Submission from Iraq Body Count to OHCHR consultation on casualty recording. February 2023.

Please describe efforts at casualty recording your State, organization or entity has undertaken. Kindly include the context in which it was deployed, the methodology used, the impact it had, recommendations that arose, and reports on its impact.

Efforts of casualty recording your organization has undertaken and context

The NGO Iraq Body Count (IBC) was formed in January 2003 to record the civilian casualties of the imminent invasion of Iraq (which took place in the early morning of March 20th, local time). It has maintained this work in the long drawn-out aftermath of the invasion, which has involved complex and varying forms of armed violence, beginning with a collapse in civil security from which the country has yet to fully recover. The project continues to record civilian casualties, which have diminished in number in recent years but persist to this day. The project also keeps records (in less detail) of injuries to civilians and, more recently, of combatants killed.

The IBC project's outputs are contained in a constantly updated website, https://www.iraqbodycount.org. This includes a queryable database of deadly incidents and their civilian victims, individualised to the extent possible. A sizable proportion of the website's contents has been professionally translated into Arabic.

In this way, IBC maintains a transparent and accessible record of civilian casualties in Iraq which is always in the public eye, and has been used over the years in multiple contexts when organisations or individuals wish to access and utilise credible and detailed knowledge about casualties, their nature, their geographic spread, and the rise and fall of their numbers over time.

Methodology

Key features of IBC are that:

- It publishes all its data disaggregated to the level of incident specifying date, time, place, and up to 18 other specific variables (data points) that can be extracted from contemporaneous reports. These are predominantly from local press and media, supplemented by NGO and official figures where available. Data extraction includes systematic documentation of what the reports tell us about the individuals killed, e.g. https://www.iraqbodycount.org/database/incidents/2014-02-15

- It includes *all* civilian victims of armed violence in Iraq, regardless of nationality, political position, perpetrator, or weapons used. We define this as 'victim-led' casualty recording, such that details on e.g. perpetrators or weapons, when available, are gathered as important and useful additional data points, but *not* as determinants of whether a death is included or not.

- It publishes details of incidents as soon as possible after they are reported.

- Corroboration from multiple reports is the norm, but (since Dec 2007) when a report cannot be corroborated but is credible enough to be included, this is indicated: https://www.iraqbodycount.org/analysis/reference/announcements/3/

- Each incident is associated with a minimum and maximum number of civilian deaths to account for uncertainties and disagreements in reporting in relation to the number killed, possible duplication, and civilian vs combatant status of the dead.

- All data are open to revision and updating in light of the acquisition of new information, including via public input and notification: https://www.iraqbodycount.org/database/submit/.

- The way in which data is stored allows numerical analysis on all data points, enabling comparisons across different demographics and categories — including weapons, conflict actors, regions, and time-periods, as can for example be performed on https://www.iraqbodycount.org/database/

- IBC openly and fully states its project rationale and methods: see https://www.iraqbodycount.org/about/

- IBC is one of the earliest, and is certainly the longest–standing, of all web-published casualty recording operations that update their findings in real time.

Impact

The freely–available nature of the project's data means that users are not required to seek permission, or necessarily let IBC know when project data has been used, for what purpose and to what effect. However, we have received a number of commissions, examples of which are shown below. Other uses have been discovered by internet search and occasional personal communications. From these we have been able to establish the main types of users of our data. For an overview of the different types of users and uses, with examples of each, see https://www.iraqbodycount.org/analysis/qa/used-how/ (this was compiled in 2007: what follows below includes more recent examples).

The massive use by all kinds of constituencies came about *because* of the properties of the IBC database, whose transparency and disaggregated nature enabled far more incisive engagement by a range of stakeholders than any purely aggregated figures could possibly do.

