

CASUALTY RECORDING

Background paper

OCTOBER 2019

THE ISSUE

What is the problem?

States have longstanding obligations under international humanitarian law to record and share details of military personnel killed in conflict. However, historically there has been no clear recognition of States' responsibility to record deaths of civilians, and few state-led efforts to conduct such recording.

As the nature of warfare has changed over the past half century, civilians have come to account for typically 70 to 80 per cent of deaths in armed conflict. The absence of systematic, comprehensive, and transparent recording of all conflict casualties therefore results in an information deficit that has a wide range of adverse impacts.

Without reliable and consistent information on civilian as well as military casualties, it is impossible for States and international actors to respond effectively to the needs and rights of the victims of violence and their families.

What is casualty recording?

Casualty recording is the systematic and continuous process of documenting direct deaths from armed violence. Some initiatives record injuries as well as deaths, but 'casualty recording' is generally understood to refer to fatalities only.

Casualty recording aims to create a comprehensive account of all deaths from armed violence within a determined scope, usually bound by time and geography. At a minimum, casualty recording typically involves documenting the date and location of a fatal incident; the number of people killed; the means of violence or category of weapon used; and the party responsible. Crucially, casualty recording also seeks to establish the identity of every victim including name, age, gender, and other relevant demographic details.

Casualty recording is distinct from the emblematic approach often used for advocacy and accountability purposes to highlight certain cases of casualties to demonstrate the existence of human rights violations. It is also distinct from "civilian harm tracking," which is conducted exclusively by military actors to track the effects of their operations on the civilian population, including deaths, injuries and damage to civilian infrastructure, for the purpose of improving their procedures and mitigating their effects.

Casualty recording focuses on direct deaths from armed violence. It does not normally include deaths caused by the indirect or reverberating effects of conflict.

When is casualty recording needed?

Casualty recording is needed wherever the intensity or pattern of armed violence could result in deaths receiving no formal public acknowledgement. This includes situations of armed conflict, breakdowns in civil security, widespread crime, and other situations of extensive violence. Casualty recording is not exclusively relevant to situations where IHL applies.



Opposite: Street lined with damaged buildings in the besieged area of Homs January 27, 2014. Reuters/Yazan Homsey

IN DETAIL

Who is responsible for casualty recording?

States are responsible for protecting and upholding the human rights of all those within their jurisdiction. This includes the right to life as well as the right to truth, justice and reparation. States therefore hold ultimate responsibility for ensuring that all casualties within their jurisdiction are recorded.

This does not mean that States are exclusively responsible for conducting casualty recording. State institutions may record casualty data themselves, but they must also allow and facilitate the recording of casualties by independent entities such as civil society organisations, international agencies and the media. For the purposes of verification and accountability, it is important that State records are not the only public source of casualty information.

How much international support is there for casualty recording?

Over the past decade there has been growing recognition among the international community of the need for consistent casualty recording. Since 2012, at least 24 States have spoken in support of casualty recording during the annual Security Council open debate on the Protection of Civilians, and the number continues to grow.¹

Support for casualty recording, including explicit demands for its systematic application by States and UN-mandated operations, has also been expressed by:

- The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator²
- The current and former UN Secretaries-General³
- The Special Committee on Peacekeeping Operations⁴
- OCHA⁵
- The President of the ICRC⁶

An increasing number of UN-mandated entities have begun conducting casualty recording and/or calling on States to collect and report casualty data. These include UNAMA, several Special

Procedures of the Human Rights Council, the Independent International Commissions of Inquiry on the Syrian Arab Republic and the protests in the Occupied Palestinian Territory.

How can casualty records ever be objective and reliable?

Information about fatalities in conflict, particularly civilian fatalities, is always sensitive and frequently provokes controversy. Although casualty recorders may not be politically neutral in a given context, their data can still be relied upon if they adhere to common minimum standards laid out in the Standards for Casualty Recording (2016). When casualty recorders are transparent about their methodology, it allows external verification of their data and independent assessment of their credibility. Casualty data from States, civil society and international agencies can be cross-referenced to identify errors or misrepresentations.

Can casualty recording be conducted in challenging environments, such as active situations of extreme violence?

Although high rates of violence hamper access and endanger casualty recorders, research has shown that effective casualty recording is possible even under difficult and dangerous circumstances.

New technology and diverse approaches to casualty recording mean that it is always possible to record a minimum level of information about a casualty incident, for example through media and social media monitoring. Such information provides a baseline for further investigation, on site or through witness interviews, when the security situation permits. Similarly, data from health institutions, police or military intelligence, death certificates and community records can all be incorporated as and when they become available, to corroborate or discount initial reports.

The Casualty Recorders Network currently comprises more than 50 casualty recording organisations operating in a wide range of conflict and post-conflict situations globally. Their work demonstrates that casualty recording is always possible regardless of circumstances and resources.

If States release information on civilian casualties, won't this be used against them and risk undermining military operations?

Parties to a conflict will naturally promote a narrative which supports their political agenda, including using allegations of civilian harm against their opposing party. However, casualty records are statements of fact, which can be independently verified. Casualty recording therefore acts against tendencies to politicise, manipulate, or inflate casualty figures.

Parties to conflict which conduct casualty recording must document all casualties they are aware of, not only those for which they may have been responsible. This means that belligerents who share casualty recording data publicly are not at a disadvantage if the opposing parties are less transparent.

