

The importance of documenting the casualties of armed conflict

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Abstract

This article highlights the importance of documenting casualties of armed conflicts. It looks at the Oxford Research Group's list of legal obligations of states to document casualties. This list has been compiled from multiple different laws that are currently in place for conflicts but are often ignored or forgotten due to other pressing matters. It will also look at how mass deaths have been recorded strategically by states, by comparing the record keeping from the COVID-19 pandemic to record keeping in armed conflicts. It examines the work of NGOs, such as Iraq Body Count, and addresses the issue of accountability. Finally, it uses the Bouderbala Commission as a positive example of a government working together with its citizens to help create documentation of a conflict.

Keywords: War, Casualty Recording, Accountability, Middle East, Ukraine, Bosnia

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On the 5 June 2022, Every Casualty Counts (ECC) updated their casualty recording obligations under international law. The original paper published in 2011 was updated to incorporate relevant developments between 2011 and 2022, but it still concludes that there is still a legal obligation to identify and record all casualties of armed conflicts (Harris, 2022). Although the COVID-19 pandemic is not conflict-related, during the pandemic mass daily deaths were observed by everyone worldwide, and it did not go unnoticed how hospitals and governments handled this situation. Many of the dead were publicly named and mourned, at least in the UK. On 12 August 2020, the Department of Health and Social Care for the UK government published an agreed-upon methodology to record all the COVID-19 deaths with daily updates to

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calculate the figures. Anyone who tested positive for COVID-19 and died within 28 days of the positive test was classed as a death by COVID-19 to “provide accurate data on the immediate impact of recent epidemic activity” (Department of Health and Social Care, 2020). This shows that when a nation is in distress, it is still able to come together to record and publish deaths using proper methodology and publish the data regularly and consistently. The way multiple different states acknowledged, recorded, and memorialized those deaths shows the importance of casualty recoding. However, some states were not able to respect the dead and the bereaved as they would do normally. This led to the International Committee of the Red Cross (ICRC) releasing a publication giving a general guidance PDF on how to handle a mass death situation in June 2020. The document went into detail about the dignity of the deceased, identifying and documenting the deceased, keeping the family updated, and finally recognizing cultural and religious needs (Finegan et al., 2020). What this highlighted was the duty of the state during times of mass casualties. It is what the ECC has been researching for over 10 years now. The revised legal standards that all states are obliged to (summarized) are as follows:

- Accounting for all missing persons should be done, and their families informed.
- Take all possible measures to search for, collect and evacuate the dead.
- Take all possible measures to prevent the dead from being despoiled.
- Mutilation of dead bodies is prohibited.
- All reasonable steps must be taken to identify the deceased and to determine the cause of death.
- Return of the remains of the deceased upon request of the party they belong to or their next of kin.
- The dead must be disposed of in a respectful manner in accordance with their religious or cultural beliefs, and their graves respected and properly maintained.
- The dead are to be buried individually and not in mass graves. Record all available information prior to disposal and mark the location of the graves (Breau & Taylor, 2022, pp. 81–82).

However, the recording of casualties in armed conflicts is largely carried out not by states, but by NGOs and charities.

The US military intervention in Iraq showed that, in times of conflict, reporting civilian casualties had either been deliberately ignored or neglected by states as “collateral damage”. Following the invasion of Iraq, the recording of casualties was done by researchers-volunteers working for the NGO Iraq Body Count (IBC). This is what they documented, in terms of numbers, in an ongoing daily recording of casualties over 20 years (Table 1).

This database has been used by governments, by international organizations, by various media, by researchers, academics and legal professionals. IBC data has been used by the United Nations and by the European Union. All of them have been using this information to reveal the true cost of the conflicts in Iraq, especially when the information from the states involved has been sparse. So sparse that the UK had claimed that there had “not been a single reported civilian casualty from UK airstrikes in Iraq since the bombing began 15 months ago” (MacAskill, 2015). As stated by the then Prime Minister, David Cameron “there have been no known civilian casualties” (Beale, 2016) in the battle against ISIS (2014–2018) due to the new sophisticated precision weaponry. This was reinforced by General Sir Mike Jackson who was Britain’s “Top Soldier”, when interviewed by Aljazeera. When asked by Mehdi Hasan “Can you tell me how many Iraqi civilians were killed by British bombs or bullets?”, Jackson claimed it would be “impossible to distinguish who killed whom in a very messy and difficult situation. I don’t know” (Hasan, 2014). Within the same interview, Frank Ledwidge, former military intelligence officer who served in Iraq, in Afghanistan, and in the Balkans, stated in terms of the UK government/military, “We have a duty under international law to ensure that we do keep tallies as far as possible those civilians we’ve killed. We’ve never done that ... No effort was made to do that in Iraq or Afghanistan” (Hasan, 2014).