The essential job of the casualty recorder — in an environment of limited resources — is to prioritise the production of best–achievable casualty recording, with the product itself being amenable to the widest public reach. We suggest that OHCHR could profitably enquire of institutions that use casualty data (some of which are listed below) how IBC's or similar data is used to inform and enhance their own work. This is not something that IBC itself has had the capacity to investigate in any thoroughgoing way.

One analogy that might be drawn is with information–rich news articles: the priority for a publisher is to see to it that these are as widely and freely distributed as possible, not to

then discover and investigate every use and benefit that has been derived from them. That is a potentially valuable, but separate task.

That IBC's data has indeed been very useful is most directly attested to by the range and number of organisations that have used its work (some of which we could not have anticipated in advance). Taking into account the limitations mentioned above, the following list is indicative of major users of IBC that we are aware of (or have been in direct engagement with).

It would be premature to enumerate and perhaps overstate all the benefits of casualty recording, given not just its relative infancy as a field but its less-than-universal application to date. Nonetheless some of its benefits can be inferred simply from its adoption by those who use the information it provides, a limited selection of which we provide from our own experience as practitioners of 20 years.

OHCHR/UNAMI regular Human Rights reports for Iraq, e.g. https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_HR_Report_1Aug11_en.pdf

UNHCR, e.g. reporting its "Position on Returns to Iraq": https://www.refworld.org/pdfid/544e4b3c4.pdf

European Asylum Support Organisation (EASO), in its 2019 assessment of risk of return to different regions of Iraq. See: https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_IBC_Civilian_Deaths.pdf (Commissioned research)

World Bank and **International Monetary Fund**, e.g. Iraq Economic Monitor 2018: From War to Reconstruction and Economic Recovery [p.2] https://documents1.worldbank.org/curated/en/771451524124058858/pdf/125406-WP-PUBLIC-P163016-Iraq-Economic-Monitor-text-Spring-2018-4-18-18web.pdf and IMF 2017, https://www.imf.org/-/media/Files/Publications/CR/2017/cr17251.ashx (p.7, Iraq: Violence and Weak Governance Deter Private Sector Development)

WHO Iraq Family Health Survey (2008). One of the better–resourced and largest-scale surveys into mortality in Iraq was carried out by the WHO in its Iraq Family Health Survey (IFHS). However due to safety concerns, surveying teams were unable to enter some areas known to be particularly violent, and IFHS therefore used IBC data to impute rates to those areas based on certain reasonable assumptions. https://www.nejm.org/doi/full/10.1056/nejmsa0707782

International Criminal Court. 2006 Report on investigations to date. Responding to citizens and organisations interested in the ICC's response to the Iraq war, the ICC in its response stated that it drew upon open-source material including that from IBC (particularly in reference to civilian casualties), citing it as an organisation "with a defined methodology" and quoting from our findings on civilians killed during the invasion phase of the conflict. https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/04D143C8-19FB-466C-AB77-4CDB2FDEBEF7/143682/OTP_letter_to_senders_re_Iraq_9_February_2006.pdf

US State Department, Country Reports on Human Rights Practices: Iraq cites IBC on "Conflict-related Abuses": "Iraq Body Count, an independent NGO that records civilian deaths in the country, reported 417 civilians killed during the year due to internal conflict, a drop from 848 civilian deaths reported in 2020."
https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/iraq

Major policy think tanks such as the ***Center for Strategic and International Studies (CSIS)***, and the ***Geneva Declaration's*** "Global Burden of Armed Violence" reports, e.g. https://www.csis.org/analysis/why-iraq-burning and http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2015.html

Press and media. There are thousands of instances of mass media reporting IBC's work, including on some occasions on front pages, most notably at the launch of IBC's first major report into the first two years post-invasion, *A Dossier of Civilian Casualties in Iraq,* here as reported by the BBC: http://news.bbc.co.uk/1/hi/world/middle_east/4696875.stm.

Press and media have been the most effective as well as willing disseminators of IBC's data, due in part to our transparency about methods.

