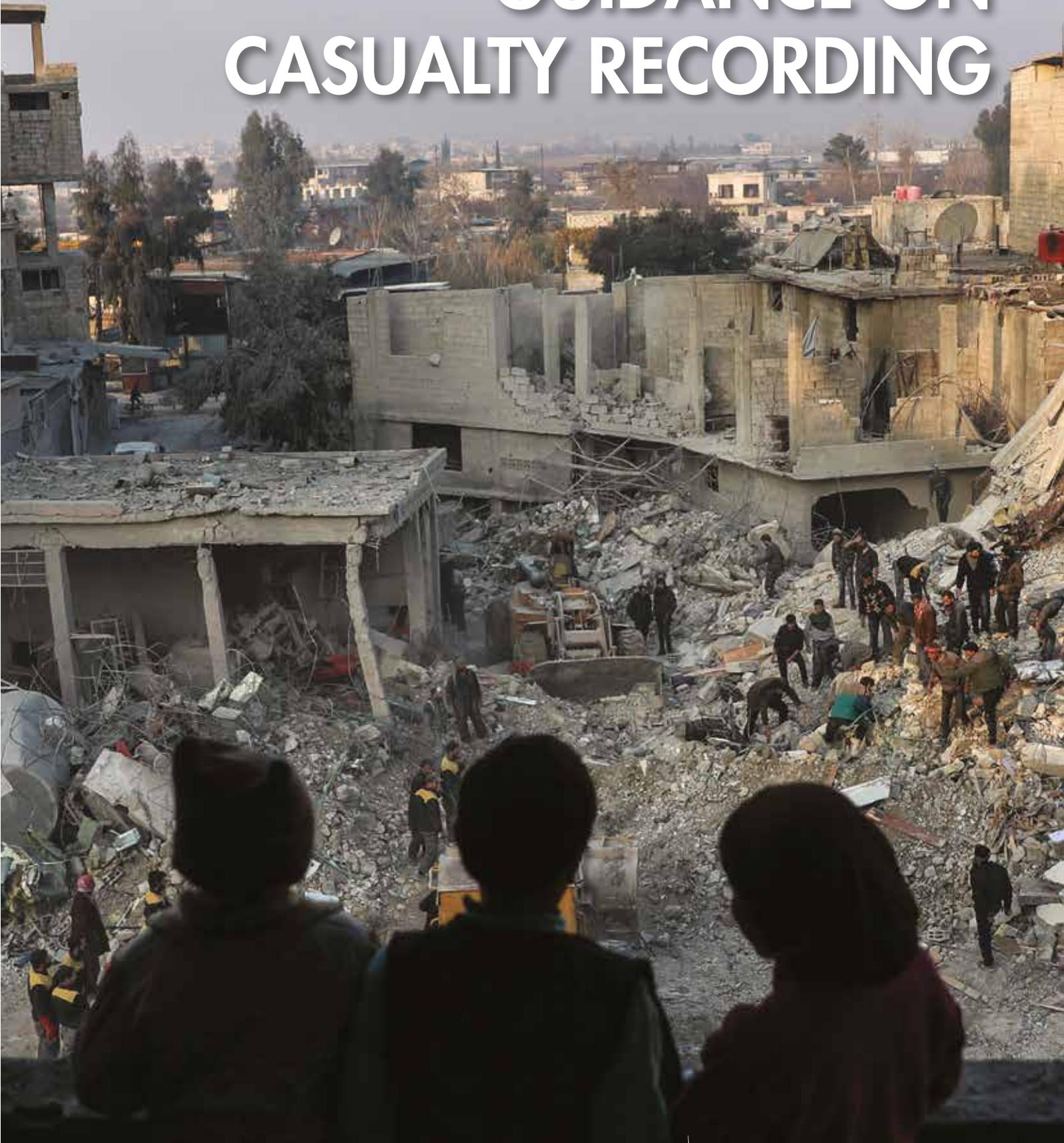


GUIDANCE ON CASUALTY RECORDING



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GUIDANCE ON CASUALTY RECORDING



New York and Geneva, 2019

Foreword

Casualty recording has received increasing recognition as an important and effective means of enhancing the protection of civilians in armed conflict situations and elsewhere. It serves the key purposes of identifying patterns of harm and shedding light on behaviour that has the most adverse effect on civilians and, in some instances, on those responsible. The evidence base generated from casualty recording frequently facilitates engagement with parties to a conflict as well as informs their efforts to better protect civilians and prevent violations of international humanitarian and human rights law. It also serves as a bridge to strengthen dialogue and coordination with other actors involved in protection work, including humanitarians, helping to direct resources to communities with pressing protection needs.

Casualty recording is not limited to civilians or even to armed conflict situations, but can also be applied in deteriorating human rights situations and post-conflict environments. Casualty information is generally made public, including in real time, following in-depth investigations. This ensures that the information can be used across time ranges and by a variety of actors for different purposes, including early warning, prevention, response, accountability, reparations and non-repetition.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has developed significant expertise in casualty recording. The longest-standing casualty recording system by the United Nations was established by the United Nations Assistance Mission in Afghanistan (UNAMA) human rights service in 2007. Since then, casualty recording systems have been operated in Iraq, Libya, Somalia, the State of Palestine, Ukraine, and Yemen. OHCHR continues to build on this work through its engagement with the Security Council's Protection of Civilians Agenda and as a custodian for the Sustainable Development Goal indicator on conflict-related deaths (16.1.2).

The *Guidance on Casualty Recording* builds on good practices and lessons learned accumulated during 10 years of casualty recording experience in diverse situations. It is based on OHCHR's direct experience in recording casualties in a variety of contexts, on consultations with other entities engaged in casualty recording and on a literature review of expanding resources on casualty recording. Although experience to date has mainly been in conflict settings, the *Guidance* addresses casualty recording in both conflict and non-conflict situations. The aim of the *Guidance* is to help harmonize and strengthen practices in this vital area, while also expanding the number of sources providing reliable, accurate and comprehensive casualty information across different contexts. In this way we can best harness the full strength of this powerful tool to effectively protect, promote and vindicate the right to life of all people.



United Nations High Commissioner for Human Rights
Michelle Bachelet

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Interpretive guide



Must do



Should do



Caution required



Good to know

The above interpretive guide applies to the modalities of the casualty recording system reflected in this *Guidance*. The “must do” and “should do” icons refer mainly to practices to be established; the “caution required” icon indicates areas requiring specific consideration; and the “good to know” icon offers clarification or highlights certain points.

I. CASUALTY RECORDING IN UNITED NATIONS PRACTICE

The United Nations has conducted casualty recording in a number of situations, both through human rights components of peace missions and via the Office of the United Nations High Commissioner for Human Rights (OHCHR), with the most comprehensive and long-standing experience in the United Nations Assistance Mission in Afghanistan (UNAMA). In most instances, casualty recording has covered the deaths and injuries of civilians during active hostilities; in some situations OHCHR has also recorded casualties in situations of violence outside armed conflict.

The operating environment in which casualty recording is undertaken is often challenging, with limitations in terms of access to the site of incidents and/or the area where casualties are being reported. Despite this, the methodology applied ensures that United Nations casualty recording forms a reliable basis for understanding the situation on the ground, measuring change and informing decisions for prevention and response, including for planning, operations and policymaking.

Casualty data is not simply a set of abstract numbers but represents individual human beings with families, who belong to communities. The very purpose of the data collection effort is to strengthen the promotion and protection of these individuals and communities and their rights. At the same time the stringent requirement for verification of casualty information in contexts frequently characterized by distrust, misinformation or a combination of these means that United Nations casualty recording is often seen as one of the few reliable sources of information and is recognized as such by all actors.

Casualty data can serve as early warning and as a means to raise awareness of developments taking place or as direct evidence-based advocacy for specific issues of concern. For example, the human rights component of the United Nations Assistance Mission for Iraq (UNAMI) used their casualty data to draw attention to the situation of tens of thousands of residents of Ninewa Governorate, mostly members of the Yezidi community, who fled to Sinjar Mountain where they were besieged by the Islamic State of Iraq and the Levant (ISIL) following its attack in August 2014.¹ In Afghanistan, UNAMA casualty recording provided an evidence base regarding the need for funds and training of the Afghan National Forces, which led to the clearance of unexploded ordnances (UXO) in specific locations and training to clean up after operations.

Casualty data has been used as an entry point for engagement with relevant actors. In Yemen, engagement with the parties to the conflict has been through the sharing in writing of incidents attributed to that party. In Afghanistan, casualty recording has served as a means of engaging, both orally and in writing, with the parties to the conflict, including the Taliban. This engagement has led to changes in the behaviour of the parties. For example, in Ukraine documentation on the impact of military presence in civilian areas led to the movement of troops at local level, while in Afghanistan, engagement led to the revision of “no-strike lists”. In both Afghanistan and Ukraine, advocacy based on casualty data has led to the establishment of civilian tracking cells within the military structures aimed at mitigating harm to, and enhancing the protection of, civilians. In Iraq, the sharing of information obtained by the UNAMI human

¹ UNAMI-OHCHR, *A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL*, August 2016 (https://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016_en.pdf).

rights component on an incident led to an investigation by the US-led Coalition. Lessons learned from that incident informed the conduct of operations to reduce civilian casualties during the fighting in Mosul.

Regular public reports with a clear statement of methodology ensure that in-depth analysis and data are available for use by a multitude of actors, for varied purposes. While some information may be released close to “real time”, for example to influence operations for minimizing civilian casualties or to call for investigations and accountability in relation to specific incidents, periodic reports provide the basis for a nuanced understanding of trends and patterns and comparisons over time.

In Yemen, press statements following significant incidents have variously called on the parties to respect their international law obligations, carry out investigations, ensure accountability, and provide a remedy and reparation to victims. Similarly, following the deaths of persons shot during demonstrations in Venezuela, OHCHR called on the authorities to refrain from using excessive force and called for an independent and impartial investigation. In Libya, the human rights component of the United Nations Support Mission in Libya (UNSMIL) published monthly reports providing a brief summary of casualty cases and including other incidents of civilian harm such as the destruction of civilian structures. It also used casualty information to brief the international community and other partners and fed the information into other United Nations reports, such as those on children in armed conflict and on the protection of civilians. Similarly, the human rights component of the United Nations Assistance Mission in Somalia (UNSOM) issued monthly reports showing trends in civilian casualties and covering other human rights concerns.

