

## SECTION 17

# CIVILIAN CASUALTIES

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## Introduction and key findings

### 1. This section addresses:

- the statements issued by the Government before the conflict on the human rights abuses committed by Saddam Hussein's regime and the human cost of not intervening in Iraq;
- the assessments made by the Government before and during initial combat operations of the number of Iraqi civilian casualties;
- reports of the number of Iraqi civilian casualties during initial combat operations; and
- how the Government responded to demands that it should count the number of Iraqi casualties attributable to the conflict, and to estimates of the number of casualties.

2. As this Section shows, there have been a number of studies to determine the civilian death toll in Iraq after the Coalition invasion. The numbers vary considerably. What is not in doubt is that, in both the military operation to overthrow the Iraqi regime and the subsequent violence, many tens of thousands of Iraqi citizens, most of them civilians, lost their lives. Many more were displaced or injured, or lost members of their families.

3. It is beyond the scope and abilities of this Inquiry to establish independently the number of fatalities caused by conflict in Iraq, or the broader human cost of the conflict to the Iraqi people. The Inquiry is, however, very conscious of the extent of the suffering in Iraq resulting from the conflict and this has informed its approach to its analysis of the course of the conflict and to drawing lessons for the future.

### Key findings

- The Inquiry considers that a Government has a responsibility to make every reasonable effort to understand the likely and actual effects of its military actions on civilians.
- In the months before the invasion, Mr Blair emphasised the need to minimise the number of civilian casualties arising from an invasion of Iraq. The MOD's responses offered reassurance based on the tight targeting procedures governing the air campaign.
- The MOD made only a broad estimate of direct civilian casualties arising from an attack on Iraq, based on previous operations.
- With hindsight, greater efforts should have been made in the post-conflict period to determine the number of civilian casualties and the broader effects of military operations on civilians. More time was devoted to the question of which department should have responsibility for the issue of civilian casualties than it was to efforts to determine the actual number.
- The Government's consideration of the issue of Iraqi civilian casualties was driven by its concern to rebut accusations that coalition forces were responsible for the deaths of large numbers of civilians, and to sustain domestic support for operations in Iraq.

4. The Inquiry received a number of substantive submissions relating to the human cost of the conflict in Iraq, including from:

- Mr Hamit Dardagan and Professor John Sloboda for the Iraq Body Count (IBC) project.<sup>1</sup> The IBC project aims to record the violent civilian deaths that have resulted from the 2003 military intervention in Iraq. In its submission to the Inquiry, IBC argued that the Inquiry should take full and proper account of Iraqi casualties resulting from the conflict and the subsequent breakdown in security. It continued: “One of the most important questions in situations of armed conflict and in the laws of war is whether the use of force has been a proportionate response to the threat that prompted it ... It is impossible to establish the wisdom of actions taken ... if the full consequences in human welfare are not taken into account. Casualty data are perhaps the most glaring indication of the full costs of war.”
- Action on Armed Violence (AOAV).<sup>2</sup> AOAV is a non-governmental organisation (NGO) which aims to reduce the incidence and impact of global armed violence. In its submission to the Inquiry, AOAV argued that the UK Government actively sought to maintain a position of ignorance regarding measurements of death, injury and deprivation resulting from violence in Iraq. It proposed that the UK Government should establish a structured process to undertake transparent measurement and monitoring of the impact of armed violence where its Armed Forces are active.

5. The Inquiry is grateful for these, and other, submissions, and has taken account of them in preparing its Report.

## Consideration of Iraqi civilian casualties before the conflict

### Statements on the human cost of not intervening in Iraq

6. The UK Government dossier *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government* was published on 24 September 2002.<sup>3</sup> The dossier is considered in detail in Section 4.2.

7. Eight of the dossier’s 50 pages considered life in Iraq under Saddam Hussein, describing his security apparatus, internal repression, external wars and abuse of human rights.

8. The dossier’s Executive Summary indicated the purpose of that material:

“But the threat from Iraq does not depend solely on the [Weapons of Mass Destruction – WMD] capabilities we have described. It arises also because of the

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<sup>1</sup> Dardagan and Sloboda, 26 August 2006, *Iraqi casualties must form part of Britain’s Iraq Inquiry*.

<sup>2</sup> Action on Armed Violence, July 2010, *A State of Ignorance*.

<sup>3</sup> *Iraq’s Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.

violent and aggressive nature of Saddam Hussein's regime. His record of internal repression and external aggression gives rise to unique concerns about the threat he poses."

**9.** The dossier stated:

- Saddam Hussein used patronage and violence to motivate his supporters and to control or eliminate opposition. He had pursued a long-term programme of persecuting the Iraqi Kurds, including through the use of chemical weapons. Amnesty International had estimated that more than 100,000 Kurds had been killed or had disappeared during the 1987 to 1988 "Anfal" campaign of attacks on Kurdish villages. Thousands of Iraqi Shia had also been killed.
- Saddam Hussein had led Iraq into two wars of aggression, against Iran and Kuwait. The Iran-Iraq War was estimated to have caused one million casualties.
- Human rights abuses continued within Iraq: "People continue to be arrested and detained on suspicion of political or religious activities or often because they are related to members of the opposition. Executions are carried out without due process of law. Relatives are often prevented from burying the victims in accordance with Islamic practice. Thousands of prisoners have been executed."

**10.** Mr Blair addressed those issues in his opening statement in the 24 September 2002 Parliamentary debate:

"People say, 'But why Saddam?' ... two things about Saddam stand out. He has used these weapons in Iraq itself – thousands dying in those chemical weapons attacks – and in the Iran-Iraq war, started by him, in which one million people died; and his is a regime with no moderate elements to appeal to.

"Read the chapter on Saddam and human rights in this dossier. Read not just about the 1 million dead in the war with Iran, not just about the 100,000 Kurds brutally murdered in northern Iraq, not just about the 200,000 Shia Muslims driven from the marshlands in southern Iraq, and not just about the attempt to subjugate and brutalise the Kuwaitis in 1990 that led to the Gulf war. I say, 'Read also about the routine butchering of political opponents, the prison 'cleansing' regimes in which thousands die, the torture chambers and the hideous penalties supervised by him and his family and detailed by Amnesty International.' Read it all and, again, I defy anyone to say that this cruel and sadistic dictator should be allowed any possibility of getting his hands on chemical, biological and nuclear weapons of mass destruction."<sup>4</sup>

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<sup>4</sup> House of Commons, *Official Record*, 24 September 2002, column 5.

**11.** Amnesty International issued a press release two days later, urging the UN Security Council to consider:

“... not only the security and political consequences of its action, but also the inevitable human rights and humanitarian toll of war ... concern for the life, safety and security of the Iraqi people is sorely missing from the debate, as is any discussion on what would be their fate in the aftermath of conflict ...”<sup>5</sup>

**12.** On 2 December, the FCO published a report on Saddam Hussein’s crimes and human rights abuses.<sup>6</sup> The report is addressed in more detail in Section 6.4.

**13.** The FCO report was “based on the testimony of Iraqi exiles, evidence gathered by UN rapporteurs and human rights organisations, and intelligence material”. It examined “Iraq’s record on torture, the treatment of women, prison conditions, arbitrary and summary killings, the persecution of the Kurds and the Shia, the harassment of opposition figures outside Iraq and the occupation of Kuwait”.

**14.** Mr Jack Straw, the Foreign Secretary, told the BBC that the report was being published “because it is important that people understand the comprehensive evil that is Saddam Hussein”.<sup>7</sup>

**15.** The report was criticised by some as an attempt to influence public opinion in favour of war.<sup>8</sup>

**16.** Amnesty International responded to that report, stating that the human rights situation in Iraq should not be used selectively; the US and other Western Governments had ignored previous Amnesty International reports of widespread human rights violations in Iraq.<sup>9</sup> Amnesty International continued:

“As the debate on whether to use military force against Iraq escalates, the human rights of the Iraqi people, as a direct consequence of any potential military action, is sorely missing from the equation.”

**17.** In his speech to the Labour Party Spring Conference in Glasgow on 15 February 2003, Mr Blair said:

“Yes, there are consequences of war. If we remove Saddam by force, people will die and some will be innocent. We must live with the consequences of our actions, even the unintended ones.

“But there are also consequences of ‘stop the war’ ...”<sup>10</sup>

<sup>5</sup> Amnesty International, 26 September 2002, *Iraq: human rights in the balance*.

<sup>6</sup> Foreign and Commonwealth Office London, *Saddam Hussein: crimes and human rights abuses*, November 2002.

<sup>7</sup> *BBC*, 2 December 2002, *UK unveils ‘torture’ dossier*.

<sup>8</sup> *The Guardian*, 3 December 2002, *Anger over Straw’s dossier on Iraqi human rights*.

<sup>9</sup> Amnesty International, 2 December 2002, *Iraq: UK Government dossier on human rights abuses*.

<sup>10</sup> *Scoop Independent News*, 17 February 2003, *Prime Minister Tony Blair’s Glasgow Party Speech*.

**18.** Mr Blair said that those consequences would include Saddam Hussein remaining in power in Iraq:

“A country that in 1978, the year before he seized power, was richer than Malaysia or Portugal. A country where today, 135 out of every 1,000 Iraqi children die before the age of five – 70 percent of these deaths are from diarrhoea and respiratory infections that are easily preventable. Where almost a third of children born in the centre and south of Iraq have chronic malnutrition.

“Where 60 percent of the people depend on Food Aid.

“Where half the population of rural areas have no safe water.

“Where every year and now, as we speak, tens of thousands of political prisoners languish in appalling conditions in Saddam’s jails and are routinely executed.

“Where in the past 15 years over 150,000 Shia Moslems in Southern Iraq and Moslem Kurds in Northern Iraq have been butchered, with up to four million Iraqis in exile round the world, including 350,000 now in Britain ...

“If there are 500,000 on that [Stop the War] march, that is still less than the number of people whose deaths Saddam has been responsible for.

“If there are one million, that is still less than the number of people who died in the wars he started.”

### **Child mortality in Iraq under Saddam Hussein’s regime**

The figure for child mortality in Iraq under Saddam Hussein’s regime used by Mr Blair in his speech to the Labour Party Spring Conference in February 2003, and in subsequent public statements, has been questioned. The Inquiry therefore considered the origin of that figure.

On 14 February, the day before Mr Blair’s speech, Ms Clare Short, the International Development Secretary, wrote to Mr Blair setting out key humanitarian issues in Iraq (see Section 6.5).<sup>11</sup> Ms Short advised that the humanitarian situation in the centre and the south of Iraq, which was under Saddam Hussein’s control, was worse than the situation in the north. To demonstrate that point, she attached statistics, attributed to the UN Children’s Fund (UNICEF), on child and maternal mortality in Iraq. Child mortality in central and southern Iraq was 135 per 1,000 (“worse than the Democratic Republic of Congo or Mozambique”) compared with 72 per 1,000 in northern Iraq.