In the political domain, the wide reporting of IBC's totals meant that when the leaderships of the belligerent countries were challenged to state a number, it was impossible for them to pretend (e.g. by citing "the fog of war") that no widely accepted number exists. This phenomenon was certainly evident at the height of the Iraq occupation, when first George W Bush and then somewhat later Tony Blair publicly stated figures which were derived from IBC's latest total (while in neither case actually mentioning IBC by name).

In the UK, IBC's data — this time explicitly acknowledged — deeply influenced the Government's 2016 ***Iraq Inquiry*** chaired by Sir John Chilcot. Chapter 17 of its report was entirely devoted to civilian casualties, with IBC being referenced on 35 of its 50 pages, leading Chilcot to recommend that:

> *277. The Inquiry considers that a Government has a responsibility to make every reasonable effort to identify and understand the likely and actual effects of its military actions on civilians.*

> *280. The Government should be ready to work with others, in particular NGOs and academic institutions, to develop such assessments and estimates over time.*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/535431/The_Report_of_the_Iraq_Inquiry_-_Volume_XII.pdf

Such recommendations could hardly be made, or made with such force, were it not for the example that a casualty recording organisation — in this case IBC — could provide. IBC commented at length on these findings in its response dated 7th July 2016, "UK showed no real interest in monitoring civilian casualties", https://www.iraqbodycount.org/analysis/beyond/chilcot2016/

Whether, or how and when, such positive recommendations are finally implemented by the target governments is another matter: one can say that they at least represent a starting point and an officially-sanctioned aspiration.

Another impact of IBC's work has been to make public discourse around casualty numbers in Iraq somewhat less hyperbolic and more grounded in facts and evidence. There has been a longstanding (and widely commented) tendency for critical commentators on a conflict to prefer very high numbers of casualties, usually rounded, to make their case. The existence of documented figures provides some constraints on inflated and weakly supported numbers.

In our view, civilian victims directly killed in armed conflict are among a war's worst outcomes. It follows that to exaggerate the scale of such deaths for rhetorical or political effect is to implicitly concede that without such exaggeration they are not terrible enough to matter. Careless and all–too–eager use of inflated numbers for dramatic effect disrespects affected populations and their actual experience, would rightly be considered offensive for Western victims of (e.g.) terrorist attacks, and risks attaching the dangerous notion of "only" to lower (even if better-evidenced) numbers.

For example, it was briefly speculated that the number killed on 9/11 in the Twin Towers of the World Trade Center in NYC would be in the range of "50,000," based in part on the capacity of the buildings. Numbers in that range were put aside after full and careful assessments using outstandingly detailed methods established the true number. Numbers far in excess of the actual WTC count (for immediate deaths at least) would now rightly be regarded as baseless, politically motivated inflation, and not excusable on the dubious presumption that the higher the number cited, the greater the level of compassion being demonstrated by its proponent.

However this is exactly the position that holds with regard to Iraq and certain other conflicts, wherein it is assumed that the higher the number you cite, the more you care and the lower the number, the more you are engaging in something akin to genocide denial. We consider such thinking to be injurious to any genuine pursuit of truthful documentation and recording of civilian harm. (We examined one unfortunate outbreak of this phenomenon in "Speculation is no substitute: A defence of Iraq Body Count" https://www.iraqbodycount.org/analysis/reference/pdf/a_defence_of_ibc.pdf)

We would further argue that purely numerical casualty figures, when made subservient to and adjusted according to the needs of propaganda – whoever's that might be, but particularly when this involves a warring party – are all too easily abused and misused to weaponise the dead and create more victims.

Please indicate the ways in which reporting on civilian casualties has positively impacted on human rights, the implementation of IHL and the protection of civilians, in particular during situations of armed conflict. Be as specific as possible, elaborating examples if appropriate.

