combat." However, the statute also removes liability for such actions in instances of collateral damage or a lawful attack. It further allows the Secretaries of Defense and State to give input to DOJ on any potential prosecution.

Command responsibility under Article 28 of the Rome Statute offers a theoretical alternative, but its application here is also constrained. Article 28 requires either that a commander knew of the violation or consciously disregarded information that clearly indicated it was occurring. A systemic intelligence-currency failure, absent evidence that commanders were specifically warned of the misclassification (for instance, after the first strike), is unlikely to meet that standard.

A more apt framework for criminal accountability under the apparent circumstances is Article 92 of the [Uniform Code of Military Justice](#) (UCMJ), which prohibits dereliction of duty. Article 92(3) makes it a criminal offense for any person subject to the UCMJ—only uniformed servicemembers—to be derelict in the performance of their duties. Dereliction is established where the accused had a duty; was aware of that duty—or where awareness can reasonably be inferred from their position and training; and was willfully or negligently unable or unwilling to perform it. The advantage of Article 92 in this context is that it does not require proof that the accused intended to strike a civilian object. It requires only proof that a legal duty existed, that the accused was aware of it or should have been, and that they failed to discharge it. Based on the available information, it appears that there was a failure to update data that would have illustrated the School's protected status. If that failure can be tied to a specific individual, liability under Article 92 would exist and could result in a prosecution at court-martial.

The Duty to Investigate

Under customary international law, states are [obligated](#) to investigate credible allegations of serious IHL violations committed by their armed forces. This obligation is reflected in [Common Article 1](#) of the Geneva Conventions—which requires states not only to respect but also to ensure respect for IHL—and is reinforced by [Rule 158](#) of the ICRC Customary IHL Study, which states that parties to a conflict must investigate war crimes allegedly committed by their nationals or armed forces and, if appropriate, prosecute the suspects.

The U.S. has further bound itself to this requirement through its doctrine: the DoD Law of War Manual expressly requires investigation of alleged law of war violations, and [Chairman of the Joint Chiefs of Staff Instruction 5810.01E](#) imposes a mandatory reporting and investigation requirement for incidents involving potential violations of the law of armed conflict.

So, the duty to investigate is not triggered only by confirmed violations; a credible allegation of the kind presented by the Minab facts—a strike causing mass civilian casualties, attributed by preliminary military investigation to a targeting error—is sufficient.

The Problem of Accountability

The Minab investigation faces a political headwind that complicates the legal accountability process. The President of the United States initially [attributed](#) the strike to Iran—a country that does not possess Tomahawk missiles. That claim has since been [contradicted](#) by the preliminary investigation, by munitions experts, by geolocated video evidence, and by the Senate Minority Leader on the floor of the U.S. Senate.

The United Nations High Commissioner for Human Rights and [multiple U.N. Special Rapporteurs](#) have [called](#) for an independent investigation. That call reflects the international legal consensus that self-investigation by the responsible party is insufficient when the scale of civilian casualties is this large. Under IHL, a state's [obligation](#) to investigate potential violations of the laws of war is not contingent on whether its executive branch acknowledges responsibility.

Conclusion

The Shajarah Tayyebah school was not a military target on Feb. 28, 2026. It had not been a military facility for a decade. Its civilian character was visible, documented, and verifiable. That a U.S. military strike nonetheless destroyed it—killing more than 165 people, most of them children—is a tragedy whose legal dimension cannot be resolved by characterizing it as a simple accident.

The failure to maintain current, verified intelligence before approving a strike against a fixed installation in a non-denied environment is an independent violation of Article 57's precautionary obligations—separate from any distinction violation. The triple-tap pattern raises an additional question the investigation must answer: whether the second and third missiles were released without any reassessment of first-strike observations.

And the potential role of AI-assisted geospatial tools in possibly laundering a decade-old misclassification into an approved strike package raises questions about the institutional architecture of target verification that extend well beyond this case. As targeting processes increasingly incorporate machine learning and automated analysis, the legal responsibility for verification cannot be delegated to an algorithm. A human—a targeting officer, a JAG, a commander—must remain accountable at the point of approval.

None of this necessarily rises to the level of a war crime under the Rome Statute's willfulness standard. But it rises well above the threshold of an unremarkable mistake. Article 92 of the UCMJ provides a more realistic vehicle for individual accountability

than the Rome Statute in this context — one that does not require proof of intent to strike a school, only proof that a legal duty existed and was culpably neglected. The law of armed conflict demands that we take that seriously—not in a spirit of adversarial prosecution, but in the spirit that animates the Geneva Conventions themselves: the obligation to learn, to reform, and to prevent the next Minab.

A thorough, independent, and publicly disclosed investigation is not optional. It is the law.



FEATURED IMAGE: An aerial view of a graveyard as funerals are held for students and staff from a girls' school, who authorities said were killed in a US-Israeli strike on February 28, on March 3, 2026 in Minab, Iran. (Photo by Handout/Getty Images)



Joseph N. Orenstein

Guest Author

Joseph N. Orenstein ([LinkedIn](#)) is Senior Counsel at [Lexpat Global Services](#), where he advises on international security cooperation, legal institutional capacity building, and the Law of Armed Conflict. He is a retired U.S. Army Lieutenant Colonel and Judge Advocate with over twenty-eight years of experience.

He served as Brigade Judge Advocate for 2nd Brigade, 10th Mountain Division; as Chief of the Strategic Engagements Branch at the Office of The Judge Advocate General; and as a Future Concepts Officer at The Judge Advocate General's Legal Center and School, where he was a contributing author to the *Rule of Law Handbook* and to Field Manual 1-04, *Legal Support to the Operational Army*. He has designed, developed, and executed legal capacity building projects across more than twenty-five countries.

Orenstein holds an LL.M. in Military Law from The Judge Advocate General's Legal Center and School, a J.D. from the New England School of Law, and a B.A. in Political Science from the University of Rochester.

Article printed from CounterPunch.org: <https://www.justsecurity.org/>
URL to article: <https://www.justsecurity.org/134350/legal-analysis-minab-school-strike/>