

Call for Input to inform the High Commissioner's report to the Human Rights Council on the impact of casualty recording

Submission by Airwars and Every Casualty Counts

12 February 2023

Airwars is a not-for-profit transparency watchdog which tracks, assesses, archives and investigates civilian harm claims resulting primarily from explosive weapons (air and artillery strikes) in conflict-affected nations including Iraq, Syria, Libya, Somalia and Yemen. We also track and assess claims 'friendly fire' deaths from international military actions. We monitor and archive official military reports of the conflicts so they can be measured against the public record. Our data is drawn from a number of sources (full methodology is available at <https://airwars.org/about/methodology/>). Where practicable we work with militaries to help improve understanding of civilian harm, with the aim of reducing battlefield casualties.

Airwars was founded in 2014 and is a leading authority on conflict violence as it affects civilian communities. Our international team has monitored more than 30 belligerents across six conflict countries. As of February 2023 we have tracked almost 60,000 locally alleged civilian deaths.

Airwars is a non-profit organisation headquartered in the UK and affiliated with the Department of Media and Communications at Goldsmiths, University of London. Our subsidiary organisation Airwars Stichting is registered as a charity in the Netherlands, which is also home to our satellite European office in Utrecht. Airwars staff and volunteers are variously based in the UK, Middle East, Europe and North America.

This submission to the OHCHR study on the impact of casualty recording on human rights focuses on protection of civilians, access to reparations, implementation of IHL. For further information about the summaries given here, or for additional examples of the impact of Airwars' casualty recording work, please contact us.

Impact on investigation of unlawful deaths

Airwars' research and compilation of casualty records has had a direct impact on instigating and/or informing investigations of civilian casualties. These include potentially unlawful killings or violations of international humanitarian law, such as [the airstrikes in Al-Baghuz Fawqani, Syria, that led to the deaths of more than 60 civilians](#). Over 70 per cent of US military internal investigations into civilian casualties during Operation Inherent Resolve (since 2014) have been based on information submitted by Airwars. This is [clearly evidenced in the periodic Civilian Casualty Assessment reports](#) published by the Public Affairs Office of CJTF-OIR.

Impact on responses to civilian casualties

Airwars has engaged with the US military for the last eight years to advocate for improved investigations and responses to civilian casualties, based on the findings of our casualty research. A direct result of this engagement was the publication by the Department of Defense, in August 2022, of a new [Civilian Harm Mitigation and Response Action Plan](#) (CHMR-AP). This plan lays out actions DoD will take to mitigate and respond to civilian harm in armed conflict, including the creation of new institutions and processes. The plan responds directly to many of the [recommendations made by Airwars](#) and others based on findings from our casualty recording assessments.

Airwars has also been [a leading member of a group of civil society organisations](#) working to bring about a similar policy in the Netherlands with the Ministry of Defence. Airwars additionally works with Parliamentarians across Europe to draft civilian protection policies, such as that [released by the Scottish National Party in 2022](#).

Airwars' advocacy initiatives are also reflected in the [recent political declaration on the use of Explosive Weapons In Populated Areas](#), signed in November 2022 by over 80 states. [Airwars played a role throughout the negotiations](#) on the declaration to ensure that casualty recording was included as part of the political declaration. The final text of the declaration reflects this work (Part A, 1.8).

Impact on the fight against impunity, right of access to justice, and right to effective remedy and reparation

Airwars's research and advocacy on civilian casualties has helped identify and seek accountability for possible violations of IHL. Our unique resource on allegations of civilian harm have fed into the UN Commission of Inquiry for Syria, for example – which, in 2018, outlined [a series of potential violations in Syria from both Russian and US-led Coalition actions](#).

In December 2021, the New York Times' Pulitzer prize winning investigation into civilian harm caused by the US-led Coalition cited [Airwars' database as a crucial starting point for their investigation](#). The series of investigations included evidence of systemic failures within the US military.

Airwars additionally routinely works with organisations with legal representation of victims of airstrikes in order to aid in the identification of potential clients and to support individual case work for the pursuit of acknowledgement and redress from governments and militaries.

Impact on right to truth

As of February 2023, Airwars has assessed [2,977 incidents](#) of alleged civilian casualties resulting from US-led coalition strikes in Syria and Iraq. Following assessment of these incidents, Airwars has managed to individually identify and name 3,719 civilian casualties and concluded that there have been an estimated 8,197 – 13,253 civilian deaths. In contrast, the US-led coalition has confirmed only 1,417 civilian deaths.