An example of IBC's work impacting on the implementation of IHL comes from US Defense Department Deputy Assistant Secretary for Middle East Affairs Colin Kahl's research and recommendations which used casualty data from DoD and IBC to analyse

the frequency of civilian killings at US-controlled checkpoints, leading to recommendations for changes in the Rules of Engagement, which were subsequently implemented and over time reduced their incidence.
https://www.belfercenter.org/sites/default/files/files/publication/is3201_pp007-046.pdf

Please identify the ways that reporting on civilian casualties has had an impact in areas such as missing persons and the right to the truth. Elaborate on the nature and extent of that impact, providing examples, statistics, or details where feasible and illustrative.

By collecting and systematically storing all available names of victims along with the incidents in which they were killed, IBC has fulfilled the first requirement of any publicly searchable victim directory. This speaks directly to the topic of missing persons and families' right to truth about the fate of their loved ones. For such truth, information must be both public and trustworthy in the way that IBC's methods seek to achieve. However only a small proportion of names appear in the open source material IBC's data depends upon (roughly 1 in 14 of the recorded dead), and it is a long-term goal of IBC's to remedy this, via Iraqi public participation.

The benefits of a transparent approach to the publication of names has been notably shown in comprehensive, on-the-ground conflict casualty censuses such as carried out by Research and Documentation Center in Bosnia in relation to the wars of the 1990s, resulting in "The Bosnian Book of the Dead" http://www.mnemos.ba/en/home/Download

In that conflict, at least, there is a universally agreed and now uncontested truth. This truth and access to it depends entirely on a database containing incident-linked names of victims, which is regarded by many of our peers as the "gold standard" in casualty recording. And such access to truth about the casualties of conflict must surely be a fundamental human right.

Does casualty recording positively impact the fight against impunity, and if so, in what specific ways? Is casualty recording able to help in the investigation of unlawful deaths, whether or not conflict-related and if so in what aspects? How does casualty recording impact the right of access to justice for all and the right to obtain effective remedy and reparation when violations occur?

Well–documented casualty records can provide a first-draft account of unlawful deaths, an evidence trail that later and properly–resourced forensic efforts can then investigate. One advantage of timely casualty recording is that it can access, accumulate and preserve evidence which, particularly in rapidly–evolving environments, vanishes because URLs are moved, removed or entire reporting sources disappear. However, in most ongoing conflicts, casualty recording in itself is, however, likely only to provide an initial evidence trail, due to complications such as access and safety issues for investigators due to breakdowns in civil security, or the sheer volume and frequency of incidents, all of which limit or prevent detailed investigations and follow-ups.

IBC routinely stores the key content of all available reports of each incident (when this content is not a straight reprint of another report), and so when researchers of investigatory teams approach us, as has happened on several confidential occasions, we

have, at very short notice, been able to supply them with a comprehensive folder of all our relevant data.

If not previously mentioned, please indicate how casualty recording has achieved a preventative impact? How has it informed and improved the national, regional, or international responses to civilian casualties when they occur?

Several recent initiatives to ban classes of weapons in specific conflict contexts have constructed their evidence base from casualty data of the sort that IBC publishes, showing for instance that certain weapons disproportionately affect civilians (e.g. the EWIPA campaign).

There have been recent examples of increasing public resistance to military incursions by governments, making it more difficult for governments to win parliamentary support for their proposed interventions. An example of this was the overwhelming UK parliamentary defeat for the Government's proposals of 2013 to participate in the Syria conflict. This was fuelled in part by the widely acknowledged failings of the Iraq War, failings highlighted by the civilian death toll highlighted by IBC.

The impact of casualty recording on public attitudes to military conflict is significant, and should be of interest to elected governments.

One example of this impact on civil society's response to conflict has been the use of names of the dead in public memorialisation events, where these are read out (usually including military and civilians in the same reading). A notable example involving IBC was in Trafalgar Square in London in 2004, with Stephen Hawking among other prominent public figures reading out the names (in his case, apologising for the Arabic limitations of his speech synthesiser). These events have a moral and social impact that is difficult to measure, including conferring a degree of dignity and respectful recognition on the killed that participants would argue is profound and far-reaching.