On the same day, No.10 asked the FCO for material on a number of issues in preparation for Mr Blair’s speech to the Conference, including how many Iraqi children under the age of five died each month.<sup>12</sup>

<sup>11</sup> [Letter Short to Blair, 14 February 2003, ‘Iraq: Humanitarian Planning and the Role of the UN’.](#)

<sup>12</sup> [Minute Rycroft to Owen, 14 February 2003, ‘Iraq: Prime Minister’s Speech’.](#)

The FCO's reply, which had been agreed with DFID, stated that there were no truly reliable figures for child mortality in Iraq.<sup>13</sup> The only figures available were from a 1999 UNICEF report which claimed that child mortality had risen from 56 per 1,000 in 1989 to 131 per 1,000 in 1999 in "Baghdad-controlled Iraq" and fallen from 80 per 1,000 to 72 per 1,000 over the same period in "UN-controlled" northern Iraq. However, those figures had been questioned. The household surveys on which the figures were based had been "conducted with the Iraqi regime's 'help' and relied on some Iraqi figures".

A No.10 official passed the figures for Baghdad-controlled Iraq (but not northern Iraq) to Mr Blair.<sup>14</sup> The official did not make any reference to the reliability of those figures.

The Inquiry concludes that the figures provided to Mr Blair in February 2003 by Ms Short and FCO officials were drawn from UNICEF's Iraq Child and Maternal Mortality Survey (ICMMS), published in August 1999.<sup>15</sup> That survey received extensive coverage in the media, in particular on whether there was a connection between the apparent rise in child mortality and the sanctions regime that was then in force.<sup>16</sup>

The level of child mortality in Iraq estimated by the ICMMS was significantly higher than that estimated by later surveys. The Child Mortality Estimates website, which presents the work of the UN Inter-Agency Group on Child Mortality Estimation, charts the estimates of major surveys of under-five mortality in Iraq.<sup>17</sup>

The UN Inter-Agency Group on Child Mortality Estimation estimates that the under-five mortality rate in Iraq was 55 per 1,000 in 1989, 46 per 1,000 in 1999, 42 per 1,000 in 2003, and 37 per 1,000 in 2010 (when Mr Blair gave his evidence to the Inquiry).<sup>18</sup>

In September 2010, Professor Michael Spagat reported that the child mortality estimates reported by the ICMMS were between two and three times higher than those reported by three other major UN-sponsored surveys (the Iraq Living Conditions Survey 2005, the Multiple Indicator Cluster Survey in Iraq 2007 and the Iraq Family Health Survey 2008).<sup>19</sup> He suggested that the high and rising child mortality rates reported by the ICMMS could be explained by:

- the manipulation of the sanctions regime by Saddam Hussein, in order to exacerbate the suffering caused by that regime for political purposes; and
- the manipulation of data by Saddam Hussein's regime, to exaggerate the suffering caused by sanctions.

<sup>13</sup> [Fax Owen to Rycroft, 14 February 2003, 'PM's Speech Question'](#).

<sup>14</sup> [Minute Rycroft to Prime Minister, 14 February 2003, 'Iraq: Scotland Speech – Additional Points'](#).

<sup>15</sup> UNICEF, 12 August 1999, *Iraq Child and Maternal Mortality Survey*.

<sup>16</sup> *BBC*, 12 August 1999, *Iraqi child death rates soar*.

<sup>17</sup> Child Mortality Estimates website, *Under-five mortality rate: Iraq*. Child Mortality Estimates (CME) Info is a database containing the latest child mortality estimates based on the research of the UN Inter-agency Group for Child Mortality Estimation. The UN Inter-agency Group comprises UNICEF, WHO, the World Bank, and the UN DESA Population Division.

<sup>18</sup> Child Mortality Estimates website, *Under-five mortality rate: Iraq*.

<sup>19</sup> Spagat M. Truth and death in Iraq under sanctions. *Significance* **7(3)**: 116-120 (2010).

**19.** On 19 March, in response to a question from Mr Martin Caton in the House of Commons, Mr Blair said:

“Of course, I understand that, if there is conflict, there will be civilian casualties ... However ... civilian casualties in Iraq are occurring every day as a result of the rule of Saddam Hussein. He will be responsible for many, many more deaths even in one year than we will be in any conflict.”<sup>20</sup>

**20.** The Coalition began military action against Iraq later that day.

### **Assessments of Iraqi civilian casualties during initial combat operations**

**21.** In the second half of 2002, the Joint Intelligence Committee (JIC) produced four Assessments which identified the possibility of significant civilian casualties in the event of a Coalition attack on Iraq.

**22.** In August 2002, the JIC assessed Saddam Hussein’s diplomatic and military options to deter, avert or limit the scope and effectiveness of a US attack.<sup>21</sup> The JIC’s Key Judgements included:

“Saddam would order the use of CBW [chemical and biological weapons] against Coalition forces at some point, probably after a Coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against Coalition forces, supporting regional states and Israel.”

**23.** The Assessment also identified a number of “unorthodox options” that Saddam Hussein might pursue, including:

“... a ‘scorched earth’ policy ... with the aim of creating a humanitarian or environmental catastrophe ...”

**24.** In September, the JIC assessed how Iraq might use chemical and biological weapons.<sup>22</sup> Its Key Judgements included:

“If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance.”

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<sup>20</sup> House of Commons, *Official Report*, 19 March 2003, column 934.

<sup>21</sup> [JIC Assessment, 21 August 2002, ‘Iraq: Saddam’s Diplomatic and Military Options’.](#)

<sup>22</sup> [JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.](#)

**25.** In October, the JIC assessed the likely reaction of the Kurdish and Shia population of Iraq to any US-led attack.<sup>23</sup> It stated that:

“... **spontaneous uprisings**, without any clear central leadership, are likely in both southern and northern Iraq ... should the regime’s control collapse quickly ... In both areas there could be violent score settling.”

**26.** In December, the JIC assessed Iraq’s military options during Coalition air strikes and a ground attack.<sup>24</sup> Its Key Judgements included:

“Saddam [Hussein] would use chemical and biological weapons (CBW) if he faced defeat. He might also use them earlier in a conflict, including against coalition forces, neighbouring states and his own people. Israel could be his first target.

...

“Other Iraqi responses might include seizing hostages as ‘human shields’; using non-lethal BW agents in a deniable manner; suicide attacks; or a ‘scorched earth’ policy with the aim of creating a humanitarian or environmental catastrophe. At some point, motivated by revenge, Saddam would seek to inflict the maximum damage on his enemies, whether Iraqis or outsiders.”

**27.** Sections 6.1 and 6.2 consider UK military planning for the invasion of Iraq, including the development of the UK’s Targeting Directive.

**28.** On 15 January 2003, Mr Blair met Mr Geoff Hoon, the Defence Secretary, the Chiefs of Staff and others to discuss military planning for Iraq.<sup>25</sup> Mr Blair asked how many civilian casualties there might be, and for a list of the targets which UK air forces might be asked to attack, along with a commentary on their military importance and the risk of casualties.<sup>26</sup>

**29.** On 3 February, the MOD produced a Casualty Estimate paper for the Chiefs of Staff.<sup>27</sup> The estimates of UK military casualties are described in Section 16.3.

**30.** The MOD advised that, although detailed assessments of civilian casualties resulting from the air campaign could be produced on a “target-by-target” basis, the target set was not yet sufficiently well defined to allow an estimate to be produced for the air campaign as a whole. Analysis based on estimated civilian casualties during operations over Iraq between 1998 and 1999 suggested that the civilian casualties for an air campaign would be around 150 killed and 500 injured.

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<sup>23</sup> [JIC Assessment, 23 October 2002, ‘Iraq: The Kurds and Shia’.](#)

<sup>24</sup> [JIC Assessment, 6 December 2002, ‘Iraq: Military Options’.](#)

<sup>25</sup> Email PJHQ-DCJO(Ops)-MA to PJHQ-CJO/MA, 15 January 2003, ‘Readout of the Brief to PM – Wed 15 Jan’.

<sup>26</sup> [Letter Rycroft to Watkins, 15 January 2003, ‘Iraq: Military Planning’.](#)

<sup>27</sup> Minute Fry to COSSEC, 3 February 2003, ‘Casualty Estimates – Op TELIC’ attaching Paper MOD, 3 February 2003, ‘Casualty Estimates for Op TELIC Based on Operational Analysis’.

**31.** No assessment had been produced of civilian casualties arising from “urban operations in Basra”. Experience from World War II suggested that between 200 and 2,000 civilians could be killed in urban operations in Basra, depending on “circumstances, duration and the degree to which civilian casualties are minimised”.

**32.** Mr Blair was briefed on the targeting aspects of an air campaign by Mr Hoon, Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)) and Air Commodore Mike Heath (MOD Head of the Directorate of Targeting and Information Operations) on 6 February.<sup>28</sup>

**33.** At the meeting, Mr Blair underlined the importance of “minimising the number of civilian casualties and ensuring that all targets were appropriate and proportionate” and that consideration should be given to “how best to explain publicly the scale and nature of the campaign”.

**34.** On 19 February, at the request of the Overseas and Defence Secretariat in the Cabinet Office, the JIC provided an Assessment of the situation in southern Iraq and what might happen before, during and after any Coalition military action.<sup>29</sup> The JIC assessed that the “relative weakness of Iraq’s conventional forces in the south, and the fact that those forces will face the brunt of a Coalition ground attack” meant that southern Iraq was “**the most likely area for the first use of CBW against both Coalition forces and the local population**”.

**35.** The JIC identified a number of factors that could undermine popular support for any post-Saddam Hussein administration, including major civilian casualties.

**36.** In mid-February Mr Blair read the Adelphi Paper *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*, published by the International Institute for Strategic Studies (IISS).<sup>30</sup>

**37.** Several contributors to the Adelphi Paper warned of the potential for violent disorder in post-conflict Iraq.<sup>31</sup> The Paper is addressed in detail in Section 6.5.

**38.** The Adelphi Paper prompted Mr Blair to ask a number of detailed questions about the military campaign and post-conflict issues, including:

“What is our military’s assessment of the likely consequences of an attack on Iraq; i.e. how many casualties; how quickly the collapse?”<sup>32</sup>

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<sup>28</sup> [Letter Rycroft to Watkins, 6 February 2003, ‘Iraq: Prime Minister’s Meeting, 6 February’.](#)

<sup>29</sup> [JIC Assessment, 19 February 2003, ‘Southern Iraq: What’s in Store?’.](#)

<sup>30</sup> [Letter Rycroft to McDonald, 20 February 2003, ‘Iraq: Political and Military Questions’.](#)

<sup>31</sup> Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press, January 2003.