Casualty data has been used in the context of political processes. In Ukraine data from the Human Rights Monitoring Mission in Ukraine (HRMMU) has been referenced in the Minsk peace process and in other fora on the conflict in eastern Ukraine. They have also served humanitarian actors who regularly quote OHCHR casualty figures. For instance, in the State of Palestine, OHCHR reporting on deaths during escalations of hostilities in Gaza are regularly quoted by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and used for advocacy and engagement with the authorities.

Casualty data has also helped influence policies. In Ukraine, advocacy based on OHCHR civilian casualty documentation was instrumental in bringing about legislative changes to allow certain categories of civilians, whose disabilities resulted from armed hostilities, to enjoy the war veterans’ benefits. In Afghanistan the verification of information on civilian casualties has served to support access to services, for example civilian assistance programmes provided by non-governmental organizations (NGOs).

Casualty recording is also undertaken by a multitude of actors outside the United Nations, whether individuals or entities, that collect, document and share information on casualties. They may be doing this through a variety of means, with different motivations and on a more or less limited scale. However, each piece of information that is documented is useful, whether for ongoing or future investigations, or for engagement with relevant interlocutors, in order to ensure the dignity of victims and families, to establish the truth, to provide remedies and reparations and/or to promote accountability. While some actors may have a single focus, United Nations casualty recording seeks to inform all these processes. The *Guidance* reflects this by establishing a high threshold for casualty recording work, in the knowledge that reaching it may require time and resources and that systems pursuing only one objective may differ in their approach.

II. OBJECTIVE



The *Guidance on Casualty Recording* seeks to provide methodological and operational guidance based on international law and methodological standards, and drawing on OHCHR practice. It aims to:

1. assist decision-makers in determining whether to undertake casualty recording in a specific situation;
2. support the establishment of a casualty recording system by outlining key considerations and steps to be carried out; and
3. inform decisions on the use of the information obtained.

III. INTRODUCTION

Casualty recording is a form of international human rights law and international humanitarian law monitoring. It can be undertaken in very diverse contexts, including for systematic recording of a range of violations in deteriorating, crisis, armed conflict or protracted crisis situations, or to establish “patterns of harm” caused to civilians by an armed conflict. In addition to violations of the right to life and depending on the available information, casualty recording may serve to monitor the rights to personal integrity, health, education and freedom of expression, among others. This is done by individually documenting deaths, and in some instances also injuries, generally including details such as the date and location of the death or injury, the age and sex of the victim, the cause of death or injury, and the alleged perpetrator. This data enables comparisons over time, across regions and between actors, contributing to a deeper understanding of the prevailing context and of situations as they evolve on the ground.

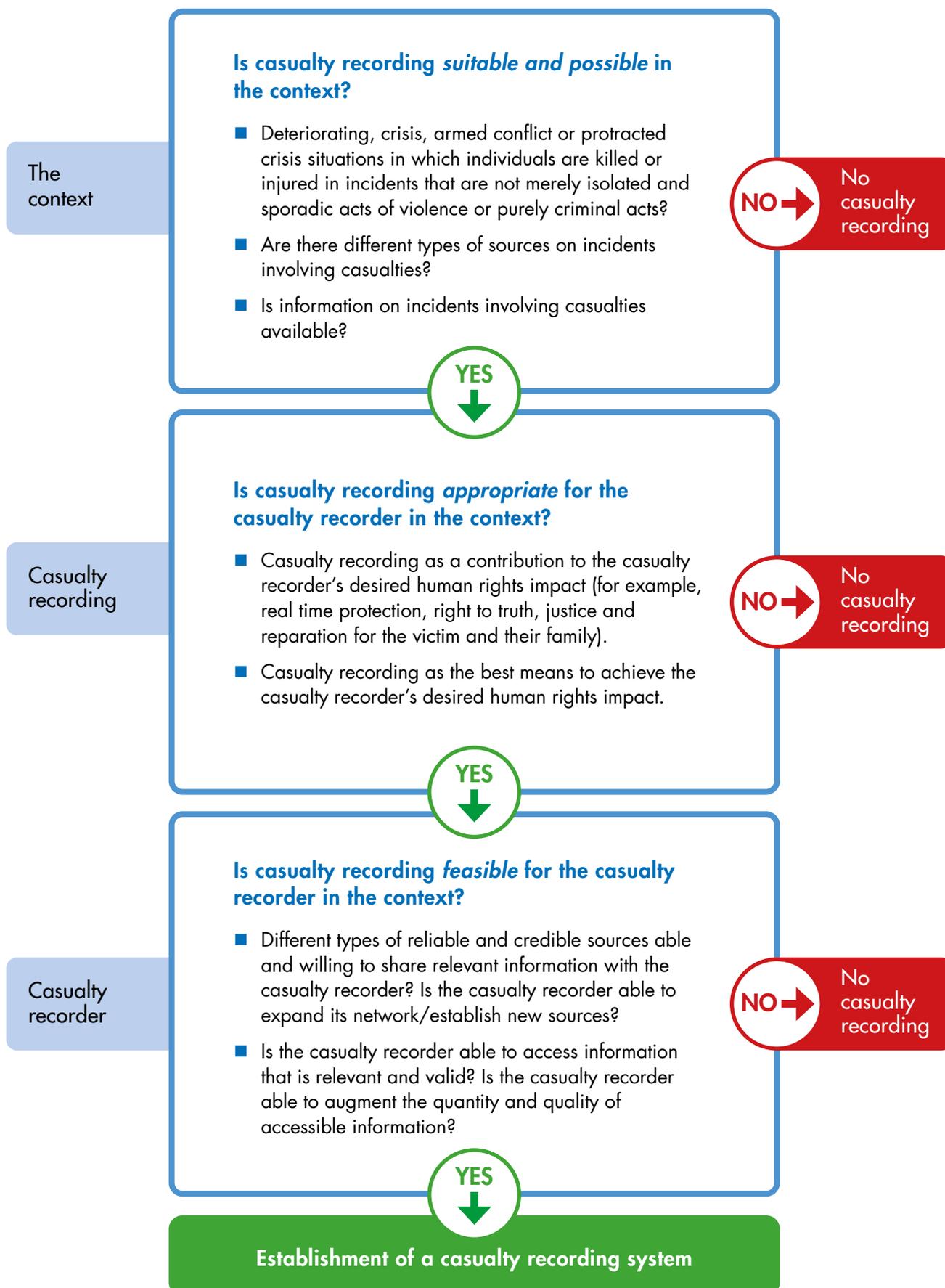
Experience to date has confirmed the effectiveness and positive impact of casualty recording work on human rights protection, including in early warning, prevention and response. Casualty recording helps identify harmful practices; provides a basis to advocate for the institution of mitigation measures, policies and tactical or operational changes; serves to monitor and assess the effectiveness of mitigation measures that may be introduced; can support the development of policies on remedies and reparations; and provides a basis for advocacy for disciplinary measures and accountability processes. At the same time, casualty data is not the preserve of a specific community but serves as an information base for a wide range of actors who use it in diverse ways, albeit primarily with the aim of enhancing human rights protection.

As with other monitoring work, the modalities of casualty recording depend on the specific context, the potential use of the information and the desired human rights impact. The scope of each casualty recording system may therefore vary significantly across contexts in terms of the type of harm inflicted, the methods used, the victims recorded or excluded and the set of circumstances covered. Experience to date indicates that casualty recording is most effective when: i) it is based on a robust methodology that ensures that data is accurate and reliable; ii) the methodology is transparent so that users can identify potential weaknesses and limitations of the data and its use; and iii) casualty recording efforts are integrated into a broader monitoring and advocacy strategy aimed at maximizing its human rights protection impact.

This *Guidance* seeks to answer the following questions:

- What is casualty recording?
- Why and when to consider casualty recording?
- How to establish a casualty recording system?
- How to use a casualty recording system?

The casualty recording decision-making tree



Establishing a Casualty Recording System

BASIC STEPS

1. **Define who is a “casualty”:** Identify the legal framework, assess what information is available, set the definitional boundaries (inclusion/exclusion)
2. **Standardize data categories:** Identify and define terms to be used
3. **Verify information:** Set out the verification standard to be followed and how to apply it
4. **Identify minimum data and disaggregation:** See below
5. **Develop and use appropriate and secure information management tools:** See below
6. **Apply a standard of proof:** Set out the standard of proof to be followed and how to apply it
7. **Establish internal quality control:** Set out methods for quality control of information, clarify roles and responsibilities for quality control
8. **Carry out targeted advocacy:** Develop an advocacy strategy; in using casualty recording information, provide a statement of methodology, use caveats, link the casualty data with broader developments/contextual human rights and international humanitarian law analysis
9. **Measure progress:** Periodically review the context, determine the impact and outcomes of casualty recording

Every casualty recording entity should develop context-specific guidance building on the standards in this *Guidance* and covering each of these steps. A template is available in annex to this publication.

It may take some time to address each of these steps in sufficient detail to allow for a systematic and standardized application across a team. Casualty recording entities should therefore consider a pilot/start-up phase during which information is kept internal while the system is built up and questions of methodology and other arising issues are addressed.



MINIMUM DATA

1. Location of incident
2. Date of incident
3. Type of incident
4. Number of individuals killed, injured (n.b. some casualty recording systems may only cover deaths)
5. Cause of death, injury
6. Status of the victim in International Humanitarian Law (IHL) settings
7. Alleged perpetrator

+ Individual systems may require additional data depending on their specific scope



DESIRABLE DATA

Wherever possible, data should also be collected and verified to identify:

1. Name of the casualty
2. Time of incident
3. Reason for incident/intended target
4. Means and methods used
5. Determination of a violation
6. Follow-up
7. Other types of harm

To the extent possible, unidentified casualties should be recorded and verified as well.

MINIMUM DATA DISAGGREGATION

1. Sex (man/woman/unknown)
 2. Age (adult/child/unknown)
 3. Journalist/trade unionist/human rights defender/health care personnel/multiple (i.e. several of these)/other (i.e. not one of these)/undetermined*
 4. Cause of death, injury
 5. Status of the victim in IHL settings
- + Other minimum disaggregated data may be included based on the context

* This disaggregation will allow the data to be used (subject to informed consent) in reporting on the Sustainable Development Goal indicator 16.10.1, specifically regarding the number of verified incidents of killing and other harmful acts against journalists, trade unionists and other human rights defenders in the previous 12 months, and pursuant to Security Council Resolution 2286 (2016) on the protection of healthcare.