How has casualty recording positively impacted on the human rights of women, children, older persons, persons with disabilities and persons belonging to national or ethnic, religious and linguistic minorities?

One example is a commissioned study, 'No Place to Turn: Violence against women in the Iraq conflict' which included gender-disaggregated data from IBC. The report was presented at an event at the United Nations Human Rights Council in Geneva in March 2015. https://minorityrights.org/2015/02/18/14000-women-killed-so-far-in-iraq-conflict-thousands-more-abducted-new-research-2/

A peer-reviewed study using IBC data conducted by the IBC team with academic collaborators has contributed to the understanding which has provided a basis for such as the EWIPA initiative, since it showed that women and children are overrepresented among victims of air attacks on built up areas. IBC's data was crucial in building the evidence base. [New England Journal of Medicine 2008] https://www.nejm.org/doi/full/10.1056/NEJMp0807240

A similar analysis was performed by one of the IBC founders on data combined from 5 different Syrian casualty recording projects, showing the impact of that war up till 2013 on children (identifying teenage boys as particularly vulnerable for a number of reasons discussed in the paper)
https://reliefweb.int/report/syrian-arab-republic/stolen-futures-hidden-toll-child-casualties-syria

Some further comments:

Casualty recording as a community of practice

Casualty recording as a field of practice is a young and still developing field, containing examples of varying scope and quality. This is precisely why it is necessary to obtain viewpoints from a variety of practitioners. However practitioners do not, and should not, operate in isolation or be the sole arbiters of what constitutes "good" casualty recording, since they are not its end–users or beneficiaries. They have common interests and goals, and much to learn from those who benefit from their data, as well as from each other.

This insight was first grasped and addressed by those of us in IBC who, in consultation with some of our peers, identified a need for bringing casualty recorders into dialogue with one another — to make common cause and engage in mutual, peer-assisted learning. This led to our founding of the Every Casualty project, whose legitimacy was derived from a global network of casualty recording organisations, the Casualty Recorders Network (CRN). Members of the CRN were brought together at first virtually, then physically, at the first ever global casualty recorders conference in 2011, from which a number of more specialist and task-oriented working groups was set up.

The Every Casualty project existed until 2014 as a programme of the London think-tank, Oxford Research Group, under whose umbrella we produced the first global survey of casualty recording practice, and we then established as a freestanding UK-registered Charity, Every Casualty Worldwide, devoted solely to developing and promoting casualty recording as a field.
https://reliefweb.int/report/world/towards-recording-every-casualty-analysis-and-policy-recommendations-study-40-casualty

Its major achievement to date has been the convening of the consultative and collaborative process that led to the production of the first-ever Standards for Casualty Recording, launched at the ICRC in Geneva, based on the deep learning and insights of those who had been working in the field since the start of the present century. See https://doc-resources.uwazi.io/api/files/15477177549351xkcuj0xe2j.pdf and https://blogs.icrc.org/law-and-policy/2016/11/08/casualty-recording-standards/

These Standards were always conceived, by the diverse grouping that produced them, as a living and evolving document, alive to wider technological, societal and cultural progress. Thus as they are further developed, more widely adopted and spread they can progressively help to refine the concept of what 'good casualty recording' consists in, allowing the community of practice to also more effectively challenge practice that falls short of humanitarian and human rights ideals.

Risks associated with casualty recording

We note that one foundational agreement between those who devised the Standards was that casualty recorders should aim to be inclusive and victim–led, that is, include all victims irrespective of their relationship to a conflict, or who the perpetrator was, or what weapons were used, or whether or not their killing was in violation of IHL or human rights law. In this respect the activity known as civilian harm tracking cannot be inclusive in that it necessarily focuses on the effects of the actions of one actor (and its partners, if any).