<sup>32</sup> [Minute Rycroft to McDonald, 20 February 2003, ‘Iraq: Political and Military Questions’.](#)

**39.** General Tommy Franks, Commander in Chief US Central Command (CENTCOM), met Mr Blair on 25 February.<sup>33</sup> The record of the meeting written by a No.10 official reported that Mr Blair asked if Gen Franks had “any idea” of the scale of likely civilian casualties.

**40.** Adm Boyce stated that civilian casualties were likely to be in the “low hundreds”. Gen Franks stated that ways to minimise civilian casualties were being explored.

**41.** Mr Blair concluded that “we must set out our strategy: to destroy the regime but minimise civilian casualties”.

**42.** Mr Peter Watkins, Mr Hoon’s Principal Private Secretary, sent the MOD’s response to Mr Blair’s questions to No.10 on 24 February.<sup>34</sup> Mr Watkins advised that the MOD estimated that the UK “land battle” casualties would be in the order of 30–60 killed, and that Iraqi land battle casualties would be in the order of 500–1,200 killed. Detailed assessments of likely casualties from the air campaign, including civilian casualties, could only be done on a “target-by-target” basis and this work was “in hand”.

Mr Watkins stated:

“Iraqi civilian casualties from anything other than the air campaign are likely to be relatively few, unless Coalition forces become engaged in fighting in urban areas.”

**43.** Mr Watkins’ letter did not refer to the broad estimates of civilian casualties that had been submitted to the Chiefs of Staff on 3 February.

## Civilian casualties during initial combat operations

### Provision of medical care to Iraqi citizens

**44.** Section 16.2 addresses the provision of medical care to UK Service Personnel.

**45.** The MOD recognised before the invasion that, under the Geneva Convention, it was obliged to provide Iraqi citizens (both military personnel and civilians) with the medical care that they required within the UK’s means and capabilities.<sup>35</sup>

**46.** That obligation was reflected in military planning for Operation TELIC. The MOD’s policy was that initial treatment would take place in theatre, with transfer to other countries in the region if transfer was required and if those countries agreed to accept Iraqi citizens for treatment. If those countries did not agree to accept them, the UK would evacuate the very seriously injured to the UK for specialist care.

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<sup>33</sup> Letter Cannon to Owen, 25 February 2003, ‘Iraq: Prime Minister’s Meeting with General Franks’.

<sup>34</sup> [Letter Watkins to Rycroft, 24 February 2003, ‘Iraq: Political and Military Questions’](#); [Minute Rycroft to Prime Minister, 26 February 2003, ‘Political and Military Questions on Iraq’](#).

<sup>35</sup> Minute PJHQ [junior official] to APS/Mr Hoon, 14 May 2003, ‘Operation TELIC: Aeromedical Evacuation of Iraqi Civilians to the UK for Treatment’.

**47.** The Permanent Joint Headquarters (PJHQ) advised Mr Hoon on 14 May 2003, two weeks after the end of major combat operations, that only seven Iraqi citizens had so far been evacuated to the UK, predominantly for severe burns (PJHQ had planned for the evacuation of 20 Iraqi citizens).

**48.** The MOD reported in July 2003 that around 200 Iraqi Prisoners of War and 200 Iraqi civilians had been treated in British medical facilities during the deployment and combat phases of Op TELIC.<sup>36</sup>

## Reports on civilian casualties

**49.** On 31 March, Mr Hoon and Adm Boyce briefed Mr Blair on progress on military operations.<sup>37</sup> Mr Blair asked for an estimate of civilian casualties. Mr Hoon replied: “Hundreds.”

**50.** As major combat operations continued, the Government came under sustained pressure in the House of Commons to provide estimates of Iraqi and civilian casualties and to minimise civilian casualties and damage to infrastructure.

**51.** On 2 April, in response to a question from Mr John MacDougall, Mr Adam Ingram, Minister of State for the Armed Forces, stated:

“We have no means of ascertaining the numbers of military or civilian lives lost during the conflict in Iraq to date, although we make every effort to keep any impact upon the Iraqi civilian population to an absolute minimum. All our military planning is conducted in full accordance with our obligations under international law to employ the minimum necessary use of force to achieve military effect, and to avoid injury to non-combatants or civilian infrastructure. Practically, this is achieved through a combination of an extremely careful targeting process and highly accurate precision guided weapons.”<sup>38</sup>

**52.** The following day, in response to a question from Ms Caroline Spelman regarding the number of Iraqi civilians who had been injured and killed as a result of the conflict, Mr Ingram stated:

“... it is impossible to know for sure how many civilians have been injured, or killed and subsequently buried.”<sup>39</sup>

**53.** IBC reported in July 2005 that 7,299 non-combatant civilians had been killed between 20 March 2003 and 30 April 2003.<sup>40</sup> Of those deaths, 6,882 had been caused by US-led forces, 206 by “anti-Occupation forces, unknown agents and crime”, and 211 by both US-led and anti-Occupation forces.

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<sup>36</sup> Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

<sup>37</sup> Minute Rycroft to Powell, 31 March 2004, ‘Iraq: Military Briefing, 31 March 2003’.

<sup>38</sup> House of Commons, *Official Report*, 2 April 2003, column 738W.

<sup>39</sup> House of Commons, *Official Report*, 3 April 2003, column 783W.

<sup>40</sup> Iraq Body Count, July 2005, *A Dossier of Civilian Casualties 2003 – 2005*.

## Battle Damage Assessment

Section 6.2 describes the main principles of International Humanitarian Law (IHL), also known as the Law of Armed Conflict (LOAC) or the Law of War, how they were disseminated to those engaged in military action, and how they were reflected in the UK's Targeting Directive and Rules of Engagement (ROEs).

The key elements of IHL which apply to targeting of military objectives during a conflict are set out in the 1977 Protocol Additional to the Geneva Conventions of 1949 (Protocol I).

The main principles can be summarised as:

- **Distinction.** The parties to the conflict must at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives, and shall direct their operations only against military objectives (Article 48).
- **Proportionality.** Military objectives must not be attacked if the attack is likely to cause civilian casualties or damage which would be excessive in relation to the concrete and direct military advantage anticipated (Article 57:2:b).
- **Military Necessity.** Offensive operations must be limited to those which are necessary (Article 57:3).
- **Feasible Precautions.** In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

Those who plan or decide upon an attack must take a number of specified precautions, focusing on the principles outlined above (Article 57).

The Battle Damage Assessment (BDA) process in place at the beginning of Op TELIC was set out in the UK's 2001 'Joint Targeting and Battle Damage Assessment for UK Forces'.<sup>41</sup>

The paper stated that the purpose of BDA was:

"... to evaluate the overall effectiveness of an attack. It is also required to determine collateral and additional damage in order to provide an authoritative statement about the proportionality and legality of the attack, and on the absence or presence of collateral or additional damage when required for rebuttal purposes."<sup>42</sup>

The paper defined "collateral damage" as unintentional or incidental damage affecting facilities, equipment or personnel that were not justifiable military objectives. It defined "additional damage" as unintentional or incidental damage affecting facilities, equipment or personnel that were justifiable military objectives.

The paper did not describe how, after an attack, the number of civilian casualties should be determined.

The MOD told the Inquiry that, during Op TELIC 1, civilian casualty incidents were classed as "serious incidents" for which investigation was mandated by the Commanding Officer and a "higher authority".<sup>43</sup> The process was formalised in June 2003, so that any incident judged to have potentially fallen outside the UK's ROEs was fully investigated by the Service Police.

<sup>41</sup> Paper, January 2001, 'Joint Targeting and Battle Damage Assessment for UK Forces'.

<sup>42</sup> Paper, January 2001, 'Joint Targeting and Battle Damage Assessment for UK Forces, Annex G: BDA – Phases and Definitions'.

<sup>43</sup> Paper MOD, [undated], 'Iraq Inquiry Request for Evidence on the Assessment of Civilian Casualties Sustained during Military Operations'.

## Case study of a bombing in a Basra suburb, 5 April 2003

**54.** The deaths of 10 members of the Hamoudi family in a Coalition air strike on houses in a residential area of Basra in early April 2003 attracted significant media attention.

**55.** The Inquiry has considered, as a case study, the Government's role in and response to the air strike.

**56.** The UK military undertook a Rapid Collateral Damage Assessment on 4 April 2003 for a possible attack on a small group of residential houses in Basra that were expected to be visited by General Ali Hasan Al-Majid (also known as Chemical Ali).<sup>44</sup> Gen Al-Majid was described as responsible for co-ordinating resistance to the Coalition within southern Iraq and therefore as a combatant.<sup>45</sup>

**57.** The Assessment concluded that seven houses (not including those targeted) might suffer collateral damage, and that there would be additional casualties in the open, resulting in 39 civilian casualties in a day attack and 51 in a night attack (again, not including casualties in the targeted houses).<sup>46</sup> No separate estimate had been made of damage to or casualties in the targeted buildings.

**58.** Given the number of expected civilian casualties (more than 30), approval for the attack was referred from HQ 1st (UK) Armoured Division to Air Marshal (AM) Brian Burridge, the UK's National Contingent Commander, and hence to Mr Hoon.<sup>47</sup>

**59.** AM Burridge advised Mr Hoon that:

“... the expected civilian casualties ... would not be excessive in relation to the direct and concrete military advantage anticipated should Al-Majid be successfully targeted. The attack is therefore capable of being assessed as proportional by the Commander.”<sup>48</sup>

**60.** On 4 April, Mr Hoon agreed that the attack should proceed.<sup>49</sup> However, Gen Al-Majid was reported to have left the location before the attack could be carried out.

**61.** In the expectation of Gen Al-Majid's return, AM Burridge also sought approval for the attack from CENTCOM.<sup>50</sup>

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<sup>44</sup> Minute NCHQ OA to NCHQ J3 Targets, 4 April 2003, 'Rapid Collateral Damage Estimate Residential Houses (Loc: 303121.8N 474904.0E)'.

<sup>45</sup> TST Log Sheet, [undated], [untitled].

<sup>46</sup> Minute NCHQ OA to NCHQ J3 Targets, 4 April 2003, 'Rapid Collateral Damage Estimate Residential Houses (Loc: 303121.8N 474904.0E)'.

<sup>47</sup> Minute BMRA to NC HQ, 15 April 2003, 'Civilian Casualties – Coalition Engagement in Basrah – 05 April 2003'; Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.

<sup>48</sup> TST Log Sheet, [undated], [untitled].

<sup>49</sup> Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.

<sup>50</sup> Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.