DESIRABLE DISAGGREGATION OF DATA

Wherever possible, data should also be collected and verified to identify:

1. Alleged perpetrator(s)
2. Type of violation
3. Circumstances of the incident

MINIMUM REQUIREMENTS FOR DATA MANAGEMENT TOOLS

A. Classification system

1. Incident: location and date
2. Casualty
 - (a) Minimum data disaggregation (above)
 - (b) Basic personally identifiable data/unidentified
 - (c) IHL status, where applicable
3. Alleged perpetrator: individual/entity/unidentified (and "umbrella categories" where applicable)
4. Violation
5. Sources and level of verification
6. Informed consent

B. Features

Disaggregation of data as per this classification



THE DESIRABLES OF DATA MANAGEMENT TOOLS

A. Classification system

For example, additional personally identifiable data of victims including age range, occupational and residential status; detailed identification of perpetrators and claims of responsibility; circumstances of the incident (types of weapons used, timing of attacks, targets of attacks); broader circumstances of the incident (for example, the destruction of property); follow up including compensation, referral; case status

B. Features

Generate statistics, maps; link with other types of violations and other thematic areas of monitoring; enable case management

IV. WHAT IS CASUALTY RECORDING?



© UN Photo/Stuart Price

OHCHR defines casualty recording as a system that seeks to methodically and comprehensively record and verify information on individuals killed (and possibly also on those injured) in a specific set of circumstances.

The **components that make up this system** are:

1. Systematically bringing together, reviewing and verifying information from a range of sources in accordance with a standard methodology;
2. Individuals killed or injured in the context of a deteriorating human rights situation or armed conflict (i.e. outside of isolated and sporadic acts of violence or purely criminal acts);² and
3. An integral part of broader efforts to monitor respect for international human rights law and international humanitarian law, including preventing and reducing violations and harm and promoting memorialization, justice and reparations.

² See United Nations publication, Sales No. 11.XIV.3, *International Legal Protection of Human Rights in Armed Conflict*, OHCHR, 2012 (<https://shop.un.org/books/intl-legal-protect-human-rights-29321>).

The term “casualty recording” is used here in preference to “civilian casualty recording” (or CivCas) or “protection of civilians in armed conflict” as it may a) include casualties that are not civilians and b) be undertaken in contexts other than armed conflicts.³ “Civilian casualty recording” is one type, and currently the most common type, of casualty recording and takes place only in conflict situations.

Casualty recording relies on the same set of basic principles as all other human rights monitoring.⁴ As with other monitoring, it requires access to diverse sources of information, obtaining the required level of detail in each case, and verifying each piece of information, among others. The information gathering process seeks to be as comprehensive as possible, ideally generating both casualty figures and an in-depth qualitative analysis of each incident involving casualties (i.e., the circumstances and tactics used, the type and identity of the alleged perpetrator(s), the status of the individual(s) killed or injured, the violations committed, and so forth). This is a process that extends over time and may rely on different types of information from a range of sources.

Casualty recording has two additional characteristics:

1. It requires consistent efforts to record and verify every single allegation of an incident involving a casualty that falls within the scope of the system. This requirement is relatively stringent so as to ensure the accuracy of casualty figures. Undertaking casualty recording therefore requires prioritization among monitoring activities.
2. Recording an individual as a casualty does not necessarily mean there was a violation of international law although high numbers of casualties may be indicative of violations and reflect the concept of “patterns of harm”. In certain instances, it may not be possible to determine whether the casualty resulted from a violation at the time of reporting or sometimes even afterwards (for example, whether or not the damage to civilians was the result of unnecessary, indiscriminate and disproportionate use of force). This may be because of a relatively high frequency of incidents, challenges in terms of gathering and verifying information, and/or access and security concerns. For the same reasons, it may also not be possible to identify each victim (for example, when a suicide bombing occurs in an urban area), determine their status at the time (for example, whether shopping or directly participating in hostilities) or attribute responsibility for each casualty (for example, where multiple armed groups are in the area).



Casualty recording requires a systematic review of every allegation of casualties falling within the scope of the system.



Recording an individual as a casualty does not necessarily mean there was a violation of international law although high numbers of casualties may be indicative of such violations.



A casualty may be recorded although it may not be possible to identify the individual, whether at the time of recording or even following investigation.

In sum, the term “casualty recording” covers a relatively broad spectrum of practices, with casualty recording systems potentially established in a range of contexts, each with

³ Casualty recording should also be distinguished from casualty tracking which is usually carried out within a military structure to inform tactics and behaviour and mitigate harm to civilians.

⁴ See United Nations, OHCHR, “Basic Principles of Human Rights Monitoring”, chapter 2 of the *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter02-MHRM.pdf>).

its specific scope, purpose and modalities. However, to optimize the use of casualty data requires a standard methodology not only across systems but that is also common to other monitoring efforts. This allows casualty data to be aggregated and compared across contexts, for example for reporting purposes for the SDG indicator on conflict-related deaths (16.1.2). It also ensures that casualty data does not remain distinct from, but can be correlated with, other data and information on violations and human rights and humanitarian issues in the relevant context.



The standard methodology for casualty recording requires:

1. Assessing the credibility and reliability of every source of information
2. Evaluating information on each incident to ensure its validity
3. Verifying information gathered to ensure that the data is as accurate as possible
4. Having an internal quality control process to review data
5. Ensuring that casualty data and the broader qualitative analysis of international human rights and humanitarian law issues are linked.

V. WHY DO CASUALTY RECORDING?



Recording casualties can serve a range of purposes, many of which may be concurrent at any given time. These include:

1. Generating “evidence-based” early warning of a potential deterioration in the human rights situation; promoting a shared understanding of the situation and ongoing developments;
2. Serving as a yardstick to measure change over time, to provide an indication of severity and scale, or to assess the intensity of an armed conflict;⁵

FOR EXAMPLE, UNAMA uses casualty recording to determine respect for international law, bring about change in operational tactics and for early warning.

⁵ For example, the number of casualties was one of the indicative factors relied on by the ICTY Trial Chamber in the *Haradinaj* case when assessing the intensity of armed violence to determine the existence of an armed conflict (<https://www.icty.org/case/haradinaj/4>). See United Nations publication, OHCHR, 2011, Sales No. 11.XIV.3 (pp. 36-37) for more details (<https://shop.un.org/books/intl-legal-protect-human-rights-29321>).

3. Being used for real time prevention and protection of (potential) victims, including by providing a means of:
 - monitoring compliance with international human rights law, international humanitarian law, and, in some cases, national law;
 - identifying practices (for example, law enforcement and military) that have a (potentially) negative impact in terms of human rights and the protection of civilians;
 - protecting a civilian mandate in United Nations missions and informing the United Nations leadership in support of decisions on the deployment of forces;
4. Supporting advocacy to ensure non-recurrence and to bring about a change of behaviour to mitigate harm caused and enhance the protection of civilians;
5. Informing the operations and strategic planning of a range of actors (for example, military tactics to reduce the risk of casualties, humanitarian assistance, protection of civilian strategies);
6. Supporting processes for accountability, including judicial processes, and informing public policies to provide effective remedies and reparations; and/or
7. Providing data and information that can put pressure on actors to address the root causes of the violence that led to casualties in political terms.

In most instances casualty recording is most effective in reaching these objectives when it is part of a broader monitoring effort and accompanied by a clear and targeted advocacy strategy. Depending on the context and available information, casualty recording may inform the monitoring of rights such as health, education and freedom of expression, among others.⁶ Furthermore and where appropriate, the methodology and networks established for casualty recording can serve to monitor other types of harm, including damage to infrastructure such as water sources, electricity grids, bridges or buildings (for example, cultural sites or religious buildings). Most United Nations casualty information in conflict situations is collected as part of broader monitoring efforts aimed at the protection of civilians, typically including the destruction of civilian infrastructure, detention and sexual violence. Targeted advocacy is usually undertaken in private and in public, including through (i) the sharing of incidents, orally or in writing, with each concerned party, (ii) de-confliction exercises, and (iii) public reports and statements.

⁶ For instance, the disproportionate targeting or impacting of students and teachers may impact the right to education as students avoid attending school because of fear and a lack of staff. Similarly, where health workers, human rights defenders, journalists, and/or media workers are severely affected, the rights to health and freedom of expression are likely to be impacted. For guidance on monitoring the right to education and the right to health, see for example United Nations, OHCHR, *Fact Sheet No. 33, Frequently asked Questions on Economic, Social and Cultural Rights*, (ISSN 1014-5567), 2008 (<https://www.ohchr.org/Documents/Issues/ESCR/FAQ%20on%20ESCR-en.pdf>) and United Nations, OHCHR, *Fact Sheet No. 31, The Right to Health* (ISSN 1014-5567), 2008 (<https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>). See also "International and regional standards" and "Issues in focus" by the Special Rapporteur on Freedom of Opinion and Expression (<https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>).

Linked to these efforts, there has been a growing understanding of the purpose and potential use of casualty recording by decision-makers, policy-makers and others. This is reflected in various United Nations reports and other documents over the past years,⁷ most recently in the Secretary-General's 2018 report on the *Protection of Civilians in Armed Conflict*.⁸

INFOGRAPHIC SUMMARIZING THE RECOMMENDATIONS MADE IN THE PROTECTION OF CIVILIANS REPORT IN SOMALIA 2016-2017




United Nations Human Rights Office of the High Commissioner
United Nations Assistance Mission in Somalia
Protection of Civilians in Somalia 2016-2017

10 December
2017

RECOMMENDATIONS TO ALL PARTIES TO THE CONFLICT:

FGS, FMS and international forces should develop, implement and share operational policies and practical measures to enhance respect for international human rights law and international humanitarian law and avoid harm to civilians, with particular attention to the conduct of military operations in urban areas.