Following more than three years of extensive engagement with US military officials, Airwars has secured the precise locations of all but four of the 344 publicly confirmed ('Credible') Coalition

civilian harm events in the war against ISIS in both Iraq and Syria, which between them represent the great majority conceded civilian deaths according to CJTFOIR.

These located events represent the most accurate and comprehensive data ever publicly revealed by the US military about the harm it causes in war. In a significant number of these events, precise cross matching reveals exactly which civilians died, when and where. Given sometimes limited on-the-ground reporting by local communities during the heat of battle, other cases have only been revealed due to US pilots and analysts coming forward and flagging concerns. This new locational data ensures that these events can now be properly investigated. This data is available and fully searchable at <https://airwars.org/conflict-data-v1/the-credibles/>.

Publication of this dataset allows Iraqis and Syrians to know, for the first time, which confirmed events their loved ones were, or were not, harmed in. The decision by the Pentagon to release all close locational data also sets new better practice standards for other US conflicts, such as Afghanistan, and creates a transparency benchmark for other military actors to aspire to.

Recommendations

Airwars has made detailed recommendations to military forces, including the US, for improving their investigation and response to civilian casualties. A summary of these recommendations is included in the [Civil Society Guidance for the Civilian Harm Mitigation and Response Action Plan](#) published in July 2022, as well as [in recommendations made to the Dutch Ministry of Defence](#) in the wake of proposed reforms in June 2021 . We include below our recommendations to states which we believe may be of most universal significance for the OHCHR study:

Data Management

- Ensure transparency around data management processes and design databases to maximize alignment and sharing among partners, the U.N., and civil society organizations. This includes transparency around and alignment of the use of data fields and definitions (e.g., definitions/criteria for civilian fatalities, injuries, etc.) to facilitate harmonization of multiple streams of data from multiple organizations (e.g., OHCHR, NATO, and NGOs).

Additional Information and Recommendations on Data Management:

- Every Casualty Counts, “Standards for Casualty Recording,” November 2016.

Assessments & Investigations

- Identify a plan for reviewing and responding to past cases of civilian harm that may have been prematurely or falsely dismissed.
- Revise assessment and investigation processes to incorporate external information, including civil society documentation, survivor and witness interviews, and site visits.
- Remove civilian harm investigations from the implicated chain of command to improve the independence of civilian harm investigations and reduce bias in findings.
- Ensure transparency on assessments and investigations and close feedback loops with civil society and survivors by:

- Providing public information on the status of ongoing or backlogged assessments and investigations.
 - Publishing—in English and local languages—full civilian casualty assessments and investigations, with minimal redactions only for legitimately classified information and to protect the privacy of civilian victims and survivors, based on civilian consultation.
 - Publishing methodologies for civilian harm assessments and investigations, including the standards used to assess credibility.
 - Providing feedback to civil society organizations and affected civilians regarding the status of relevant assessments or investigations, the results of relevant assessments or investigations, and how their information was utilized.
 - Standardizing information sharing and fields for civilian casualty assessments. For example, provide 10-digit MGRS codes for all credible assessments; continue to provide civil society reference codes for assessments conducted after reporting from databases; and ensure that the information shared is consistent and designed to maximize cross-checking between Departments of Defence results and civil society reports.
- Track, assess, and investigate damage and destruction of civilian objects, resulting in reverberating effects, and other impacts of both kinetic and non-kinetic operations, such as psychological harm.
 - Ensure that assessments and investigations feed into data and trend analysis and inform improvements in policy and practice to prevent future civilian harm. For example—assessment and investigation findings should feed into the collateral damage estimation methodology to improve collateral damage estimates.
 - Ensure independent investigations into possible violations of international humanitarian law, and ensure such investigations are followed up with legal accountability where appropriate.

Additional Information and Recommendations on Assessments and Investigations:

- NGO Recommendations to DoD Policy on Civilian Harm, “Military Assessments, Investigations, and Tracking of Civilian Harm,” March 2020.
- Center for Civilians in Conflict and Columbia Law School Human Rights Institute, “In Search of Answers: U.S. Military Investigations and Civilian Harm,” February 2020.
- Annie Shiel and John Ramming Chappell, “DoD Can’t Move Forward on Civilian Casualties Without Looking Back,” Just Security, April 19, 2022.
- Sam Dubberly, Alexa Koenig, and Daragh Murray, Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation, and Accountability, Oxford University Press, 2020.