**62.** CENTCOM agreed the attack early on 5 April, subject to a reduction in the ordnance to be used from 500lb and 1,000lb bombs to 500lb bombs only, in order to minimise collateral damage.<sup>51</sup>

**63.** At 0530 local time on 5 April, following reports that Gen Al-Majid had returned to the location, US forces dropped seven bombs on the target.<sup>52</sup> The US reported immediately after the attack that:

- four bombs had hit the target and detonated;
- two bombs had missed the target; and
- one bomb had hit the target but failed to detonate.

**64.** Mr Abed Hassan Hamoudi wrote to the “Head of Coalition Forces” in Basra on 12 April, informing him that 10 members of his family had been killed when a number of rockets from Coalition aircraft had hit his house.<sup>53</sup> He had received no expression of condolence or explanation for the attack. Mr Hamoudi indicated that he would seek compensation for the attack and said that he had authorised his son, Mr Sudad Hamoudi, to pursue the case.

**65.** The Joint Air Reconnaissance Intelligence Centre (JARIC) produced a Phase 1 Battle Damage Assessment (BDA) for the attack on Gen Al-Majid on 14 April.<sup>54</sup> It stated that no collateral damage had been observed.

**66.** By 15 April, HQ 1st (UK) Armoured Division had associated the attack on Gen Al-Majid with the deaths reported by Mr Hamoudi.<sup>55</sup>

**67.** HQ 7 Armoured Brigade (then responsible for the Basra battlespace) issued a consolidated BDA for the Basra urban area on 19 April.<sup>56</sup> The BDA covered 15 targets which had been engaged by precision guided munitions, including the 5 April attack on Gen Al-Majid. The BDA for that attack reported that the target residence had been completely destroyed, but Gen Al-Majid was believed to have escaped. The attack had damaged other properties and caused civilian casualties; one neighbour had claimed that 10 members of his family including four children had been killed, and another neighbour had claimed that an additional seven children had been killed.

**68.** The consolidated BDA made no mention of civilian casualties in its reports on any of the other attacks.

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<sup>51</sup> Minute BMRA to NC HQ, 15 April 2003, ‘Civilian casualties – Coalition Engagement in Basrah – 05 April 2003’.

<sup>52</sup> Report 524 Expeditionary Fighter Squadron, 5 April 2003, [untitled]. Minute HQ NCC to PJHQ, 16 April 2003, ‘Time Sensitive Target – Gen Ali Hasan Al Majid’.

<sup>53</sup> Letter Hamoudi to Head of Coalition Forces, 12 April 2003, [untitled].

<sup>54</sup> Report JARIC, 14 April 2003, ‘MRNXXHACIZ/0248’.

<sup>55</sup> Minute BMRA to NC HQ, 15 April 2003, ‘Civilian casualties – Coalition Engagement in Basrah – 05 April 2003’.

<sup>56</sup> Report 7 Armoured Brigade, 19 April 2003, ‘Battle Damage Assessment Report for the Al Basrah Urban Area and Immediate Hinterland’.

**69.** The consolidated BDA considered the contribution that pre-planned strikes had made to the campaign, and concluded that:

“... PGMs [precision guided munitions] shortened the battle ... and as a result, reduced loss of life on both sides.”

**70.** An MOD official advised Mr Ingram on 23 April that an investigation into Coalition activity on 5 April, the BDA of the attack on Gen Al-Majid, and other evidence indicated that Mr Hamoudi’s claim was true.<sup>57</sup> Two of the bombs had missed their target “and we suspect therefore that these bombs caused the collateral damage to Mr Hamoudi’s house”.

**71.** The official also advised that although the MOD had not yet developed a policy on compensation, it was unlikely that Mr Hamoudi would have a claim. There was no legal obligation on the Coalition to compensate civilians affected by hostilities. In line with previous operations, the MOD would not expect to offer compensation for damages resulting from legitimate targeting during hostilities.

**72.** Mr Ingram wrote to Mr Sudad Hamoodi on 4 June. Mr Ingram advised that the UK had “looked into” the circumstances surrounding the event and could confirm that the deaths were:

“... likely to have been the result of Coalition bombing aimed at General ... Al Majid. There as no deliberate targeting of your father’s home and the losses suffered by your family were quite unintended. I appreciate that this may be of very little comfort to you now.

“... the Coalition does take every care to ensure that our military action avoids injury to civilian populations. That said it is not possible to eliminate the risk to civilians entirely, but I hope you will understand that when civilians are injured or killed in this way, this is a tragic accident rather than a deliberate event.”<sup>58</sup>

**73.** Mr Sudad Hamoudi replied to Mr Ingram on 8 June, posing a number of questions including:

- Was the intelligence that had placed Gen Al-Majid at the location (in a residential district) reliable?
- Why had the family not been warned about the possibility of an attack, so that they could have taken action to ensure their own safety?
- Whether it was correct to describe the deaths as an accident, when they had resulted from a deliberate action.<sup>59</sup>

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<sup>57</sup> Minute MOD [junior official] to PS/Minister(AF) [MOD], 23 April 2003, ‘OP TELIC: Hamoodi Family: Civilian Fatalities’.

<sup>58</sup> Letter Ingram to Hamoodi, 4 June 2003, [untitled].

<sup>59</sup> Letter Hamoodi to Ingram, 8 June 2003, [untitled].

**74.** Mr Sudad Hamoudi concluded that there had to be “some kind of accountability” for the loss of civilian lives.

**75.** An MOD official provided Mr Ingram with a draft reply to Mr Sudad Hamoudi’s letter on 20 June.<sup>60</sup> The official advised that further analysis of the attack suggested that the damage to Mr Abed Hamoudi’s house had not been caused by one of the two bombs that had missed their target, as had been suggested in the 23 April minute to Mr Ingram, but had instead been “an unavoidable consequence of an accurate strike on the target house”. The official continued:

“The targeting planning process identified that collateral damage was likely in neighbouring properties to the target area. If the Hamoudi house was one of these, it therefore seems possible it was damaged as an expected and unavoidable consequence of the strike on the building believed to contain General ‘Chemical’ Ali Hassan Al-Majid, although at the moment we cannot say this with certainty.

“Although we can say with complete certainty that the Hamoudi house was not deliberately targeted by the Coalition ... it becomes difficult in this particular instance to sustain with any confidence the line that this was an accident.”

**76.** The MOD official stated that there was nevertheless no doubt as to the legitimacy of the attack.

**77.** The official also stated: “In line with previous operations we would not expect to offer compensation for damages resulting from legitimate targeting during hostilities.”

**78.** Mr Ingram replied to Mr Sudad Hamoudi on 23 June.<sup>61</sup> He reiterated his sorrow at the deaths caused by the attack and set out the UK Government’s position on its legality:

“As the Commander of the Southern Region [of Iraq] ... Al-Majid was a key Iraqi military figure whose removal from command was expected to deliver considerable military advantage ... thus ultimately minimising casualties on both sides. The attack on the place where he was believed to be located was therefore entirely lawful.”

**79.** Mr Ingram was advised on 10 July – over three months after the attack – that the UK’s “research” into the incident remained “incomplete, and the information available ambiguous”.<sup>62</sup> PJHQ was trying to confirm the address of Mr Hamoudi’s house, and that the strike on Gen Al-Majid was “actually accurate and directed against the correct co-ordinates”.

**80.** Members of the Iraq Inquiry Committee met members of the Hamoudi family in 2010.

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<sup>60</sup> Minute MOD [junior official] to APS/Mr Ingram, 20 June 2003, ‘Op TELIC: Hamoodi Family: Civilian Fatalities’.

<sup>61</sup> Letter Ingram to Hamoodi, 23 June 2003, [untitled].

<sup>62</sup> Minute MOD [junior official] to MOD [junior official], 10 July 2003, ‘Op TELIC: Hamoodi family: civilian fatalities’.

## Responding to demands to count civilian casualties

**81.** From early June 2003, and throughout the summer, there were signs that security in both Baghdad and the South was deteriorating.

**82.** The Government continued to face pressure in Parliament to provide estimates of the numbers of Iraqi citizens who had died during the conflict. The Government's line remained that the UK had no means of ascertaining the number of Iraqi Service Personnel or civilians who had been killed during the conflict.

**83.** On 14 October 2003, in response to a question from Mr Adam Price regarding the number of Iraqi civilians who had been killed by UK or US forces in Iraq since the end of the conflict, Mr Hoon said:

“We make every effort to minimise the impact of military operations on the Iraqi civilian population.

“We have no reliable means of ascertaining the numbers of civilians killed by United Kingdom Forces since the conflict ended.”<sup>63</sup>

**84.** FCO and MOD officials discussed that response.

**85.** On 12 November, an FCO official reported to Mr John Buck, FCO Director Iraq, that according to MOD officials:

“... notwithstanding this answer, records are kept of all significant incidents involving UK forces. A significant incident would include ... a soldier wounding or killing a civilian. At present, this information is not collated, although PJHQ accept that it could be.”<sup>64</sup>

**86.** That collated information would not necessarily be “fully reliable”, as UK forces could not always be sure if someone had been killed or wounded in an incident, and whether that person was a civilian.

**87.** On the same day, PJHQ sent Mr Hoon a report on the death of two Iraqi adults and the injury of an Iraqi child in an incident involving UK forces.<sup>65</sup>

**88.** The report prompted Mr Hoon to ask PJHQ for “further advice on the total numbers of civilians killed by UK forces since the end of major combat operations”.<sup>66</sup>

**89.** On 13 November, in response to a question from Mr Price in the House of Commons, Mr Ingram confirmed that the Special Investigation Branch (SIB) of the Royal

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<sup>63</sup> House of Commons, *Official Report*, 14 October 2003, column 22W.

<sup>64</sup> Minute FCO [junior official] to Buck, 12 November 2003, ‘Iraq – Civilian Casualties’.

<sup>65</sup> Minute PJHQ to PS/Secretary of State [MOD], 12 November 2003, ‘Iraqi Civilian Shooting in Basrah’.

<sup>66</sup> Minute APS/Secretary of State to PJHQ, 13 November 2003, ‘Iraqi Civilian Shooting in Basrah’.

Military Police (RMP) had begun investigations into 17 civilian fatalities allegedly caused by UK forces.<sup>67</sup>

**90.** Mr Straw wrote to Mr Hoon on 18 November to ask that the MOD examine whether it would be viable to collate information on post-conflict civilian casualties inflicted lawfully and in accordance with the UK's Rules of Engagement by UK forces (and other troop contributors) in the UK's Area of Responsibility.<sup>68</sup> Mr Straw recalled recent media and NGO reporting on the "allegedly high levels of civilian casualties inflicted by Coalition forces" and the level of Parliamentary and public interest, and continued:

"I recognise fully the difficulties involved in compiling accurate statistics about civilian casualties, particularly during combat operations. But I am concerned that the current UK/US position – that 'there is no reliable means of ascertaining the number of civilian casualties, even in post-conflict Iraq' – leaves the field entirely open to our critics and lets them set the agenda ...