COMPLY WITH AND RESPECT INTERNATIONAL HUMANITARIAN LAW

All parties to the conflict, including AMISOM, TCCs/PCCs, should comply and ensure respect of international humanitarian law, and hold accountable those who target, kill or injure civilians. Ensure prompt, independent, thorough and effective investigations and prosecution of serious allegations.



PROTECT CIVILIANS

Take all possible precautions to protect civilians, particularly women and children, from the effects of military operations. Cease the deliberate targeting of civilians and civilian objects.



PROTECT CIVILIAN POPULATED AREAS

Cease the use of IEDs and complex attacks, cease firing all explosive weapons from and into civilian-populated areas. Avoid locating military objectives near civilian populated areas.



REFRAIN FROM OBSTRUCTING HUMANITARIAN AID

Refrain from obstructing humanitarian aid to reach those in need and affected by the conflict.

⁷ For instance, several annual reports of the Secretary-General on the *“Protection of civilians in armed conflict”* make specific reference to casualty recording: (i) the 2017 report states that “Systematic data collection, analysis and reporting facilitate evidence-based analysis of trends and patterns of civilian harm, inform dialogue with parties to conflict, deter violations and promote accountability. Human rights monitoring and reporting, casualty tracking and gender analysis are critical”. The Secretary-General goes on to “encourage the development and improvement of mechanisms to systematically collect information relating to the protection of civilians, including data disaggregated by sex and age, and to ensure that it feeds into conflict analysis, prevention and response” (S/2017/414) (<https://www.undocs.org/en/S/2017/414>); (ii) the 2016 report states that “Reliable information is essential to identifying trends, facilitating protection efforts, preventing violations and promoting accountability. Human rights monitoring and reporting mechanisms, including the tracking of casualties, are critical” (S/2016/447) (<https://www.undocs.org/S/2016/447>); and (iii) the 2015 report calls for the common United Nations system to systematically record civilian casualties as part of broader efforts to monitor and report on violations of international humanitarian law and international human rights law, and the Expert Group on Protection of Civilians to be used systematically to monitor protection trends in a greater number of situations of concern, including in the absence of peace operations (S/2015/453) (<https://www.undocs.org/S/2015/453>). The 2013 United Nations Human Rights Up Front Initiative also provided for casualty recording in the context of monitoring where the United Nations has no access when relevant to the situation (Action Point 16.2).

⁸ In his 2018 *“Protection of civilians in armed conflict”* report, the Secretary-General recommended that reliable data from third parties such as the United Nations be used by civilian casualty tracking cells in identifying causal factors that contribute to civilian casualties and inform the necessary adjustments to ongoing and future operations (S/2018/462) (<https://www.undocs.org/en/S/2018/462>).

VI. WHEN TO CONSIDER CASUALTY RECORDING?



Casualty recording can be undertaken in a deteriorating or crisis situation, during or after an armed conflict. It can be mandated by the Security Council or Human Rights Council⁹ or can be undertaken by OHCHR and other organizations on their own initiative.

In general, potential casualty recorders should consider the following:

A. CONTEXTUAL FACTORS

Is casualty recording suitable and possible in the context?

- Is there a deteriorating, crisis, armed conflict or protracted situation in which individuals are killed or injured in incidents that are not merely isolated and sporadic acts of violence or purely criminal acts?

⁹ Peace missions have generally carried out casualty recording pursuant to Security Council mandates to monitor human rights in the country and to protect civilians. In resolutions on Syria, the Human Rights Council specifically sought information on casualty numbers (for example, mandates of the international commission of inquiry on Syria 19/22 (<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session19/Pages/Documentation.aspx>), 21/26 (<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session21/Pages/ResDecStat.aspx>), 22/L.31 (<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session22/Pages/ResDecStat.aspx>), 22/24 (<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session22/Pages/ResDecStat.aspx>)). The difficulty in obtaining reliable information eventually led to the decision by OHCHR to cease trying to produce casualty data on Syria.

- Is information on incidents involving casualties available or potentially available across the country or the area to be covered?
- Are there different types of sources on incidents involving casualties?

While casualty recording can be carried out in virtually any context, one of its added values when done in “real time” is in providing an indication of the scale and severity of violations or harm that may be taking place in a particular situation. It is therefore most frequently carried out in conflict or post-conflict situations but can also be applied in a deteriorating human rights situation or at the onset of a crisis.

The prevailing human rights and security environment, as well as the characteristics of specific contexts and key actors (for example, levels of surveillance, civic space, tactics used by actors at play), will have a determining impact on the number, ability and willingness of potential sources to share information on incidents and on casualties. There may therefore be instances where there is virtually no data available on a specific area or community, or where – on the contrary – there are disproportionate amounts of data. Such factors should inform the decision on whether casualty recording would be appropriate.



In instances where the number of casualties is very low yet obtaining information is a challenge, it is particularly important to consider the opportunity cost of casualty recording, namely the effort needed to record and verify each case and the likely impact of casualty recording as compared to undertaking other activities with the same protection goal.



There may be instances where it is not possible to fully satisfy the standard methodology (for example, too few sources¹⁰ and/or too little information on incidents). In such contexts, the casualty recorder may decide to alter the type of information released publicly or even to discontinue casualty recording altogether. It should also assess the added value of reporting the information it has been able to collect, albeit with the necessary caveats (for example, on areas where there is an information lock-down).

B. ORGANIZATION-SPECIFIC FACTORS

The next step in the decision-making process is to determine whether the casualty recorder can and should establish a casualty recording system in the situation. This will depend in part on the motivations driving casualty recording and its anticipated impact.

Is casualty recording appropriate for the casualty recorder in the context?

Will casualty recording help bring about the casualty recorder’s desired human rights impact?

- Can casualty recording contribute to the casualty recorder’s desired human rights impact? (For example, can it contribute to a real time immediate protection objective or to ensure the right to truth and reparation for the victims and their families?)

¹⁰ A very limited number of sources increases the risk of circular reporting, in other words when information reported by several sources can be traced to a single source, for example, several media carrying the same story that may have been produced by a news agency such as Reuters.

- Can the human rights impact be better achieved through other means? (For example, what is the opportunity cost for the casualty recorder of undertaking casualty recording in the given situation at this time?)

This decision should be based among others on an analysis of the overall context, priority issues and a mapping of the main actors.¹¹

Is casualty recording feasible for the casualty recorder in the context?

What sources and what information can the casualty recorder access?

- Are there different types of sources on incidents involving casualties that are *reliable* and *credible*? Can the casualty recorder expand its network or create new sources?
- Is the casualty recorder able to access information on incidents involving casualties that is *relevant* and *valid*? Is there scope for augmenting the quantity and quality of information it can access?

Finding answers to these questions will require some level of consultation and possibly a preliminary **mapping of actors** on the ground, including an understanding of “who is collecting what information (related to casualties), how, where and for what purpose”.



Where the casualty recorder only has access to minimal information, it should assess the added value of casualty recording and/or consider other methods of information gathering, reviewing the scope to focus more on specific types of victims, and so forth.

EXTRACT FROM THE HUMAN RIGHTS REPORT ON CIVILIAN CASUALTIES IN LIBYA, JANUARY 2019

The figures for civilian casualties set out above only include persons killed or injured in the course of hostilities and who were not directly participating in the hostilities. The figures do not include casualties that are not a direct result of hostilities, for example executions after capture, torture or abductions, or casualties caused as an indirect consequence of hostilities. The figures are based on information UNSMIL has gathered and cross-checked from a broad range of sources in Libya, including human rights defenders, civil society, current and former Government officials, local Government employees, community leaders and members, witnesses, others directly affected and media reports. In order to assess the credibility of information obtained, where possible, UNSMIL reviewed documentary information, including medical records, forensic reports and photographic evidence.

The figures are only those that UNSMIL was able to document in the reporting period. They are not likely to be complete and may change as new information emerges about incidents involving civilian casualties that took place during this period.

¹¹ For guidance, see United Nations, OHCHR, “Gathering Contextual Information”, chapter 7 of the *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter07-24pp.pdf>).

VII. HOW TO ESTABLISH A CASUALTY RECORDING SYSTEM?



As an integral part of a monitoring and advocacy strategy in a given situation, casualty recording must follow established monitoring principles and methodology.

A. KEY PRINCIPLES GUIDING CASUALTY RECORDING

The principles to take into account in establishing and running a casualty recording system are the same as for other human rights monitoring.¹² The following are particularly important:¹³

1. To strengthen the data¹⁴

- (a) Ensuring accuracy and precision: a central goal of casualty recording is to provide sound and precise information and analysis. The analysis produced may be used for a range of purposes and should be based on detailed information.

¹² See United Nations, OHCHR, “Basic Principles of Human Rights Monitoring”, chapter 2 of the *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter02-MHRM.pdf>).

¹³ See also Every Casualty, *Standards for Casualty Recording* (London, Every Casualty Worldwide, November 2016), ([https://www.everycasualty.org/downloads/ec/pdf/StandardsforCasualtyRecording-Version1.0\(2016\).pdf](https://www.everycasualty.org/downloads/ec/pdf/StandardsforCasualtyRecording-Version1.0(2016).pdf)).

¹⁴ See also United Nations, OHCHR, *A Human Rights-based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development – A Guidance Note to Data Collection and Disaggregation*, 2018 (<https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>).

- (b) Preserving impartiality: casualty recording requires a comprehensive and systematic coverage of casualties in order to be able to generate accurate and reliable analysis. All casualties falling within the scope of a given casualty recording system should be investigated with equal thoroughness.
- (c) Upholding objectivity: throughout the casualty recording process, casualty recorders should objectively consider all the facts.
- (d) Ensuring transparency: casualty recorders should be transparent about their work, including the fact of working on casualty recording, their methods of work and the use of the information.

2. To protect cooperating persons by reducing any possible negative repercussions¹⁵

- (a) Respecting confidentiality: confidentiality is needed to protect the safety of persons cooperating with the casualty recorder. It covers both the identity of cooperating persons and the information they provide. Consent for the use of this information should be sought from every cooperating person. Safeguarding the confidentiality of recorded information also has implications for the safe recording and safe storage and handling of information.
- (b) Ensuring informed consent: consent must be obtained from each source regarding the *specific* use and/or sharing of the information. This includes an explanation of the principles of confidentiality, the intended use of the information and its protection, and the potential implications for their safety and well-being. The contact details of sources must be kept and safeguarded to facilitate re-contact in case the type of consent or use of the information needs to be clarified, as well as to take into account possible changes in consent over time. Even where consent is given, an assessment of the potential implications for the safety of cooperating persons or others involved in the situation may lead to a decision not to disclose the information.
- (c) “Do no harm”: casualty recorders must make every effort to avoid causing harm in the course of their work. They should consider ways of avoiding jeopardizing the safety of victims, witnesses or other individuals with whom they come into contact and should always balance the need for gathering information with the potential risk of harm to those who may be in a position to provide such information.