When any effort to document casualties does *not* embrace inclusiveness, it risks introducing harmful biases as well as distortions by omission. This is especially true in cases where from the outset an effort involves *intentional* omission of one demographic, or the actions of a more favourably regarded conflict actor, all the more so when this selectivity is undeclared and hidden from public view. Unintended but unavoidable biases may persist (such as lack of access to certain regions, or information-gathering being limited to networks with which the casualty recorder is aligned), but in all these cases these limitations need to be openly declared — as it is in the commendable work by OHCHR and associated UN agencies (whose example is sadly not always followed by others operating in this domain).

As we recently wrote in a comment piece commemorating the 20th anniversary of the global 2003 anti-war protests, and would reiterate here, "Casualty figures filtered through and subservient to the needs of propaganda—particularly of a warring party—serve only to dehumanise, weaponise, and create more victims" (see https://twitter.com/iraqbodycount/status/1625842104776654848)

It is not difficult to see how partisan casualty recording can become a justification or even a motivator for the creation of more, rather than fewer victims, a historically embedded characteristic of the treatment of casualties which sadly manifests to the present day. This core issue was the very first addressed by the group of casualty recorders and end users who devised the standards, and this issue constituted the substance of Standards 1 and 2 in the published document. For convenience we reproduce these two standards in full, as an Appendix.

We applaud the initiative of OHCHR to focus on the impact of casualty recording for IHL and the promotion and protection of human rights. This is a timely initiative in a world still riven with violent conflict and all the abuses that flow from it, and we will be happy to provide further input to this process as requested.

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Appendix

From Standards for Casualty Recording (v1.01)

1. Casualty recorders must be transparent about their mission and motivations for recording.

An important aspect of building trust with stakeholders is for casualty recorders to present their organisation clearly. They should be particularly clear about their objectives

and their reasons for recording deaths from armed violence. Only when these objectives are clear can data end users and other partners assess the validity of the information presented. Before considering the methodology, many actors will want to evaluate the organisation itself.

Transparency about those who started a casualty recording initiative and why they did so can help confront possible suspicions and mistrust. This is particularly relevant for the populations affected by violence. Casualty recorders should make their data available to affected communities.

Transparency about their organisation has proven important in helping casualty recorders convey their legitimacy. Ultimately, being transparent about their mission and motivation for recording casualty data helps casualty recorders improve the quality of their data, by encouraging more feedback and sharing with other stakeholders.

Such information should therefore be publicly available – for example on an organisation's website – and should be kept up-to-date, accurate, and complete.

2. Casualty recorders should provide information about political or other affiliations which might compromise their commitment to inclusive recording.

Inclusiveness is an overarching principle of casualty recording. The concept of inclusiveness in itself does not preclude organisations from having political motivations. However these should not affect their choice of sources and methodology. In many conflicts, casualty recording initiatives may come from the desire to hold certain actors in the conflict to account. Regardless of any such motivations, casualty recorders should record all individuals killed. This inclusive methodology should apply regardless of victims' political, racial, national, ethnic, cultural, religious or gender affiliation. It should also apply regardless of which party to the conflict is known or suspected to have killed them.

It is important to be open about what others could see as bias. Organisations should therefore declare all their affiliations. This, together with transparency about methodology and sources, is the only way for casualty recorders to address perceptions of bias and partiality. Casualty recorders should bear in mind that being transparent about their political affiliations can affect their operations. Such affiliations can discourage some from sharing information with them. This can make it more difficult to achieve inclusiveness effectively. However, casualty recorders should not avoid being transparent about their political affiliations because of this. Hiding their affiliations would compromise their integrity. Instead, casualty recorders should attempt to address such consequences by, for example, showing stakeholders their transparent and inclusive methodology. They should also mention when publishing their information that no one was deliberately excluded from the recording process, although self-exclusions may have occurred.