"We need to find ways of countering the damaging perception that civilians are being killed needlessly, and in large numbers, by Coalition forces."

**91.** Mr Straw referred to the work of IBC, which he described as having "some credibility (within the sourcing limitations)".

**92.** Mr Hoon's Private Office passed Mr Straw's letter to PJHQ, asking for a draft reply.<sup>69</sup> Mr Hoon's Private Office commented that they had already asked PJHQ to identify the total number of civilians killed by UK forces since the end of major combat operations.

**93.** PJHQ replied to Mr Hoon's Private Office on 25 November.<sup>70</sup> It confirmed that assessment reports (ASSESSREPs) recorded the detail of contacts and incidents in the UK's Area of Operations, including details of civilian "casualties or deaths". It would take two weeks to review all ASSESSREPs produced since 1 May 2003, to determine the number of Iraqi civilian casualties. The number produced would not be "definitive or entirely comprehensive"; ASSESSREPs would only cover incidents which were witnessed by or involved UK forces.

**94.** PJHQ also advised:

"The current line, that there is no reliable way of knowing how many casualties there have been ... was perfectly reasonable during the decisive combat phase of Op TELIC ... as long-range attacks meant that there was no source on the ground to verify ... casualty numbers.

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<sup>67</sup> House of Commons, *Official Report*, 13 November 2003, column 433W.

<sup>68</sup> Letter Foreign Secretary to Defence Secretary, 18 November 2003, 'Iraq: Civilian Casualties'.

<sup>69</sup> Minute APS/Secretary to State [MOD] to PJHQ J9 Hd PI/Ops, 18 November 2003, 'Iraq – Civilian Casualties'.

<sup>70</sup> Minute PJHQ J9 to APS/Secretary of State [MOD], 25 November 2003, 'OP TELIC: Civilian Casualties'.

“Since ... the end of decisive combat operations, this line has become more difficult to defend as confirmed cases of civilian casualties where UK forces are involved are recorded locally.”

**95.** Mr Hoon replied to Mr Straw the following day, advising that neither Iraqi ministries nor Coalition Forces currently had the capacity to collate definitive statistics on the causes of death or injury to civilians.<sup>71</sup> He nevertheless shared Mr Straw’s desire to be able to produce accurate casualty statistics “to be able to refute some of the more wild speculation”. The SIB was investigating 17 civilian fatalities allegedly caused by UK forces. The MOD was “seeking to analyse” incident reports produced since 1 May 2003 in order to determine the likely number of “additional Iraqi civilian deaths”. That process would take some time; Mr Hoon undertook to write to Mr Straw with the results.

**96.** Mr Price secured an Adjournment Debate on “military operations and civilian deaths in post-war Iraq”, which was held in Westminster Hall on 7 January 2004.<sup>72</sup> Mr Price had previously tabled 17 Parliamentary Questions on civilian casualties in post-war Iraq and had sent his paper *Can Kill, Won’t Count* to Mr Hoon and the Attorney General.

**97.** Mr Ingram’s briefing for the debate advised that the review of ASSESSREPs which had been initiated the previous month had been completed. In addition to the 17 civilian deaths which were subject to investigation by SIB/RMP, the review had identified a further 17 civilians who had been killed by UK forces; one in an (unspecified) accident and 16 in circumstances where force was deemed to have been used in accordance with the UK’s Rules of Engagement.

**98.** Opening the debate, Mr Price asked Mr Ingram how many civilian casualties had been reported by UK forces.<sup>73</sup> In his response, Mr Ingram referred to the 17 deaths that were being investigated by SIB/RMP, but not to the 17 further deaths that the MOD review had identified.

**99.** Mr Ingram rejected the charge that the UK was refusing to keep records of civilian casualties:

“That is not true ... Although we record all such incidents, it would be wrong to claim that we have an exhaustive record, because we cannot always be certain of the number of fatalities that result. In some incidents ... those who have been attacking UK forces and who have been injured or killed are removed from the scene ...

“There have also been incidents in which UK forces have been forced to withdraw from an engagement with no reliable means of ascertaining the number of fatalities ... Finally, gun battles have taken place in which our forces were not involved, but there have been claims that they were responsible for casualties none the less.”

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<sup>71</sup> Letter Hoon to Straw, 26 November 2003, [untitled].

<sup>72</sup> Minute PJHQ to APS/Minister(AF) [MOD], 23 December 2003, ‘Adjournment Debate on 7 January: Military Operations and Civilian Deaths in Post-War Iraq – Adam Price’.

<sup>73</sup> House of Commons, *Official Report*, 7 January 2004, columns 135WH to 141WH.

**100.** Mr Ingram also clarified the MOD’s definition of a civilian:

“For our purposes, the term ‘civilian’ applies to all Iraqis. Besides peaceful law-abiding men, women and children, it includes those former regime loyalists who have since April continued to bomb, kill and maim their fellow Iraqi countrymen and women and Coalition troops.”

**101.** On 6 February, in response to a written Parliamentary Question from Mr Price, Mr Ingram stated:

“As at 2 February, since the end of major combat operations 37 alleged fatalities had been reported by British units of which 18 have been the subject of investigations. All those not subject to investigation involved assailants attacking British forces and in defending themselves the soldiers involved were acting clearly within their Rules of Engagement.”<sup>74</sup>

**102.** That was the first public statement, of which the Inquiry is aware, of the number of civilians killed by UK forces in Iraq.

**103.** IBC reported on 7 February 2004 that the number of “non-combatant civilian” deaths in Iraq during 2003 “as a result of the US/UK-led invasion and Occupation of Iraq” might have passed 10,000.<sup>75</sup>

**104.** IBC commented:

“Pushing the total past the 10,000 mark were recent reports of Iraqi policemen killed since Saddam’s fall in April. It is unsurprising that, as the CPA [Coalition Provisional Authority] and Occupying forces bunker themselves behind concrete fortresses, their most exposed and least well-protected front-line defence, members of the ‘new’ Iraqi civil defence and police forces, have suffered disproportionately.”

**105.** On 23 April, at his request, Mr Blair received 19 “unvarnished accounts” of progress on security, the political process and reconstruction in Iraq (see Section 9.2).

**106.** In his response to those accounts, Mr Blair asked for answers to four specific questions, including:

“How many civilians have been killed in Iraq, and how? The figure of 15,000 is out there as a fact – is it accurate?”<sup>76</sup>

**107.** The Cabinet Office responded to that question on 30 April, as part of a detailed update on the capabilities of the Iraqi Security Forces.<sup>77</sup> It advised that there were no accurate estimates of the number of Iraqi casualties since the start of combat

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<sup>74</sup> House of Commons, *Official Report*, 6 February 2004, column 1104W.

<sup>75</sup> Iraq Body Count, 7 February 2004, *Civilian deaths in ‘noble’ Iraq mission pass 10,000*.

<sup>76</sup> [Letter Rycroft to Owen, 26 April 2004, ‘Iraq: 15 Reports for the Prime Minister’](#).

<sup>77</sup> [Minute Dodd to Quarrey, 30 April 2004, ‘Iraqi Security Force Capabilities’](#).

operations; figures ranged from 5,000 to 20,000. The MOD's public line had been that it was not possible to determine the number of civilian casualties, and that UK forces took every effort to minimise the impact of military operations on the civilian population.

**108.** An "initial assessment" undertaken by the MOD in February 2004 had indicated that 36 civilians had died as a result of UK actions since 1 May 2003.<sup>78</sup> The MOD was now undertaking a "comprehensive assessment" of unit records to produce a more accurate estimate; the outcome of that assessment would be shared with Ministers in May.

**109.** On 21 May, No.10 asked the FCO to "look again" at the question of civilian casualty figures, and for a weekly "digest" of casualty figures.<sup>79</sup>

**110.** The FCO replied on 26 May. It stated that CPA advisers to the Iraqi Ministry of Health (MOH) had told the FCO that the MOH did not have reliable figures for civilian deaths or their causes. The MOH was gradually re-establishing standard practices and procedures, but those were still "very basic".

**111.** The FCO concluded that the UK did not have reliable figures for overall civilian casualties. As the MOH improved its systems, it might be possible for the Iraqi Interim Government (IIG) to determine numbers and causes of civilian deaths and injuries: "But, for now, we are primarily reliant on NGO websites whose reliability we cannot easily assess."

**112.** The Inquiry has seen no indications that the FCO provided a weekly digest on civilian casualties to No.10.

**113.** In response to a written question from Lord Lester of Herne Hill on whether the CPA had access to hospital records detailing Iraqi civilian deaths and injuries and their causes, Baroness Symons, FCO Minister of State, stated on 7 June:

"Coalition Provisional Authority advisers to the Iraqi Ministry of Health (MOH) do have access to some figures on civilian deaths. However these statistics are not reliable, as Iraqis often bury their deceased relatives without official notification/registration. This has been particularly true during periods of heightened conflict. The MOH does not therefore have accurate figures for civilian deaths or their causes for the past year. The MOH is gradually re-establishing standard practices and procedures, although these are basic. In the longer term the Iraqi Interim Government may be able to evaluate the causes of civilian deaths and injuries."<sup>80</sup>

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<sup>78</sup> President Bush declared on 1 May 2003 that major combat operations in Iraq had ended.

<sup>79</sup> Letter FCO [junior official] to Quarrey, 26 May 2004, 'Iraq Casualty Figures'.

<sup>80</sup> House of Lords, *Official Report*, 7 June 2004, column WA1.

**114.** Lord Lester followed up that reply by asking the UK Government to publish the MOH statistics on Iraqi civilian deaths and injuries. Baroness Symons replied on 24 June:

“There are no reliable figures for Iraqi civilian deaths since March 2003. The Iraqi Ministry of Health has informed us that the number of civilians killed in security incidents is 1,203 and 3,992 wounded dating from when statistics began on 5 April 2004. However they reflect only hospital admissions and may not be comprehensive. It is not possible to break these down into how they were killed or who may have been responsible. It includes casualties caused by terrorist action.”<sup>81</sup>

**115.** The Occupation of Iraq formally came to an end on 28 June. Power was transferred from the CPA and Iraqi Governing Council to the IIG.<sup>82</sup>

**116.** On 6 October, the US media reported that the Iraqi MOH had recorded 3,487 insurgency-related deaths between 5 April, when the MOH began compiling data, and 19 September.<sup>83</sup> According to (unnamed) Iraqi officials, between 10 June (when the MOH began compiling data on cause of death) and 10 September, 1,295 Iraqis had been killed by “multinational forces and police” and 516 by “terrorist operations”. The MOH defined terrorist operations as explosive devices in residential areas, car bombs and assassinations.