Safeguarding the principles of confidentiality, informed consent and “do no harm” requires a robust methodology that is consistently applied.

¹⁵ See United Nations, OHCHR, *Manual on Human Rights Monitoring*, “Basic Principles of Human Rights Monitoring”, chapter 2, (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter02-MHRM.pdf>), and “Protection of Victims, Witnesses and Other Cooperating Persons”, chapter 14 (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter14-56pp.pdf>).

B. DETERMINING THE SCOPE



As the concept of casualty recording is relatively broad, the definitional boundaries of the term “casualty” must be clearly set out in each situation. This will require consideration of multiple parameters in order to decide what to include and who to record as a casualty. The applicable legal framework and availability of relevant information have to be considered when taking these decisions.

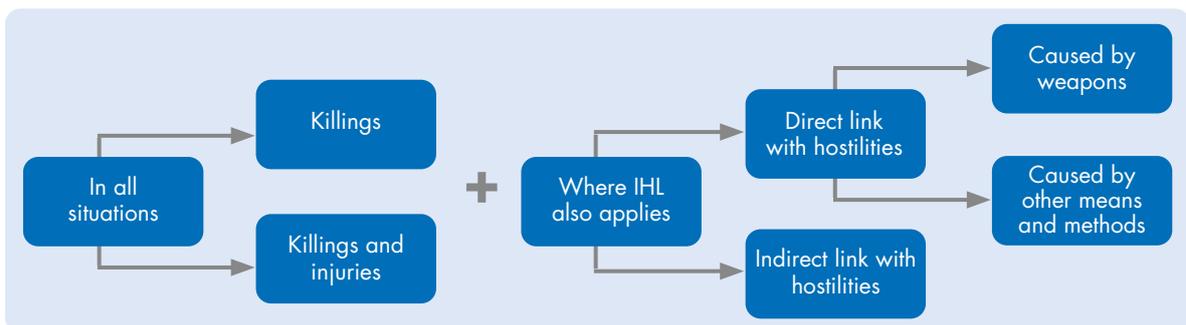
The definitions used must be applied consistently and should be included in casualty reports. Decision-makers should be aware that these definitional boundaries cannot be changed too often as this may result in previously-gathered data being unusable and undermine the use of casualty recording as a yardstick for measuring developments over time.

1. What to include

Overall, decisions will be required on a number of parameters¹⁶ regarding the type and cause of casualty, and ways of establishing a nexus to the specific human rights or international humanitarian law situation.

The type and cause of casualty

In theory, the choices that present themselves in terms of coverage are as follows:



OHCHR practice has been to cover individually documented incidents of killings and injuries. In contexts where International Humanitarian Law (IHL) also applies, the scope has generally been limited to direct deaths and injuries caused by weapons.¹⁷

This practice has largely been dictated by the information available and the ability to collect and verify information on each individual casualty. As regards the other

¹⁶ See also Elizabeth Minor, *Paper 2: Definition and Categorisation in Casualty Recording* (London, Oxford Research Group, October 2012) for a review of existing practices (<https://www.everycasualty.org/downloads/ec/ecpp2-definitions.pdf>); and Professor Susan Breau and Rachel Joyce, *Discussion Paper: The Legal Obligation to Record Civilian Casualties of Armed Conflict* (London, Oxford Research Group, June 2011) (<https://www.everycasualty.org/downloads/ec/pdf/legal-obligation-to-record-casualties.pdf>).

¹⁷ The terms “direct/indirect” killings and injuries in the context of conflict are not used uniformly across actors. For OHCHR casualty recording, the terms are defined as follows: 1) Direct killings and injuries are those where there are reasonable grounds to believe that they resulted directly from the conduct of hostilities and that the acts, decisions and/or purposes that caused these deaths were in furtherance or under the guise of armed conflict. These deaths and injuries may have been caused by (i) the use of weapons or (ii) other means and methods (for example, starvation tactics). 2) Indirect killings and injuries are those resulting from a loss of access to essential goods and services (for example, lack of accessible health care or shortages of adequate food) that are aggravated by the situation of armed conflict. The challenge is that information on indirect killings and injuries is likely to be emblematic rather than systematic and/or rely on estimates or sampling methods. Where data is not based on the individual documentation of each casualty, the methodology used needs to be clearly identified and the relevant data distinguished.

parameters, other techniques, such as sampling or social science estimates, may be required to obtain comprehensive information. Such techniques are to be distinguished from casualty recording, which is based on specific, identified casualties.¹⁸

Nexus

Depending on the context, one or usually several of the following data will be required to establish the nexus to a deteriorating human rights situation or armed conflict:

- (a) Geographical;
- (b) Temporal;
- (c) Background of the victim (for example, occupation, affiliation to a group or ethnicity/religion, etc.);
- (d) Identity of the alleged perpetrator(s) (for example, all persons killed by a particular perpetrator); and/or
- (e) Cause of death, injury.

The parameters selected in each context should be reflected in the list of minimum data (see below).

2. Who to record

Reviewing the applicable legal framework

Identifying the legal framework applicable in a given situation is a prerequisite for recording casualties for advocacy purposes since the definitional status of a “casualty” may differ based on the legal regime.¹⁹

- (a) In deteriorating situations that do not amount to armed conflict, a law enforcement paradigm based on human rights law applies at all times. In such contexts, State agents may employ force only pursuant to a legitimate objective, where proportionate and necessary.
- (b) During an armed conflict, parties must at all times distinguish between persons who are protected from attack (i.e. civilians and other protected persons), and persons who may legitimately be attacked.²⁰



Recording an individual as a casualty may not necessarily mean there was a violation under international law.

¹⁸ It may nonetheless be possible to individually document cases and have a comprehensive coverage of these parameters where the scope is limited temporally, geographically and/or to a specific type of weapon/injury (for example, injuries requiring specialized care and typically linked to the use of biological or chemical weapons; deaths and/or injuries from starvation tactics in a town under siege).

¹⁹ See United Nations, OHCHR, “Applicable international law framework”, chapter 5 of the *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter05-MHRM.pdf>).

²⁰ According to the ICRC, “For the purposes of the principle of distinction [in situations of armed conflict], the definition of civilian refers to those persons who enjoy immunity from direct attack unless and for such time as they take a direct part in hostilities.” See Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law* (ICRC, Geneva, May 2009), p. 20 (<https://www.icrc.org/en/doc/assets/files/other/icrc-002-0990.pdf>). See also the General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, in particular paras. 63-64, CCPR/C/GC/36, 30 October 2018 (https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf).

Defining who is a “casualty”

In addition to identifying the cause of death, the nexus requirements and the applicable legal framework, decisions will be needed on the “status” parameter, that is to say which individuals to record or exclude. Options are:

- (a) Under International Human Rights Law (IHRL): victims of an IHRL violation or all casualties;
- (b) Where International Humanitarian Law (IHL) also applies: civilians, or all casualties.²¹

An explanation of the “status” parameter adopted is critical and requires: i) defining the terms being used, including identifying whether they describe a factual description or a legal determination, and ii) clearly setting out any working hypotheses or presumptions used to categorize information gathered (for example, a casualty recording system may consider that casualties resulting from the bombing of a market are to be categorized as civilians unless there is information to the contrary).

3. How to use available information

Determining which violations, if any, were committed by whom and against whom presumes an understanding of the applicable legal framework as well as access to the information required in order to arrive at a legal determination of a violation and to identify the victim and alleged perpetrator.

- Factual situation – Legal framework – How casualties are recorded
- Availability of information – Data categorization – How casualty data is presented



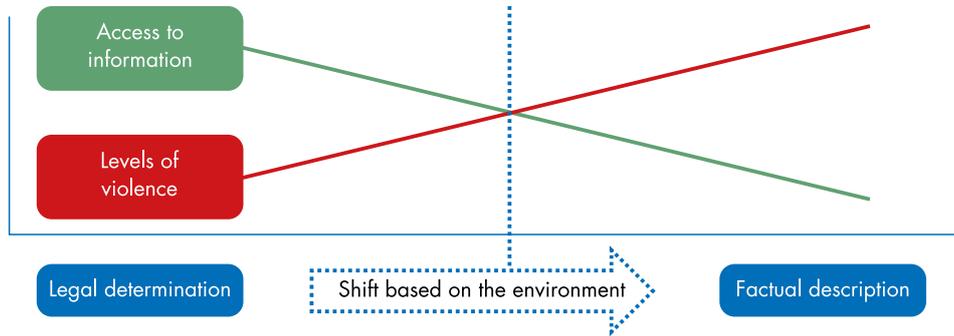
In deteriorating/crisis situations there is an expectation that it will generally be possible to determine whether an individual was the victim of a human rights violation and, if so, who was responsible. This will avoid recording cases that fall outside the ambit of the system (for example, criminal acts such as murder) and strengthen advocacy efforts for accountability and redress. In certain contexts it may nonetheless be challenging to identify those responsible, for example due to the presence and involvement of several security force entities in a law enforcement operation.