Table 1. Monthly civilian deaths from violence, 2003–2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2003	3	2	3,962	3,473	545	597	646	833	566	515	487	524	12,153
2004	610	663	1,004	1,303	655	910	834	878	1,042	1,033	1,676	1,129	11,737
2005	1,222	1,297	905	1,145	1,396	1,347	1,536	2,352	1,444	1,311	1,487	1,141	16,583
2006	1,546	1,579	1,957	1,805	2,279	2,594	3,298	2,865	2,567	3,041	3,095	2,900	29,526
2007	3,035	2,680	2,728	2,573	2,854	2,219	2,702	2,483	1,391	1,326	1,124	997	26,112
2008	861	1,093	1,669	1,317	915	755	640	704	612	594	540	586	10,286
2009	372	409	438	590	428	564	431	653	352	441	226	478	5,382
2010	267	305	336	385	387	385	488	520	254	315	307	218	4,167
2011	389	254	311	289	381	386	308	401	397	366	288	392	4,162
2012	531	356	377	392	304	529	469	422	400	290	253	299	4,622
2013	357	360	403	545	888	659	1,145	1,013	1,306	1,180	870	1,126	9,852
2014	1,097	972	1,029	1,037	1,100	4,088	1,580	3,340	1,474	1,738	1,436	1,327	20,218
2015	1,490	1,625	1,105	2,013	1,295	1,355	1,845	1,991	1,445	1,297	1,021	1,096	17,578
2016	1,374	1,258	1,459	1,192	1,276	1,405	1,280	1,375	935	1,970	1,738	1,131	16,393
2017	1,119	982	1,918	1,816	1,871	1,858	1,498	597	490	397	346	291	13,183
2018	474	410	402	303	229	209	230	201	241	305	160	155	3,319
2019	323	271	123	140	167	130	145	93	151	361	274	215	2,393
2020	114	148	73	52	74	64	49	82	54	70	74	54	908
2021	64	56	49	66	49	46	87	60	41	65	23	63	669
2022	62	46	42	31	82	44	67	80	68	63	65	90	740
2023	56	52	76	86	46	28	30	29	38	34	34	28	537

Source: Iraq Body Count Database (n.d.).

When a government and military boldly claim they are causing no civilian casualties or deaths, that is when organizations like IBC become ever so important. IBC, in response, presented the data they had collected.

From 20 March 2003 until their withdrawal on 22 May 2011, IBC documented 148–227 civilian deaths in incidents known to have involved British troops. We estimate that a further 47–97 deaths, which are attributed to unspecified “coalition forces” were in fact caused by UK forces. (IBC, 2017)

The work done by IBC shows the importance of documenting casualties, as states are clearly unwilling to document them, leading to misinformation, denial and lack of accountability, when states fail to protect civilians during times of conflict.

A search of the database on the random date 17 February 2016 reveals the added importance of recording casualties, not only in terms of the daily killings, but also on the issue of human remains found in mass graves (Tables 2 and 3).

More recently, mass graves have been found in other conflicts, putting more pressure on governments to comply with international humanitarian law, stressing the need for investigations into human rights abuses and war crimes, and leading to urgent calls for justice.

The discovery of mass graves at two Gaza hospitals, said by Palestinian authorities to contain hundreds of bodies, triggered calls by the UN for an international investigation. The existence of a mass grave is important in detecting possible war crimes.