**117.** The US media reported that the MOH was “convinced” that nearly all of those reported dead were civilians or police and Iraqi national guardsmen, rather than insurgents; family members would often not report the death of a relative who had died fighting for an insurgent group.

**118.** No.10 wrote to the FCO on 11 October:

“The Prime Minister [Mr Blair] has asked for an updated assessment of civilian casualties in Iraq. This should include our best estimate of civilian casualties since military action was launched last year, what the US are saying, and a comparison with figures being produced by other bodies (e.g. NGOs, Brookings) and/or quoted in the media.

“The Prime Minister is concerned that we are not getting the message across effectively enough about the extent of insurgent/foreign terrorist responsibility for civilian deaths.”<sup>84</sup>

**119.** Mr Robin Cook (Labour) asked Mr Straw in the House of Commons on 12 October whether he had seen the MOH figures highlighted in the US media reports, which

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<sup>81</sup> House of Lords, *Official Report*, 24 June 2004, column WA138.

<sup>82</sup> Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

<sup>83</sup> *The Seattle Times*, 6 October 2004, *Iraq Ministry Says Coalition Kills More Civilians than Insurgents do*.

<sup>84</sup> Letter Quarrey to PS/Straw, 11 October 2004, ‘Iraq: Civilian Casualties’.

showed that “two thirds of the civilians killed in the last six months died as a result of coalition bombing”.<sup>85</sup>

**120.** Mr Straw said that he had not seen those figures.<sup>86</sup>

**121.** An MOD official provided a contribution to the FCO’s response to No.10 on 13 October.<sup>87</sup> The MOD official confirmed that the MOD did not estimate civilian casualties because it believed that there was no reliable method for doing so, adding:

“This is not merely our public line but our genuine judgement.”

**122.** The official dismissed the suggestion, made by the FCO, that the civilian casualty figures that were reported to the weekly Chiefs of Staff meeting could serve as a reliable estimate of total civilian casualties. Those figures were compiled by the US based on incomplete “reporting of incidents” to US Corps HQ. The figures were reported to Chiefs of Staff as trends in them indicated whether the security situation was improving or deteriorating.

**123.** The official concluded by re-stating:

“... the MOD does not produce an estimate of civilian casualties, either within our own area of operation or across Iraq. We have no methodology which would enable us to do this; nor do we believe it possible to define a methodology that would produce figures meaningful enough to alleviate No.10’s concern about public presentation.”

**124.** The FCO replied to No.10 on 14 October, having consulted UK advisers in the Iraqi MOH.<sup>88</sup> The FCO recommended that the UK should not take any ownership of figures of civilian casualties; none of the estimates available were reliable, and the UK Government would have difficulty in defending the methodology behind them to the media and Parliament.

**125.** The UK would also have difficulty in compiling its own statistics:

“We rarely have our own people on the ground following terrorist attacks, often relying on press statistics. But their figures result in widely varying estimates ...”

**126.** The FCO advised that it regarded hospital and mortuary admissions collated by the Iraqi MOH as the “most reliable” figures available, although there were a number of deficiencies:

- Monthly and six-monthly MOH reports were not consistent.

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<sup>85</sup> House of Commons, *Official Report*, 12 October 2004, column 160.

<sup>86</sup> House of Commons, *Official Report*, 12 October 2004, column 162.

<sup>87</sup> Minute MOD [junior official] to FCO [junior official], 13 October 2004, [untitled].

<sup>88</sup> [Letter Owen to Quarrey, 14 October 2004, ‘Iraq: Civilian Casualty Figures’](#); Minute FCO [junior official] to Owen, 13 October 2004, ‘Iraq: Civilian Casualty Figures’.

- Civilians who were taken to hospital injured and subsequently died were counted as injured.
- Hospital staff had come under (unspecified) pressure to inflate casualty figures.

**127.** The FCO also advised that the Iraqi MOH had publicly estimated that 3,617 Iraqi civilians had been killed and 14,554 injured in the period from 5 April 2004 to 25 September 2004. An unpublished MOH estimate indicated that of those casualties, 516 had been killed and 2,016 injured in “terrorist attacks”.

**128.** The FCO reported that the UK’s Joint Terrorism Analysis Centre (JTAC) gave “a very different estimate” of 1,125 fatalities caused by “foreign fighters” since the beginning of 2004. Of those casualties, nearly 1,000 were civilians.

**129.** The FCO concluded that the UK should be “wary” about being drawn into a debate on which of those figures was accurate. Another unpublished MOH estimate indicated that 1,295 Iraqi citizens had been killed and 5,479 injured in the period from 16 June 2004 to 10 September 2004 “in military action”:

“This is more than double the number they [the Iraqi MOH] estimate were killed by terrorists. Although the figures include insurgents as well as civilians, the Iraqi figures as they stand now will not help us make the case that more civilians have been killed by terrorists than by military action.”

**130.** The FCO continued:

“In sum, if we produce a figure that differs from the Iraqi Government figures, we will have to defend it – and the way it was arrived at – before Parliament and the media ... We recommend that for the moment we continue to put our public emphasis on specific atrocities against civilians ...”

**131.** Mr David Quarrey, a Private Secretary to Mr Blair, passed the FCO’s advice to Mr Blair the following day.<sup>89</sup> Mr Quarrey commented:

“You asked for an assessment of civilian casualties in Iraq, noting that we cannot let figures of 10–15,000 go unchallenged as if we are responsible for all of them ...

“The FCO recommend that we stick to publicising terrorist responsibility for civilian casualties in individual incidents. Underlying this is concern that any overall assessment of civilian casualties will show that MNF [Multi-National Force – Iraq] are responsible for significantly more than insurgents/terrorists.

“But we should be able to handle this better ...”

**132.** Mr Quarrey advised Mr Blair that he intended to ask the Cabinet Office to convene a meeting of departments to initiate a trial period of monitoring daily statistics

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<sup>89</sup> Minute Quarrey to Prime Minister, 15 October 2004, ‘Iraq: Civilian Casualties’.

on fatalities, drawing on whatever information was available. The Government could then assess how “credible (and helpful) the information would be publicly”. Mr Quarrey concluded:

“If the trial is successful, we could look at outsourcing to a credible external organisation (e.g. a think-tank or academics).”

**133.** Mr Blair agreed that approach.<sup>90</sup>

**134.** Mr Quarrey wrote to the MOD on 18 October, to confirm that he had asked the Cabinet Office to convene a meeting to discuss how to take forward a trial monitoring period “in order to demonstrate more effectively the harm being inflicted by terrorism in Iraq”.<sup>91</sup> Copies of Mr Quarrey’s letter were sent to the FCO and other departments.

**135.** A Cabinet Office official chaired a meeting on 22 October to plan how to take forward the trial monitoring period.<sup>92</sup> During the meeting, officials stated that there was a risk that the UK might come under pressure to disclose publicly any conclusions that were reached. Mr Quarrey told the meeting that No.10 believed that the UK needed to make a “serious attempt to quantify what is happening”.

**136.** Officials agreed that:

- The “headline task” was to quantify, as precisely as possible, the number of civilian deaths caused by a) insurgents and b) coalition military action (both MNF – I and the Iraqi Security Forces).
- The best way to do that was to break the task down. The FCO would report from open sources, the MOD would report from Multi-National Division (South-East) (MND(SE))<sup>93</sup> using existing military reporting systems, and JTAC/PJHQ would analyse US statistics on casualties.
- The trial period would run for the month of November.

**137.** An MOD official wrote to the Cabinet Office on 28 October, setting out the MOD’s concerns about the trial process.<sup>94</sup> The MOD’s position remained that it did not believe it was possible to establish an accurate methodology for estimating the total number of civilian casualties. Although incident reports could be analysed, there was a danger that:

“... once we have adopted a methodology, Parliament and the public would in future expect us to apply this no matter what the intensity of the operation.”

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<sup>90</sup> Email Quarrey to Bowen, 18 October 2004, ‘Iraq Civilian Casualties’.

<sup>91</sup> Letter Quarrey to Naworynsky, 18 October 2004, ‘Iraq’.

<sup>92</sup> Letter Cabinet Office [junior official] to Ad Hoc Cabinet Office Group on Civilian Casualties in Iraq, 25 October 2004, ‘Iraq: Civilian Casualties’.

<sup>93</sup> MND(SE) comprised the four provinces in southern Iraq for which the UK had security responsibility.

<sup>94</sup> Letter MOD [junior official] to Cabinet Office [junior official], 28 October 2004, [untitled].

**138.** The official recalled the limitations of the incident-reporting process, and concluded:

“... if HMG [Her Majesty’s Government] really does wish to get into the business of challenging media and NGO statistics, we would need to open up discussions with the US and other coalition partners on how to change the incident reporting process in order that – in future – it attributed blame for civilian killings.”

**139.** An FCO official wrote to the Cabinet Office on the same day, setting out how the FCO intended to contribute to the trial.<sup>95</sup> It would report figures compiled by NGOs and the media but not amend them in any way. To do so would suggest that those NGO and media figures had some reliability, when the UK’s public line was that they did not. Any amendments would also make the figures releasable under the Freedom of Information Act (which would come into effect the following year). The FCO concluded:

“The focus of our work will instead be on the figures produced by the Iraqi Ministry of Health (MOH) ... these too have their limitations. However, we will work with the MOH during the next few weeks to see if these statistics can be improved.”

**140.** On 29 October, as the Government’s trial monitoring period got under way, *The Lancet* published a study by the Johns Hopkins Bloomberg School of Public Health entitled *Mortality before and after the 2003 invasion of Iraq: cluster sample survey* (the *Lancet* study).<sup>96</sup>

**141.** The study was based on a survey of 988 households in 33 clusters. It found that there had been 98,000 more deaths from all causes in Iraq than expected in the 18 months since the invasion (95 percent confidence interval 8,000–94,000) outside of Fallujah. There would be “far more” deaths if data from the Fallujah cluster were included.

**142.** The study stated that violence accounted for most of the excess deaths, that violent deaths were “mainly attributed” to coalition forces, and that most individuals reportedly killed by coalition forces were women and children. On the causes of death, the study stated:

“The major causes of death before the invasion were myocardial infarction, cerebrovascular accidents, and other chronic disorders whereas after the invasion violence was the primary cause of death.”

**143.** There had been an increase in the infant mortality rate, from 29 deaths per 1,000 live births to 57 deaths per 1,000 live births.

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<sup>95</sup> Letter FCO [junior official] to Cabinet Office [junior official], 28 October 2004, ‘Iraq: Civilian Casualties’.