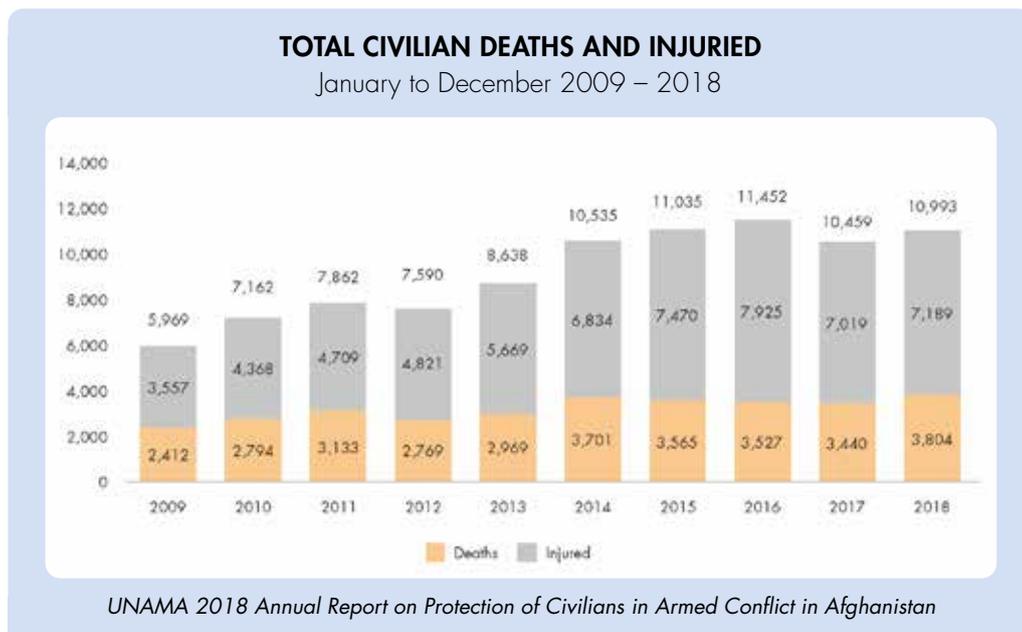
In armed conflict settings, where access to verified information is more challenging, the terms used to categorize and describe casualties are likely to reflect a factual description rather than constitute a legal determination of status or of a violation.

²¹ This includes situations where disaggregation is a challenge, for instance because of issues of access, availability of information on the circumstances of incidents and/or the sheer numbers of casualties.

Correlation between levels of information



Similarly, it may not always be possible to identify which specific actors were involved in a particular incident or attribute responsibility for violations to specific groups at the time of reporting. It may nonetheless be possible to identify the broader groupings involved (for example, “pro-government elements” or “anti-government elements”) to enable some level of distinction between the parties. De-confliction exercises with the respective parties to a conflict may also contribute to the identification of responsible actors.



In an armed conflict situation, where access to information is likely to be more limited, the recording of a casualty does not necessarily imply the finding of a violation. In such contexts, casualty recording may serve the broader purpose of identifying “patterns of harm”.



It is critical to provide a clear definition of the categories and terms used and to outline any working assumptions made to reach the conclusions put forward.



To the greatest extent possible, the casualty recorder should try to determine whether a violation was committed in relation to each casualty.²²

TYPES OF SOURCES

- **Primary sources** have first-hand information about a human rights incident or problem as a result of their direct exposure and personal knowledge of the act while it was occurring. They typically include victims of violations, eyewitnesses and alleged perpetrators themselves (for example, through claims of responsibility by parties to a conflict). They also include publicly-available official information, such as post-mortem reports.
- **Secondary sources** have second-hand information about a human rights incident or problem, which was reported to them by others, since they did not directly witness or experience it. They typically include family relatives, lawyers, human rights defenders and others (for example, media and NGO reports).

C. DEVELOPING A ROBUST SYSTEM

1. Establishing common standards for monitoring and verification

Following the review of the legal framework, the identification of the scope of the system, and the identification of information categories to be used, the following methodological tools need to be put in place:

Types of sources and methods for gathering information

Each situation will require a review of the types of sources available and the methods of information gathering that can be used.

The first and most critical step in this process is to conduct a risk assessment of (a) the context and (b) each potential interlocutor. The assessment should identify potential risks to persons cooperating on casualty recording or directly with the casualty recorder. The findings thereof should inform decisions on whether to engage with them (for example, with persons located in certain geographical areas, with certain groups of persons or with specific individuals). The assessment should also help determine how to engage with such persons, including – if relevant – the choice of information communication technologies used to establish contact, conduct interviews, and/or to send or receive documentary, digital or other information.

Sources may include victims, witnesses (including medical personnel), members of the government or of armed groups, civil society actors, community leaders, members of the general public, and the casualty recorders themselves. In addition, relevant information may be obtained from digital sources (for example, videos and photos), documentary sources (for example, medical, police and judicial records, and official military documents), and open sources (for example, online information and public reports). Satellite imagery may also provide important contextual and/or temporal information in certain situations.

²² Casualty recorders may not be able to determine whether a violation was committed in relation to each casualty at the time of reporting where this is done in real-time. Casualty recorders will therefore typically continue investigations over time after the events. In turn, this is likely to lead to changes in the data to reflect new information as and when it becomes known.

Sources must be assessed every time for their credibility and reliability. As part of this assessment, the casualty recorder should establish the origin of the information and how the interlocutor came to possess it, and try to understand the objectives and motivation of the person providing the information. This information will also help determine whether the different sources from whom information has been gathered have independent knowledge of an incident. Casualty recorders must be aware of any potential bias in a source and compensate for it by diversifying sources as much as possible on each incident (for example, sources of different political, ethnic, religious or professional background). More generally, casualty recorders should be pro-active in continuously expanding their networks of sources so as to enable them to call upon a diverse and representative pool of sources to gather and verify information.

Every piece of information gathered should be reviewed to ensure its relevance and validity. This entails assessing whether the information is logical in itself, or comparing it with other known facts to determine the degree to which it fits in with other material collected.



In every instance, it is critical to carry out an assessment of each source for reliability and credibility, and of each piece of information for relevance and validity.²³



Casualty recorders should continuously expand and diversify their networks of sources in order to compensate for any partiality of information and ensure representativeness.



Where relevant, permission should be sought from sources to share information with other actors, including for the purposes of the Sustainable Development Goal (SDG) reporting (for example, Indicator 16.1.2 on conflict-related deaths, or Indicator 16.10.1 on violence against human rights defenders).

Verification standard²⁴



In all situations, and regardless of the methods used for information gathering, information must draw on multiple independent sources of information. The objective is to ensure that the information gathered leads to good analysis, sound strategies and effective action.

In general, casualty recorders should aim at corroborating any given piece of information by obtaining concurring information from two additional independent and reliable sources. Recognizing that this is not always possible, information from a reliable primary source may need corroboration by only one additional independent and reliable source, which may include the casualty recorder's own direct observations. For instance, the casualty recorder's assessment of the reliability of the source and the viewing and noting down of injuries consistent with the account can provide corroboration. In exceptional instances, it may be possible to verify information by assessing the details of the victim's or eye-

²³ See United Nations, OHCHR, "Gathering Contextual Information", chapter 7, *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter07-24pp.pdf>).

²⁴ See United Nations, OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* (HR/PUB/14/7), 2015, pp. 59-60 for a description of the evaluation and analysis of information (https://www.ohchr.org/Documents/Publications/Col_Guidance_and_Practice.pdf).

witness's account, evaluating if they are consistent with what is generally known about the incident (for example, the area where the incident occurred, the alleged perpetrators or the method used) and establishing whether the incident reveals a pattern that is consistent with other similar incidents.



It is important that each casualty recorder provides more context-specific guidance to staff in applying the verification standard.



In polarized environments, where casualty recording is most likely to be applied, there may be a need to introduce a requirement for several independent sources to reduce bias in reporting (for example, a victim, a police officer and a medical officer).

Minimum data

At the time of recording a casualty, there may be very little information available about the individual or the circumstances in which they were injured or killed. However, over time, it is expected that casualty recorders will be able to obtain and verify more information.





Across all contexts and situations, casualty recorders must seek to collect and verify the following basic data:

- (a) Location of the incident
- (b) Date of the incident
- (c) Type of incident (for example, is it a purely criminal act that may not fall within the casualty recorder's mandate or the scope of the casualty recording exercise?)
- (d) Number of individuals killed or injured
- (e) Cause of death or injury (for example, a weapon used)
- (f) Status of victims in IHL settings
- (g) Alleged perpetrator
- (h) In addition:
 - *In deteriorating or crisis situations*, it is expected that the casualty recorder will be able to determine who did what to whom, when and where, why and how, and whether this constitutes a violation.²⁵
 - *In armed conflict contexts where IHL also applies*, the "minimum data requirements" will be dictated mainly by the scope of the casualty recording exercise. For example, in situation X the scope of the casualty recording exercise is the "number of civilians killed or injured in conflict-related violence". The minimum data requirements will therefore have to include information on (i) the location of the incident in situation X, (ii) the nexus to the conflict, (iii) the use of violence, (iv) the status of the individual as a civilian, (v) the number of civilians killed, and (vi) the number of civilians injured.

²⁵ See United Nations, OHCHR, "Interviewing", chapter 11 of the *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter11-MHRM.pdf>).





As casualty recording is a process, information may emerge over time. Any information received should be recorded.

To the greatest extent possible, the minimum data disaggregation should be:

- (a) Sex (man, woman or unknown);
- (b) Age (adult, child²⁶ or unknown);
- (c) Journalist, trade unionist, human rights defender,²⁷ health care personnel,²⁸ multiple (i.e. several of these), other (i.e. not one of these) or undetermined;
- (d) Cause of death or injury;²⁹ and
- (e) Status of victim in IHL settings.

Other minimum disaggregated data may be included based on the specificities of each context as well as to fulfil other reporting requirements.³⁰

Naming casualties

Identification of casualties by name does not systematically have to be “minimum data”, although it is expected that all possible efforts will be made to collect this information in all situations. In certain contexts the names of individuals killed or injured may serve as the only means of de-conflicting information to avoid duplicate recording or counting. It may also be that the data is intended to feed into accountability mechanisms or the implementation of remedies and reparations programmes.

²⁶ “A child means every human being below the age of eighteen years”, Article 1, Convention on the Rights of the Child (<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>).

²⁷ Under SDG 16.10, there is an indicator on: “Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against journalists, trade unionists and human rights defenders in the previous 12 months”. For the purposes of this indicator, the definitions given are as follows: a) *Human rights defender*: “Everyone exercising their right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at national and international levels, including journalists and trade unionists.”; b) *Journalist*: “Everyone who observes, describes, documents and analyses events, statements, policies, and any propositions that can affect society, with the purpose of systematising such information and gathering of facts and analyses to inform sectors of society or society as a whole, and others who share these journalistic functions, including all media workers and support staff, as well as community media workers and so-called ‘citizen journalists’ when they momentarily play that role, professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere.”; c) *Trade unionist*: “Everyone exercising their right to form and to join trade unions for the protection of their interests. A trade union is an association of workers organized to protect and promote their common interests.” (<https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf>).