Evidence of civilian casualties may increase public concern about military engagements. However, democratic societies have a right of oversight of the State's use of force. Furthermore, responsible armed forces which take all feasible measures to prevent harm to civilians should be able to support these claims through the evidence collected in casualty records.

How does casualty recording mitigate or reduce the effects of armed violence?

The process of casualty recording recognises the dignity and rights of victims and their families. This in itself can play an important role in reducing cycles of violence and promoting reconciliation.

The detailed information compiled in casualty records supports many outcomes. Casualty data can:

- Support accountability processes, including memorialisation, transitional justice and criminal investigations. In Guatemala, Peru and the former Yugoslavia, information on conflict casualties has been used in high level prosecutions.
- Support the protection of civilians by providing information to reduce unintended consequences of military activities and improve humanitarian response planning. In Afghanistan and Iraq, evidence on civilian casualties, specifying time, location and circumstances of

death has led to a revision of the rules of engagement for soldiers at checkpoints, which has contributed to a reduction in the number of casualties in those situations.⁷

- Inform, monitor and improve protection measures aimed at specific populations, including children, women, persons with disabilities, journalists, health workers and older persons.
- Enable victims and their families to receive reparation, compensation and access to services, as well as inheritance rights. As of June 2014, the Register of the Victims Unit in Colombia recorded over 6.5 million victims who are entitled to access a range of reparations from the State.
- Highlight the unintended and unacceptable harm to civilians caused by the use of certain weapons. Casualty data on anti-personnel landmines and cluster munitions helped drive international efforts to ban these weapons, and information on the effects of explosive weapons in populated areas is informing efforts to curb their use.

What does international law say about casualty recording?

Although there is no single, explicit source of international law codifying States' obligation to record all casualties of armed violence, many elements of existing IHL, IHRL and customary international law point to such an obligation, particularly for parties to a conflict. Relevant elements include the obligation to search for all civilians missing as a result of hostilities, to treat the dead with dignity, and to return the remains of the deceased to their relatives wherever possible.

A full legal analysis of casualty recording obligations in international law is available at www.everycasualty.org/legal-requirement-paper

CALL TO ACTION

What should States do now?

States should strengthen and further develop the existing support for universal casualty recording by:

- Explicitly recognising the importance and value of casualty recording in all relevant international fora and debates, and the adverse consequences of failing to conduct casualty recording;
- Promoting universal recognition of States' responsibilities to ensure all casualties are recorded, working towards a common political commitment on this issue;
- Supporting and facilitating casualty recording by civil society and international agencies, including by mandating and resourcing casualty recording in UN and regional peace operations;
- Developing and implementing national policies on casualty recording, including detailed guidance for their armed forces and incorporating cooperation with civil society.

FURTHER INFORMATION

- Every Casualty website: www.everycasualty.org
- Standards for Casualty Recording: www.everycasualty.org/standards
- Analysis of the legal basis for casualty recording: www.everycasualty.org/legal-requirement-paper
- Casualty Recorders Network member list: www.everycasualty.org/crn



Afghan woman holding a poster of family members killed during a U.S led raid in 2008, Fraidoon Pooya/AP

¹ Australia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Denmark, Finland, France, Germany, Iceland, Indonesia, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, the United Kingdom, Uruguay, and the European Union.

² S/PV.6790 (2012).

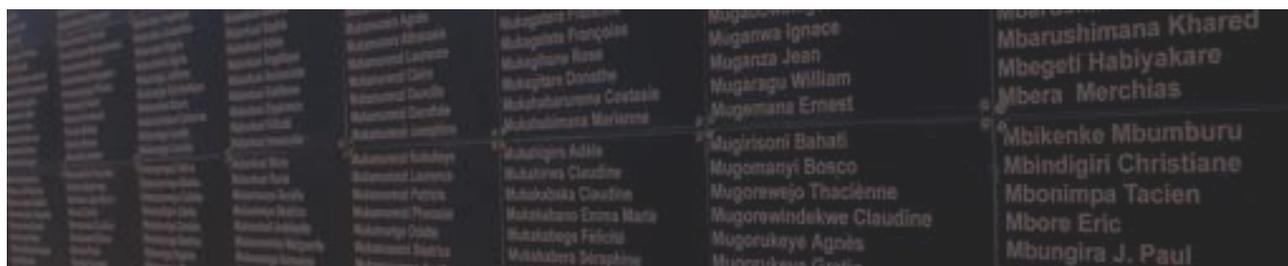
³ S/2012/376, S/2013/689, S/2015/453, S/2016/447, A/70/709 (2016), S/2017/414, S/2018/462, *Securing Our Common Future: An Agenda for Disarmament* (2018), S/2019/373.

⁴ A/72/19 (2018).

⁵ OCHA, *Building a culture of protection: 20 years of Security Council engagement on the protection of civilians*. (May 2019).

⁶ The Secretary-General of the United Nations and the President of the International Committee of the Red Cross (ICRC), *Joint Appeal: Explosive Weapons in cities: Civilian devastation and suffering must stop*. (September 2019). <https://bit.ly/2kqRP48>.

⁷ Action on Armed Violence, Mirko Miceli and Serena Olgiati, *Counting the costs: casualty recording practices and realities around the world*, April 2014, aoav.org.uk/2014/counting-the-cost/



Sections from The 'Wall of Names' at the Kigali Memorial Centre, Rwanda, remembering victims of the Rwandan genocide (Photo © Igor Roginek)