<sup>96</sup> Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

**144.** The study stated that there had been 53 deaths in the Fallujah cluster when only 1.4 had been expected. That indicated that there had been about 200,000 excess deaths in Fallujah. However, the uncertainty in that estimate was “substantial”.

**145.** On the same day, following a discussion with the MOD’s Director of News, Professor Sir Roy Anderson, the MOD’s Chief Scientific Adviser (CSA), “quickly reviewed” the study.<sup>97</sup> His Private Secretary sent his conclusions to Mr Hoon’s Private Office and senior MOD officials:

“CSA has concluded that the design of the study is robust ... He therefore believes that the paper is a sensible one ... and that the results are probably as robust as one could have achieved in the very difficult circumstances. He therefore recommends that we should proceed with caution in publicly criticising the paper.

“He would, however, add three caveats. First, extrapolation from a very small sample size to the whole of Iraq is a weakness ... Second, there are weaknesses in the way that deaths have been recorded ... in many cases the only evidence of a death having occurred, and of the cause of death, was the verbal information provided from (not necessarily disinterested) family members. And finally ... there were excess of deaths amongst males, possibly indicating that some of those who died were combatants rather than civilians.”

**146.** The Iraq Policy Unit (IPU) sent a copy of the minute to Mr Straw’s Private Office on 4 November.<sup>98</sup>

**147.** The Iraqi Minister of Health issued a statement on 29 October, offering his Ministry’s own figures of civilian casualties:

“Every hospital reports daily the number of civilians (which may include insurgents) who have been killed or injured in terrorist incidents or as a result of military action. All casualties are likely to be taken to hospital in these circumstances except for some insurgents (who may fear arrest) and those with minor injuries. The figures show that between 5 April 2004 and 5 October 2004, 3,853 civilians were killed and 15,517 were injured. I am satisfied that this information is the most reliable available.”<sup>99</sup>

**148.** The *Lancet* study, and the interest shown in it by the media and MPs, prompted a discussion between Mr Hoon and Mr Straw over whether the MOD or the FCO should have responsibility for the issue of civilian casualties.<sup>100</sup> That discussion would continue, between senior officials, until December.

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<sup>97</sup> [Minute PS/CSA to MOD Director News, 29 October 2004, ‘Iraqi Civilian Deaths: Lancet Article’](#).

<sup>98</sup> Minute IPU [junior official] to PS/Straw, 4 November 2004, ‘Civilian Casualties in Iraq: Letter to Geoff Hoon’.

<sup>99</sup> House of Commons, *Official Report*, 17 November 2004, column 94WS.

<sup>100</sup> Letter Hoon to Straw, 2 November 2004, [untitled].

**149.** On 3 November, Mr Blair told the House of Commons that “we do not accept the figures released by *The Lancet* ... at all”.<sup>101</sup> Mr Blair went on to cite the figures released by the Iraqi Minister of Health.

**150.** The following day, Mr Straw said on *Today* that “our people are still looking into it [the *Lancet* study], the epidemiologists and statisticians”.<sup>102</sup> Mr Straw also said that he would make the Government’s assessment available to Parliament.

**151.** An IPU official provided advice to Mr Straw’s Private Secretary on 4 November on how Mr Straw might respond to Mr Hoon’s letter of 2 November, which had proposed that the FCO should have responsibility for the issue of civilian casualties.<sup>103</sup>

**152.** In that context, the official reported on the options for producing the assessment of the *Lancet* study that Mr Straw had promised to provide to Parliament:

“One option ... is that we rely on assessments from the Iraqi Ministry of Health; another is that we draw on the help of MOD experts. We already have the views of the MOD Chief Scientific Adviser ... It is not a promising start. We are awaiting a report from the Iraqi Ministry of Health setting out their assessment of civilian casualties; we believe this will be a better line of response.”

**153.** Mr Quarrey passed a transcript of a *Newsnight* discussion on the *Lancet* study to Mr Blair on 5 November.<sup>104</sup>

**154.** Mr Blair commented: “We must get robust lines on numbers killed since the war and on number of airstrikes.”<sup>105</sup>

**155.** Mr Quarrey wrote to Mr Straw’s Private Secretary on 8 November to confirm that the FCO should lead on the issue of civilian casualties.<sup>106</sup> Mr Quarrey reported that Mr Blair remained concerned that the UK was not getting across its message about “the extent of insurgent/foreign terrorist responsibility for civilian deaths”, and that Mr Blair wanted the FCO to develop a “quicker and more forceful response to claims about civilian deaths that we regard as unfounded (e.g. the *Lancet* claims)”.

**156.** Mr Dominic Asquith, FCO Director Iraq, advised Mr Straw later that day that he should challenge that allocation of responsibility.<sup>107</sup>

**157.** Mr Asquith said that MNF-I produced a daily update on operations which included details of civilian casualties (killed and wounded). The MOD itself produced the figures

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<sup>101</sup> House of Commons, *Official Report*, 3 November 2004, column 301.

<sup>102</sup> *The Today Programme*, 4 November 2004.

<sup>103</sup> Minute IPU [junior official] to FCO [junior official], 4 November 2004, ‘Civilian Casualties in Iraq: Letter to Geoff Hoon’.

<sup>104</sup> Minute Quarrey to Prime Minister, 5 November 2004, ‘Iraq: Update’.

<sup>105</sup> Manuscript note Blair on Minute Quarrey to Prime Minister, 5 November 2004, ‘Iraq: Update’.

<sup>106</sup> Letter Quarrey to PS/Straw, 8 November 2004, ‘Iraq: Civilian Casualties’.

<sup>107</sup> [Minute Asquith to PS/Straw, 8 November 2004, ‘Iraq: Civilian Casualties’](#).

for MND(SE). PJHQ collated the daily MNF-I reports for the weekly Chiefs of Staff meeting.

**158.** The Cabinet Office was currently overseeing a trial to determine civilian casualties in MND(SE). The MOD was, however, arguing that it could not provide either the MNF-I or its own MND(SE) casualty figures to the exercise, as the US military did not allow publication of country-wide information on civilian casualties on security grounds. The MNF-I figures would in any case be unlikely to be comprehensive and did not show who was responsible for civilian casualties.

**159.** The UK's current line was to rely on Iraqi MOH figures, though that might not be sustainable in the face of increasing Parliamentary, NGO and media demands that the UK release its own statistics. The current military operation in Fallujah was increasing pressure on MNF-I to prove that it was making every effort to minimise civilian casualties, and:

“There will be seen to be a certain plausibility in the argument that we can only do so if we can provide credible (i.e. our own) figures for casualties.”

**160.** Mr Asquith concluded that any estimate of casualties, other than from MOH and NGO sources, would have to come from MNF-I, which was deployed throughout Iraq. But the MOD had ruled out the use of the MNF-I figures. If the MOD felt there were good reasons for holding back its own figures for MND(SE), it (rather than the FCO) should explain those reasons to Parliament and to the public.

**161.** Mr Asquith continued that if the FCO did accept the lead on handling civilian casualty issues, it should be on three conditions:

- “(a) MOD to explore with DoD [the US Department of Defense] reverting to the practice at the time of the first Gulf War when civilian casualties were released into the public domain.
- (b) If DoD refuses, MOD to explain publicly (to Parliament) why it is not possible to produce estimates from MNF-I sources.
- (c) FCO to lead on the handling of civilian casualties ... But Ministers should be clear that, in the absence of releasable data from military sources, we will be heavily dependent on figures from the Iraqi MOH which will not be comprehensive ...”

**162.** Mr Asquith advised Mr Straw in a separate minute on the same day:

“Legal Advisers say there are no obligations to report civilian casualties in the Fourth Geneva Convention ... or under any other provision of international humanitarian law.

“While it is essential in advance of any particular attack to assess the likely civilian casualties, there is no obligation after the event to make any assessment of either

the civilian casualties resulting from the attacks or of the overall civilian casualties of a conflict.”<sup>108</sup>

**163.** Also on 8 November, Mr Straw chaired a meeting with FCO officials including Mr Creon Butler, the FCO’s Chief Economist, to discuss the scope of a Written Ministerial Statement that he would make on 17 November, responding to the *Lancet* study.<sup>109</sup>

**164.** After the meeting, Mr Butler sent Mr Straw’s Private Secretary his “initial thoughts” on the *Lancet* study.<sup>110</sup> Mr Butler stated that “the statistical methodology appears sound” and concluded:

“In commenting on the study we should certainly continue to emphasise the considerable uncertainty around the central estimate [of 98,000 excess deaths] (reflecting the small sample size), as well as the lack of corroborating evidence – particularly evidence of injured in the numbers one might expect. We could also highlight some of the factors which might bias the study towards an over-estimate of deaths. However, there are as many reasons why the study might be biased in the other direction (so probably safer not to go down this road).”

**165.** Mr Butler stated that the “lack of corroborating evidence” related in particular to the apparent mismatch between the central estimate of 98,000 excess deaths and the much lower estimates based on press reporting and the lack of anecdotal evidence for large numbers of injured Iraqi citizens attending Iraqi hospitals. The latter mismatch was “much harder to explain”.

**166.** Mr Butler considered how the estimates presented in the *Lancet* study might be validated and refined using data from other sources. He concluded:

“In the absence of a detailed census (impossible in the current security environment), the best way of narrowing down the uncertainty ... is likely to be to conduct a similar survey with a significantly larger sample.”

**167.** On 9 November, the MOD sent the Cabinet Office a summary of incident reports for MND(SE) for the seven days up to 7 November, as part of the trial monitoring period.<sup>111</sup> There had been no incidents involving civilian fatalities; two civilians had been injured in an (unspecified) accident.

**168.** On 11 November, Mr Blair, Mr Straw and Mr Hoon discussed which department should be responsible for work on casualty figures.<sup>112</sup> After the meeting, Mr Straw’s Private Secretary asked Sir Michael Jay, the FCO Permanent Under Secretary, to liaise

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<sup>108</sup> [Minute Asquith to PS/Straw, 8 November 2004, ‘Iraq: Civilian Casualties’.](#)

<sup>109</sup> Email Owen to Asquith, 8 November 2004, ‘Iraq: Casualties’.

<sup>110</sup> [Minute Butler to PS/Foreign Secretary, 8 November 2004, ‘Counting Iraqi Casualties’.](#)

<sup>111</sup> Letter MOD [junior official] to Cabinet Office [junior official], 9 November 2004, ‘Civilian Casualties’.

<sup>112</sup> Letter PS/Straw to PS/PUS [FCO], 15 November 2004, ‘Iraq: Casualty Figures’.

with Sir Kevin Tebbit, MOD Permanent Under Secretary, to secure the MOD's agreement to take on that responsibility.