²⁸ Security Council Resolution 2286 (2016) requests that relevant Secretary-General reports record specific acts of violence against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities. WHO defines a health care personnel as “Any person contributing to the delivery of curative or preventive health care, with or without medical or paramedical training (i.e. both health care providers, those who provide health care directly to patients, and auxiliary staff, those who support these services)” ([https://www.undocs.org/S/RES/2286\(2016\)](https://www.undocs.org/S/RES/2286(2016))).

²⁹ For the purposes of the Sustainable Development Goal indicator on conflict-related deaths (16.1.2), disaggregation for the cause of death is as follows: heavy weapons and explosive munitions; planted explosives and unexploded ordnance; small arms and light weapons; incendiary; chemical, biological, radiological, nuclear; electromagnetic weapons; less lethal weapons; denial of access to/destruction of objects indispensable to survival; accidents related to conflict; use of objects and other means; and unknown. It should be noted that in certain instances an injury may lead to death as a result of issues related to access to existing health services. Such information can contribute to monitoring of the right to health.

³⁰ In addition to these categories, the SDG indicator on conflict-related deaths calls for the disaggregation of alleged perpetrators by entity, individual and unknown.

FOR EXAMPLE, in Syria the methodology applied to record casualties was that only killings fully identified by the date and location of death, first name, family name and father's name of the victim were included. The father's name was used to distinguish between persons with the same first name and family name.

In other contexts, and in particular in armed conflict situations, it may simply not be possible to identify each individual by name at the time of death; however excluding unidentified individuals from the casualty record may skew the number and/or the picture they project (for example, because such cases are so prevalent, those who remain unidentified are mostly women and children). It may also be that the identity of an individual can only be verified at a later stage (for example, based on a missing persons list or the forensic identification of bodies found in a mass grave).



Every effort should be made to collect the names of casualties in all situations.



In general, it is recommended that the casualty recorder also record unidentified individuals and include verified information on these cases in the casualty figures and analysis.

Minimum vs. desirable data

It is important to clearly distinguish what information is required, and for what purpose, from what is desirable:

- (a) Minimum data – listed above – are generally required for the information, once verified, to be included in a quantitative casualty count.
- (b) Desirable data is mainly aimed at:
 - facilitating the use of the data by others, subject to informed consent and confidentiality where required (for example, geo-location of each incident to prepare visuals for advocacy);
 - deepening qualitative analysis (for example, timing of attacks, targets of attack, etc.); and/or
 - enabling more targeted advocacy (for example, attribution of responsibility, main tactics used by each actor).



The distinction between minimum and desirable data on casualties will be especially relevant where detailed and verified information on each casualty is not easily available or where the number of casualties is such that the casualty recorder has insufficient capacity to record significant amounts of additional information in real time.



Where possible, the minimum data should also be used in support of advocacy through other avenues, for example, through the protection cluster or sector, or country task forces on thematic issues such as the killing and maiming of children for the Monitoring and Reporting Mechanism.³¹

³¹ In 2005, the Security Council established the Monitoring and Reporting Mechanism on grave violations committed against children in times of armed conflict (SCR Resolution 1612 (2005)) ([https://www.undocs.org/S/RES/1612\(2005\)](https://www.undocs.org/S/RES/1612(2005))).



The principle of “do no harm” requires casualty recorders to consider the impact of collecting and/or releasing specific data. For instance, in some situations the disaggregation of data by ethnicity or by religion may serve to exacerbate an already tense situation or further victimize a particular group or community. Casualty recorders must consider the risks at each step of collecting and processing the information and must mitigate any potential adverse consequences.³²



The principles of “do no harm” and confidentiality require strict data security and data protection safeguards. Formal procedures must be established to cover all stages of the data and information management process, from collection to storage. This should include a secure information management tool with regulated access.³³

Data storage

Consideration needs to be given from the outset to the type of information management tool and minimum features needed for casualty recording. This must cover aspects related to the security of the information over time, including where there is a risk that the casualty recorder themselves may need to relocate suddenly. The information management tool must allow the storage of all relevant information about an individual and an incident. It must also facilitate the analysis of information, including by allowing detailed disaggregation and classification of information. For instance, the OHCHR human rights case database facilitates the secure storage of information on each casualty, incident and source. Data disaggregation, combined with statistical, geolocation and visual features facilitate the production of maps and graphs that support analysis. The database also serves as a case management tool, helping to integrate more information as it becomes available, including statements from relevant actors taking responsibility for incidents or information obtained through de-confliction exercises and to monitor developments in a case such as access to judicial mechanisms or reparations processes. Levels of informed consent as well as whether, when and with whom information has been shared is also included.

³² See chapter 6, “Managing data and information for protection outcomes” of the ICRC *Professional Standards for protection work*, 3rd edition, 2018 (<https://www.icrc.org/en/publication/0999-professional-standards-protection-work-carried-out-humanitarian-and-human-rights>).

³³ *Ibid.*



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At the very least, information management tools used must enable certain distinctions and disaggregation of data.

- (a) Incident: location, date, type, number of individuals killed or injured (where applicable)
- (b) Casualty: basic personally identifiable data, sex, age or unidentified; cause of death or injury (for example, weapon used); status of the victim in IHL settings
- (c) Alleged perpetrator: individual, entity, umbrella group (where applicable) or unidentified
- (d) Applicable international law framework: human rights or humanitarian violation
- (e) Sources and level of verification
- (f) Informed consent
- (g) In addition, other data disaggregation categories depending on the context and available information.

Standard of proof

Casualty recorders must establish a standard of proof against which they will assess verified information. Internal guidance should explain how the standard of proof is to be applied. Public reports or documents should clearly reference the standard of proof applied. For United Nations purposes, the preferred standard of proof for **casualty recording** is “**reasonable grounds to believe**”, which is to say there should be “reasonable grounds to believe that X individuals were killed and Y injured in location L on date D in connection with the deteriorating human rights situations or armed conflict”³⁴ (as the case may be).



Casualty recorders must clearly set out the standard of proof applied.

2. Optimizing the *immediate* protective impact



Wherever possible, data or information on casualties should be used among other purposes for immediate protective impact, for example, by alerting relevant organizations to potential needs, through referrals to relevant organizations, advocacy on measures to protect civilians, and so forth. Depending on the modalities developed, and, subject to informed consent and confidentiality requirements where applicable, casualty recorders may share information on specific incidents or casualties on an *ad hoc* or more systematic basis.³⁵

D. PROMOTING CHANGE

Casualty recording has different purposes, with immediate, shorter or longer-term objectives. Where casualty recording aims at immediate protective impact, the casualty recorder needs to devise a clear advocacy strategy.

1. Advocacy in the start-up phase

Once a casualty recorder has decided to establish a system, he or she may decide to communicate his or her intention clearly to all relevant actors. Actors targeted for this purpose are likely to include government actors, non-government actors involved in the crisis or armed conflict (for example, international military forces) and civil society actors. This information may help in:

- Expanding networks of sources;
- Making alleged perpetrators aware that their actions are under scrutiny and may be made public; and
- Obtaining support (at least in principle) for the work being done and possibly for advocacy efforts based on the casualty data.

³⁴ See United Nations, OHCHR, *Who’s Responsible? Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-Finding Missions and Other Investigations* (HR/PUB/18/3), 2018, p. 37 (<https://www.ohchr.org/Documents/Publications/AttributingIndividualResponsibility.pdf>), as well as United Nations, OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* (HR/PUB/14/7), 2015, p. 62 on the standard of proof of “reasonable grounds to believe” (https://www.ohchr.org/Documents/Publications/Col_Guidance_and_Practice.pdf).

³⁵ Reporting on the SDG indicator on conflict-related deaths takes place annually, covering the period from 1 January to 31 December of the preceding year.

2. Advocacy on the findings³⁶

It is recommended that casualty data or analysis based on casualty recording regularly be made public³⁷ as an advocacy measure. Depending on the environment and other context-specific arrangements, casualty recorders may decide to publish the information themselves or share it with partners and organizations that will do so.³⁸ These may for instance include other civil society organizations, United Nations actors, national authorities as well as regional and international mechanisms and institutions.

Reporting on casualties may require a review of internal reporting guidelines and templates, among others, to determine the following:

- periodicity (for example, on a regular basis, ad hoc, or to inform or contribute to other work streams);
- content (for example, inclusion of emblematic incidents, quotes and/or images; in-depth analysis of trends and patterns, thematic focus and/or more top-level data); and
- format (for example, disaggregation of data, use of specific headings to facilitate information analysis).

In addition, there may be a need to establish new channels of communication (for example, to ensure that initial information on incidents involving casualties can be used for early warning and to prompt preventive and responsive measures).



At the very least, reports must describe the methodology applied, set out the scope and define the terms used. Caveats should be provided wherever needed to ensure that reports accurately reflect the information gathered. Where recommendations are included, they must be as targeted as possible and their implementation monitored to measure impact from one report to another.



Information made public must include a clear statement of methodology and the definition of terms used. To the greatest extent possible, the strengths and weaknesses of the data should also be explained.



In general, casualty recorders should aim to provide information that can be used as presented and by a range of actors, including the measurement of change over time, prompt engagement and feeding into operations and informing policies. This is likely to be especially challenging in the initial phase of a casualty recording system, when heightened interest in casualty-related information has to be balanced against the need for an established and robust methodology with a solid network of credible sources.

³⁶ See among others, United Nations publication, *Public Reporting on Human Rights by United Nations Peace Operations: Good Practices, Lessons Learned and Challenges* (PK/G/2017), United Nations Department of Peacekeeping Operations, 2017 (<http://repository.un.org/handle/11176/400896>).

³⁷ See United Nations, OHCHR, "Human Rights Reporting", chapter 13 of the *Manual on Human Rights Monitoring* (HR/P/PT/7/Rev.1, <https://www.ohchr.org/Documents/Publications/Chapter13-MHRM.pdf>).

³⁸ Where there is a possibility that information may be shared with other actors, the casualty recorder has a responsibility to ensure that it obtains the necessary consent from sources and victims and that it takes appropriate steps to safeguard the confidentiality of sources and to protect the information as needed both prior to and at the time of sharing. Even where consent has been granted, the casualty recorder must assess the risk to the sources and victims every time it considers sharing information. Based on this risk assessment, the casualty recorder may decide not to share information despite consent.