Palestinian authorities said a grave site discovered at the Nasser Hospital, the main medical facility in central Gaza, contained nearly 400 bodies. It was uncovered after Israeli troops pulled out of the city of Khan Younis. Another gravesite was also found by Palestinian authorities at the Al Shifa hospital in northern Gaza, which had been targeted by an Israeli special forces operation. (Deutsch & Van Den Berg, 2024)

Other recent examples of mass graves include the conflicts in Sudan and in Ukraine.

Table 2. Incidents for 17 February 2016

IBC page	Incidents
a3752	One by gunfire in Baghdad al-Jadida, east Baghdad
a3753	Body of a woman found in Hay Al-Risalah, southwest Baghdad
a3754	Dentist by drive-by shooting in Hibhib, northwest of Baqubah
a3755	Policeman by roadside bomb in Ibrahim Bin Ali district, north-west of Baghdad
a3756	Bodies of two men found in Husseiniya, northeast Baghdad
a3757	One by roadside bomb in Al-Amin, east Baghdad
a3758	Policeman by clashes in central Baghdad
a3759	Three by bomb on a bus in the Al-Bawi area, Madain, south of Baghdad
a3760a	One by roadside bomb in Bayaa, southwest Baghdad
a3760b	Two by roadside bomb in Bayaa, southwest Baghdad
a3761	Body of a man found in Jameela, east Baghdad
a3781b	Eight young males executed in Al-Riyad, southwest of Kirkuk
a3763	Four young males executed in Al-Zab, west of Kirkuk
a3764	80 bodies found in a mass grave in Baaj, west of Mosul
a3917	Two by airstrikes in Hit, northwest of Ramadi

Table 3. Incidents which spanned 1 November to 17 February 2016

IBC page	Incidents	Date
d12769	Fifteen bodies found in a mass grave north of Fallujah	1 Nov 2013–29 Nov 2016
a5042	25 bodies found in Fallujah	4 Jan 2014–27 Jul 2016
d12817	23–40 bodies found in mass graves in Sharqat	1 Jun 2014–7 Nov 2016
d12818	100 bodies found in mass graves in Hamam al-Alil	1 Jun 2014–7 Nov 2016
a3781c	7–4 executed in southwest Kirkuk	15 Feb 2016–18 Feb 2016
d12889	Four by airstrike in Fatha village, north of Mosul	17 Feb 2016–18 Feb 2016

Kyiv says more than 1,400 people were killed in the town of Bucha while it was occupied by Russian forces following Moscow's full-scale invasion on Feb. 24, 2022, with more than 175 of the victims discovered in mass graves. Marking two years since the events in Bucha, Ukrainian Prosecutor General Andriy Kostin said this month that the killings "bear hallmarks of genocide". (Deutsch & Van Den Berg, 2014)

In Sudan's West Darfur, at least 1,000 bodies were buried in Al Ghabat cemetery during weeks of massacres in the city of El Geneina, April–June 2023.

Evidence from mass grave exhumations played a crucial role in trials at the UN International Criminal Tribunal for the former Yugoslavia, when the 1995 Srebrenica massacre of some 8,000 Muslim men and boys by Bosnian Serb forces was declared a genocide. Customary international humanitarian law (IHL) calls for the dead to be respected, including a duty to prevent despoiling of graves and ensuring the identification and proper burial of human remains. IHL also prohibits mutilation, desecration and other forms of disrespect toward the dead, while parties should take measures to protect grave sites, including those containing multiple human remains. Mass graves contain critical evidence for establishing the truth about events that have taken place during armed conflicts, which means that all efforts must be made to protect and document locations where mass graves have been reported: in Iraq, in Gaza, in Ukraine, in Sudan and everywhere else. No human casualty is less important than any other. When war crimes occur, these processes make it possible (if the political will is there) to bring the killers to justice.

Accountability was served and establishing the facts was done, by the creation and publication of the *Bosnian Book of the Dead*. It was created by Mirsad Tokaca, with help from the Research and Documentation Centre, which he started in 2003, and multiple other

sources. Tokaca researched for 10 years, producing a book containing the names of 95,940 victims of the Bosnian War. Without proper government funding, he completed this work to help establish the facts: “Names close down the room for manipulation of numbers, for minimizing other victims and inflating one’s own” (Sito-Sucic & Robinson, 2013). Tokaca believed that the book would be the start of something other countries could do, using a similar format, to hold perpetrators accountable. The book contains demographic information (including age, gender, ethnicity, and profession) and information about the combat status and death of each person named.