Where possible and appropriate,³⁹ data should be disaggregated and presented through visuals (for example, maps, graphs, pie charts, etc.) with analysis and emblematic incidents provided alongside so as to ensure a nuanced understanding of patterns and trends and promote an understanding of casualties that goes beyond statistics.

Extract from the UNAMI/OHCHR Report on the Protection of Civilians in the context of the Ninewa Operations and the retaking of Mosul City, 17 October 2016 – 10 July 2017

UNAMI/OHCHR regularly advocated with national and international actors with regard to protection of civilians and the respect of principles of international humanitarian law, notably those of distinction, proportionality and precautions in attacks and against the effects of attacks. This advocacy has been consistently undertaken with both senior government and military leaders, as well as at the operational level with unit commanders.

Ensuring accountability for the abuses and violations of international human rights law and international humanitarian law, including those constituting international crimes, allegedly committed in the context of the ongoing armed conflict, no matter when, where or by whom such crimes, violations or abuses were committed, remains a significant challenge. Presently, the Iraqi courts do not have jurisdiction over international crimes committed in Iraq. Additionally, Iraq is not a Party to the Statute of the International Criminal Court and has not accepted the jurisdiction of the Court under article 12(3) of its Statute. The Government is currently examining national and international mechanisms to address international crimes committed by ISIL.

E. MEASURING PROGRESS



In any context, the casualty recorder should regularly review progress in achieving the desired human rights protection impact through casualty recording.

Measuring the impact of casualty recording work and the advocacy strategy adopted will serve to recalibrate activities, adjust strategies and ensure that the monitoring priorities and modalities used are appropriate. It will also facilitate a review of the “opportunity cost” of undertaking casualty recording rather than dedicating resources to other monitoring priorities with the same objective in terms of human rights protection impact.

The key issues for the casualty recorder to consider will be:

1. Does casualty recording remain appropriate and feasible and does the casualty recorder continue to be well placed to undertake this work? That is to say, has the context changed (for example, end of crisis or conflict)? What are the (potential) implications for the casualty recorder (for example, withdrawal of staff from certain areas) that may require a change in information-gathering methods?

³⁹ In all instances, due consideration must be given to the potential impact of disaggregating data according to certain criteria. For instance, publishing data on casualties that are disaggregated by ethnicity may serve to escalate ethnic tensions further and/or serve as an indication of an international crime. The guiding principle must be to “do no harm”.

2. Do the potential positive outcomes of casualty recording outweigh its potential negative impact on sources, including cooperating persons, communities and institutions? Does this require a re-assessment of the value of casualty recording or of the way in which the work is done?
3. Does casualty recording have an impact on relevant actors? Are there, or are there not, any concrete outcomes or successes and, if so, why or why not (for example, change in operating tactics because of casualty recording)? What are the (potential) implications for casualty recording work (for example, producing more regular outputs, engaging in de-confliction exercises)?

VIII. CONCLUSION

Casualty recording is one of the tools available for human rights monitoring. It can be applied in a range of contexts, serve multiple purposes, be used by a range of actors, and it provides a robust indicator of change in the situation and the behaviour of responsible actors. Casualty recording can be done by an individual at local level, for instance with the aim of recognizing the rights and dignity of the individual and the families involved, or on a much wider scale with entire teams responsible for data gathering and review, with the aim of serving multiple objectives. It can be done based on documents, networks of sources, forensic identification or a combination of these methods. It can be done in a crisis or conflict situation, in real time or *post facto*.

The *Guidance* promotes the establishment of a rigorous system for casualty recording with the purpose of ensuring that information collected can be capitalized on as much as possible, subject to confidentiality, informed consent and due regard for protection concerns. On-the-ground networks and documentary material often constitute the bulk of casualty recording information. At the same time, information on casualties is likely to emerge over time, whereas accountability and reparations processes may only be established long after the events. Ensuring that different types of information, from many sources, and obtained over a period of time, can be combined is therefore an essential element of a casualty recording system. The *Guidance* does not therefore distinguish between the individual actor who does not even self-identify as a casualty recorder and major institutions that have casualty recording as their core mandate. Rather, it seeks to facilitate the process of piecing together available information by setting out key elements needed for information to be usable. It also places significant emphasis on ensuring that information on casualties, which is publicly used, is verified and therefore reliable, in contrast with other information that may be of doubtful quality.

While casualty recording is often conflated with casualty numbers and therefore with dry statistical data, the richness of casualty recording resides in practice in its ability to generate reliable information that is both quantitative and qualitative. The aim is to provide a nuanced and in-depth understanding at specific points in time and in respect of individual places or incidents, as well as of changes to the overall context over time. And while numbers may have a role to play in prompting action and response, it should be clear that casualty recording is a victim-centred process. Casualty recording places individuals, their families and communities at the centre and assesses the behaviour of responsible actors from that vantage point.

IX. ANNEX: TEMPLATE FOR INTERNAL GUIDANCE ON CASUALTY RECORDING

This template will have to be contextually adapted and reviewed based on practice. It should apply to any casualty recording system, whether established in the sub-region of a country, at the country level or across several countries.

The purpose of the internal guidance on casualty recording is to ensure that all persons engaged in casualty recording within an organization have a shared understanding of the modalities and methodology. This is critical to any effort to record casualties systematically as well as to produce and use information on casualties that is accurate, precise and reliable.

It is recommended to provide a trial period to establish and adjust a casualty recording system before starting to use the data and information. The internal guidance should be finalized by the end of this period.

A. PROCEDURE

Internal guidance on casualty recording as per this template should be drafted as soon as a decision is taken to start recording casualties, and this should be systematically disseminated to all relevant staff. It should cross-reference/be accompanied by other documents as appropriate (for example, other monitoring priorities, fact sheet on the applicable national legal framework, overview of weapons use, mapping of actors, bilateral information-sharing protocols with partners, package on the use of the casualty recording information management tool). The internal guidance should be finalized at the end of a trial period where applicable and should be reviewed periodically to ensure that it reflects ongoing practice in the situation.

B. CONTENT OF THE INTERNAL GUIDANCE

I. Mandate

Specify the mandate.

II. Context

Briefly describe events that led to the decision to start recording casualties.

III. Purpose and added value

Describe the overall objective and specific goals of recording casualties and the added value of the casualty recorder.

IV. Scope of the casualty recording system

1. Applicable legal framework

Identify applicable provisions of international human rights, humanitarian law, including treaty and customary law, national law provisions and relevant actors.

2. Application of the casualty recording system

Establish clear inclusion and exclusion criteria (for example, “the number of civilians killed or injured in conflict-related violence in country X since dd/mm/yy”).

V. Methodology

1. Sources and methods for information gathering

- (a) Provide guidance to assess the reliability and credibility of sources and the validity of information.
- (b) Describe sources to be used (distinguish between information “leads” and sources for verification, list possible sources and identify key sources).
- (c) Where relevant, identify partners and provide details on the agreed modalities of the partnership.
- (d) Review different methods for information gathering (highlight preferred methods, identify weaknesses/challenges of different methods as needed) and set out steps to expand the network of sources

2. Verification standard

- (a) Clearly explain how to assess sources and evaluate a piece of information.
- (b) Clearly set out the verification standard, explain how to apply it and what is done with information that does not meet this standard.
- (c) Describe the respective roles and responsibilities for ensuring that the verification standard is consistently met (including oversight role) and steps to be taken if it is not (yet) met (see also point 6 on the following page).

3. Minimum data

- (a) Identify the minimum data needed in relation to each incident (i.e. location and date of the incident, type of incident, number of killed/injured; cause of death/injury, status of victims in IHL settings, alleged perpetrator by individual/entity/umbrella group (where applicable)/unidentified; and other information needed as per the scope of the casualty recording system; minimum data needed to establish the nexus to the human rights situation or armed conflict.).
- (b) Set out the minimum disaggregation of data (men/women/unknown, adult/children/unknown, journalist/trade unionist/human rights defender/ health-care personnel/multiple/other (i.e. not one of these)/unknown, cause of death or injury, status of victim in IHL settings and other minimum disaggregated data that may be included based on the context).
- (c) Describe what additional information is desirable and why (for example, intended target of attack, modalities of attack; to deepen analysis, inform specific campaigns).
- (d) Emphasize the need to have consent from sources for each different use of the information obtained.
- (e) Where applicable, provide an interview form.

4. Categorization and storage of data

- (a) Explain how information collected is to be categorized and provide a glossary of terms to be used (for example, “civilian”).

- (b) Set out any working presumptions that can serve to categorize individuals (for example, persons killed in an urban market place are civilians unless there is information to the contrary).
- (c) Require that information be systematically entered into the appropriate information management tool and describe respective roles and responsibilities for quality control of information in the database.

5. Applicable standard of proof

Explain the standard of proof that is to be applied (for example, “reasonable grounds to believe”).

6. Reporting and use of the information

- (a) Determine the periodicity, content and format of internal and public reports – provide templates for generic reports.
- (b) Where relevant, identify channels of communication as well as potential triggers to fast-track information where required (for example, for early warning and to prompt prevention and response measures).
- (c) Describe the intended use of the information.
- (d) Provide a statement of methodology; use caveats when presenting information.
- (e) Where possible, link the casualty recording with broader developments/contextual IHRL/IHL analysis.

7. Measuring progress

- (a) Identify means of assessing the impact and, where relevant, of following up on the implementation of recommendations made.
- (b) As far as possible, identify circumstances/factors that may influence the scope of casualty recording or a decision to stop casualty recording.

VI. Resources

- (a) Describe the internal structure and systems in place for casualty recording.
- (b) Set out the internal quality control methods at different stages of the information management process and the respective roles and responsibilities, including in relation to information management (roles and responsibilities of different teams in relation to information gathering and verification, analysis, use and storage).

As required, provide additional information to staff members to facilitate casualty recording work. This may include:

- A review of international human rights and humanitarian law principles
- A review of the national legal framework (for example, national law provisions in relation to the right to life and physical integrity)
- Additional materials on monitoring and investigation methodology
- A fact sheet on weapons
- A mapping of actors.



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