This is now part of the basics needed to conduct casualty recording standards, when it comes to definitions and categorization (Every Casualty Counts, 2020). This methodology of collecting demographic information is also followed by IBC when recording Iraqi casualties. Misinformation feeds grievances and divisions within populations, causing more problems than it solves. Natasa Kandic, a board member of Serbia’s Humanitarian Law Centre, also helped to fund and publish the book, due to its importance when it comes to establishing the facts and ending the manipulation of numbers, as well as naming those people instead of just having a number (Džidić & Džidić, 2013). This book ensures victims are not forgotten.

Without an accurate picture of the human toll, reconciliation is impossible. “You can’t preach against war and explain to people what war is without demonstrating the price of war in terms of human lives”, Tokaca said (Sito-Sucic & Robinson, 2013). Acknowledgment is a big part of moving forward, not just for governments, but also for people who either live within those states or have witnessed/lived through those harsh times.

The Bouderbala Commission is the perfect example of what happens when states accept accountability and enable reconciliation between citizens and government. The Bouderbala Commission was created due to the 2011 uprisings in Tunisia. On 17 December 2010, 26-year-old Mohammed Bouazizi set himself alight in front of the municipal office in Sidi Bouzid, having become tired of suffering due to injustice and economic hardship. He died two weeks later. This feeling was shared by many others in Tunisia, so his death became a symbol of the uprising that followed. The government at the time responded very harshly, by having police and troops use excessive force to remove and eliminate protesters. The Bouderbala Commission investigated all cases between 17 December 2010 and 23 October 2011, recording, identifying, and publicly acknowledging the casualties during the uprising. The Tunisian government worked closely with organizations to establish how they should start and progress through this process, which has been praised internationally. Not only had the country gone through a conflict that caused further distrust of the government, but the government was also attempting to transition to democracy. The United Nations supported Tunisia’s transition which was seen as a “natural outcome of decades of repression, as well as the expression of the aspirations of its people to live in dignity and freedom” (UN, 2011). Roadmaps and UN assemblies were set up to help and support Tunisia, while Every Casualty praised the methodology used by Tunisia, as they followed ECC’s good principles for casualty recording: inclusiveness, confidentiality, transparency, and responsibility.

Inclusiveness: every member of society was allowed to place a claim for recognition and compensation for what happened during the uprising, from civilians to state officials, with multiple ways to come forward and submit their claims.

Confidentiality: the commissioners were bound by a clause of confidentiality, to guarantee the safety of those who contributed information or were the subject of such information.

Transparency: everything was eventually made public to allow for full transparency. The composition of the casualties, a full report of the Commission, including the methodology was published, as well as information about the Commission payments (Casualty Recording in Tunisia, 2010).

Responsibility: several senior officials under former President Ben ‘Ali were sentenced to long prison terms in connection with the killings of protesters during the uprisings. Some low- and middle-ranking former officials were imprisoned for shooting protesters. Former Interior Minister Rafiq Haj Kacem was sentenced to 12 years of imprisonment for complicity in the murders of protesters in Kasserine, Thala, Kairouan, and Tajerouine by a military tribunal at Kef. Four other former high-ranking officials in the Department of State Security were convicted and sentenced to prison terms of up to 10 years, and six former middle-ranking officials were sentenced to prison terms for murder.

Former President Ben ‘Ali received a life sentence, after the Tunis Military Tribunal convicted him (in his absence) of the killing and injuring of protesters in Greater Tunis. Thirty-nine former members of his security forces were convicted and sentenced to prison terms of up to 20 years (Amnesty International, 2013).

Casualty recording is a practice that helps restore the humanity of those who died; it is a practice undertaken in difficult environments; it can be misunderstood, questioned and doubted. But it is vital for states and for their citizens that it is carried out. Without trust in our states to inform and acknowledge their wrongdoings, how do we know we won’t be next?

References

- Amnesty International (2013) “Annual Report: Tunisia 2013”. Available at: <https://www.amnestyusa.org/reports/annual-report-tunisia-2013/> (accessed 1 May 2024).
- Beale, J. (2016) “Have RAF Air Strikes Against IS Killed No Civilians?” *BBC News*. Available at: <https://www.bbc.co.uk/news/world-middle-east-37339184> (accessed 1 May 2024).
- Breau, S. and Taylor, R. (2022) “The Legal Obligation to Record Civilian Casualties of Armed Conflict”. *Every Casualty Counts*. Available at: <https://everycasualty.org/wp-content/uploads/2022/06/Updated-discussion-paper-on-the-legal-obligation-to-record-casualties-2022-FINAL.pdf> (accessed 2 May 2024).
- Casualty Recording in Tunisia (2010) Available at: <https://everycasualty.org/wp-content/uploads/2020/03/CasualtyRecordingInTunisia.pdf> (accessed 2 May 2024).
- Department of Health and Social Care (2020) “New UK-wide Methodology Agreed to Record COVID-19 Deaths”. *GOV.UK*. Available at: <https://www.gov.uk/government/news/new-uk-wide-methodology-agreed-to-record-covid-19-deaths> (accessed 2 May 2024).
- Deutsch, A. & Van Den Berg, S. (2024) “Mass Graves in Gaza: What Do We Know?” *Reuters*. Available at: <https://www.reuters.com/world/middle-east/mass-graves-gaza-what-do-we-know-2024-04-25/>
- Džidić, D. & Džidić, D. (2013) “‘Bosnian Book of the Dead’ Published”. *Balkan Insight*. Available at: <https://balkaninsight.com/2013/01/22/bosnian-ngo-presents-written-memorial-to-victims/> (accessed 22 June 2024).
- Every Casualty (2020) “Standards for Casualty Recording”. Available at <https://everycasualty.org/wp-content/uploads/2022/09/Standards-Plain-English.pdf> (accessed 5 May 2024).
- Finegan, O., Fonseca, S., Guyomarc’h, P., Morcillo Mendez, M. D., Rodriguez Gonzalez, J., Tidball-Binz, M., & Winter, K. A. (2020) “International Committee of the Red Cross (ICRC): General Guidance for the Management of the Dead Related to COVID-19”, *Forensic Science International: Synergy*, 2: 129–137. <https://doi.org/10.1016/j.fsisyn.2020.03.007>
- Harris, L. (2022) “Casualty Recording Obligations Under International Law – 2022 Update – Every Casualty Counts”. *Every Casualty Counts*. Available at: <https://everycasualty.org>

/discussion-paper-the-legal-obligation-to-record-civilian-casualties-of-armed-conflict/ (accessed 1 June 2024).

Hasan, M. (2014) “Transcript: Mike Jackson”. *Al Jazeera*. Available at: <https://www.aljazeera.com/program/head-to-head/2014/4/2/transcript-mike-jackson/> (accessed 1 May 2024).

“Incidents for 17 February 2016”, Iraq Body Count Database. Available at: <https://www.iraqbodycount.org/database/incidents/2016-02-17> (accessed 1 June 2024).

Iraq Body Count Database (n.d.) Available at: <https://www.iraqbodycount.org/database/> (accessed 1 June 2024).

IBC (2017) “A Response to General Sir Mike Jackson’ Iraq Body Count Analysis”. Available at: <https://www.iraqbodycount.org/analysis/numbers/killed-by-uk-forces/> (accessed 1 May 2024).

MacAskill, E. (2015) “Is UK’s Claim of Zero Civilian Casualties in Iraq Airstrikes Credible?” *The Guardian*. Available at: <https://www.theguardian.com/uk-news/2015/dec/04/is-uk-claim-zero-civilian-casualties-iraq-airstrikes-credible> (accessed 22 June 2024).

Sito-Sucic, D. and Robinson, M. (2013) “After Years of Toil, Book Names Bosnian War Dead”. *Reuters*. Available at: <https://www.reuters.com/article/idUSBRE91EoJ2> (accessed 1 May 2024).

UN (2011) “Tunisia Pledges at UN Debate to Successfully Complete its Democratic Transition”. *UN News*. Available at: <https://news.un.org/en/story/2011/09/389152> (accessed 10 May 2024).