**169.** At Cabinet on 11 November, Mr Straw told colleagues that he would be making a Written Ministerial Statement on the estimate of civilian casualties published by *The Lancet*, and that he proposed to make more use of the Iraqi MOH figures, which were “more reliable”.<sup>113</sup>

**170.** On 12 November, the Iraq Senior Officials Group agreed that there was “potential advantage” in making more use of the Iraqi MOH's figures, but the UK needed to recognise the presentational difficulties of using those figures while “using US figures for internal planning purposes without publicly acknowledging their existence”.<sup>114</sup> It would be useful to compare the MOH figures with those produced for the Chiefs of Staff by PJHQ.

**171.** Mr Straw issued a Written Ministerial Statement on 17 November, responding to the *Lancet* study.<sup>115</sup> Mr Straw stated that during the period of major combat operations, the Coalition had made every effort to minimise civilian casualties. He continued:

“Casualties – civilian and military – which have occurred since major combat operations ended on 1 May 2003 have done so directly as a result of those determined to undermine the political process.”

**172.** Mr Straw rejected the suggestion in the *Lancet* study that there was a legal obligation (deriving from Article 27 of the fourth Geneva Convention) for the MNF-I to assess civilian casualties.

**173.** Mr Straw stated that the UK Government shared the Iraqi Minister of Health's view, expressed in his 29 October statement, that the MOH's information was the most reliable available. The “running estimate” provided by IBC “suggested” that between 14,284 and 16,419 Iraqi civilians had died since March 2003. While that was “an estimate relying on media reports, and which we do not regard as reliable”, IBC's figures did show that the Iraqi MOH's figures were not the only ones to differ widely from those presented in the *Lancet* study.

**174.** Mr Straw stated that the methodology used in the *Lancet* study had passed *The Lancet's* peer review process and was similar to that used in other cases, but questioned the data that the survey had produced and hence the findings of the study.

**175.** Dr John Reid, the Health Secretary, sent an assessment of the *Lancet* study to Mr Straw on 29 November.<sup>116</sup> The assessment, which Dr Reid said he had personally

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<sup>113</sup> Cabinet Conclusions, 11 November 2004.

<sup>114</sup> Record, 12 November 2004, Iraq Senior Officials Group.

<sup>115</sup> House of Commons, *Official Report*, 17 November 2004, column WS61.

<sup>116</sup> [Letter Reid to Straw, 29 November 2004, \[untitled\], attaching Paper, \[undated\], 'Mortality Before and After the 2003 Invasion of Iraq: Cluster Sample Survey'](#).

commissioned, had been produced by Dr Bill Kirkup, one of the Department of Health's Regional Directors of Public Health and its lead on health in Iraq.

**176.** Dr Kirkup's assessment was more detailed and more critical of the *Lancet* study than the assessments undertaken earlier by Professor Anderson and Mr Butler. He stated:

"Less than a thousand [households] ... is a small number on which to base death rates ... The confidence intervals are correspondingly very wide ... A confidence interval this large makes the meaning of the estimate very difficult to interpret ...

"Cluster sampling may not be appropriate when there is a large element of discontinuity in the population experience. Clearly, some parts of Iraq have seen much more violence than others ..."

**177.** Dr Kirkup stated that, according to his calculations, the study's conclusion that "violence accounted for most of the excess deaths" was only true if the "bizarre" Fallujah cluster was included (the study stated that that cluster was not included in its central estimate of 98,000 excess deaths). Dr Kirkup calculated that if the Fallujah cluster was not included, just over 23,000 of the 98,000 estimated excess deaths were due to violence.

**178.** Dr Kirkup stated that it was not possible, from the data provided in the study, to confirm the study's conclusion that "air strikes from coalition forces accounted for most violent deaths".

**179.** Dr Kirkup explained his characterisation of the Fallujah projection as "bizarre". The study estimated that there had been 200,000 excess deaths in Fallujah (using the same techniques as for other areas). That would represent a loss of nearly 28 percent of the population of Fallujah in just 14 months. Dr Kirkup commented: "Something has plainly gone so badly wrong with the estimates in Fallujah that it must cast doubt on the validity of the rest of the findings."

**180.** Dr Kirkup concluded:

"... the paper suffers from wide confidence intervals, dubious methodology, the likelihood of significant respondent bias and results that are disastrously skewed by the Fallujah outlier. The authors have been tempted into extrapolations based on shaky data that lack face validity, and in two cases are not even borne out by their own results."

### Indirect effects of conflict on public health

The health charity Medact considered the direct and indirect effects of the conflict in Iraq in its November 2003 report *Continuing collateral damage: the health and environmental costs of war on Iraq 2003*.<sup>117</sup> That report outlined the indirect effects on health arising from:

- damage to the environment, including through the use of depleted uranium ammunition;
- damage to Iraq's water and sanitation and power infrastructure;
- the continuing risk of malnutrition and food insecurity;
- damage to housing; and
- damage to health services.

The report stated that 7 percent of hospitals had been damaged during the major combat phase of operations, and 12 percent had been looted. UNICEF had reported that the conflict had led to the breakdown of the cold chain system for storing vaccines, which meant that some 210,000 newborns had had no immunisations and were at risk from preventable diseases such as measles.

The report also outlined the physiological and social impacts of the war, and suggested that Iraq would experience a rise in behavioural and emotional disorders.

Although the report did not attempt to quantify those indirect effects, many of which would only become apparent over the long term, it concluded that they could prove to be more significant than the direct effects.

The report made a number of recommendations, including:

- “Establish health information systems to monitor disease incidence and examine disease patterns in order to plan effective public health interventions.
- Carry out an assessment of the country's chemical risks and levels of contamination in addition to surveillance of health effects of environmental risk factors including depleted uranium.
- Fund and rapidly implement the clear-up of all unexploded ordnance.
- Study long-term effects of the war on mental health and trends in domestic and criminal violence, and develop effective health care and social policy interventions.
- Fund independent academic institutions or UN agencies to continue monitoring the health effects of war.”

**181.** Discussions continued between senior officials in the FCO and MOD over who should have responsibility for answering questions on civilian casualties.

**182.** The “Count the Casualties” campaign was launched by Medact and IBC on 8 December, through an open letter to Mr Blair.<sup>118</sup> The letter stated that without counting

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<sup>117</sup> Medact, November 2003, *Continuing collateral damage: the health and environmental costs of war on Iraq 2003*.

<sup>118</sup> Letter Medact to Blair, 8 December 2004, [untitled].

the dead and injured, it was not possible to know whether the UK was meeting its obligations under international humanitarian law to protect the civilian population in Iraq. It urged the Government to commission a comprehensive, independent inquiry to determine how many Iraqi citizens had died or been injured since March 2003, and the cause of those casualties.

**183.** The campaign also argued that information on casualties was needed to plan healthcare in Iraq.<sup>119</sup>

**184.** At Prime Minister's Questions on the same day, Mr Blair said that he did not agree that the UK needed to hold a full, independent inquiry into civilian casualties to comply with its international legal obligations, and stated that the figures from the Iraqi MOH were the most accurate available.<sup>120</sup> He continued:

“... those who are killing innocent people in Iraq today ... are the terrorists and insurgents ... Any action that the multinational force or the Iraqi Army is taking in Iraq is intended to defeat those people ...”

**185.** The IPU provided the Cabinet Office with a contribution to the Cabinet Office trial on 13 December.<sup>121</sup> The IPU analysis captured casualty figures for the five weeks from 1 November, sourced from the Iraqi MOH, the BBC, IBC, the Iraq Coalition Casualty Count project and Sky News. The casualty figures were broken down into two categories: killed by insurgents; and killed by coalition forces.

**186.** The total casualty figures produced by the Iraqi MOH were the highest among the five sources in four of the five weeks.

**187.** The figures produced by the Iraqi MOH showed that casualties caused by the coalition were higher than casualties caused by insurgents in four of the five weeks. Figures from all other sources showed that casualties caused by insurgents were higher than casualties caused by the coalition in all five weeks.

**188.** The IPU commented that, apart from the Iraqi MOH, the sources were “of no real value”. The comparison of the figures did suggest, however, that the Iraqi MOH figures were incomplete. This could be due to delayed reporting of deaths at hospitals or bodies not being taken to hospitals. The Iraqi MOH had reported that its figures did not include the Kurdish provinces.

**189.** The IPU also commented that the analysis would not answer the demands from MPs and others that the UK should produce its own estimate of Iraqi civilian casualties. The only way a proper comparative analysis of the Iraqi MOH figures could be made was to set them alongside figures produced by the US and UK military.

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<sup>119</sup> Count the Casualties, 8 December 2004, *46 prominent figures call on Prime Minister to commission independent inquiry into Iraqi casualties*.

<sup>120</sup> House of Commons, *Official Report*, 8 December 2004, column 1164.

<sup>121</sup> Letter IPU [junior official] to Cabinet Office [junior official], 13 December 2004, ‘Iraq: Civilian Casualties’.

**190.** The Inquiry has seen no indications that the Cabinet Office trial was taken further.

**191.** A detailed brief on civilian casualties produced for Mr Blair on 18 December in advance of his visit to Iraq made no mention of the trial or its conclusions.<sup>122</sup>

**192.** An IPU official informed Mr Straw's Private Office on 15 December that the MOD was now ready to "step forward and explain why it is impossible for us to use our military assets in Iraq to get an estimate [of civilian casualties]".<sup>123</sup> The official commented that this was welcome. It would force the MOD to take some responsibility for managing one of the "bear-traps" in the UK's existing policy:

"... although we say there are no reliable estimates of civilian casualties in Iraq, there are estimates of a kind that are made by MND(SE) and others made by the Pentagon. They're unreliable but are used for military planning purposes as evidence of trends ..."

**193.** Mr Ingram made that statement on 27 January 2005, in response to a question from Mr Peter Kilfoyle.<sup>124</sup> Mr Ingram stated that an analysis of incident reports between 1 May 2003 and 26 November 2004 indicated that 200 Iraqi citizens believed to have been enemy combatants had died, and 80 had been injured, in incidents where military force had been deliberately applied by UK forces. Five Iraqi citizens believed not to have been enemy combatants had died, and a further 13 had been injured, in incidents during the course of which military force had been deliberately applied by UK forces. These figures did not necessarily indicate that UK forces caused the casualties, only that they recorded them during the course of incidents in which deliberate military force was applied.

**194.** Mr Ingram also stated that 17 Iraqi citizens believed to have been enemy combatants had died, and 22 had been injured, during the course of other incidents, and 144 Iraqi citizens believed not to have been enemy combatants had died, and 192 had been injured, during the course of other incidents. This included the full range of incidents in which UK forces had been involved but where no deliberate military force had been applied, for example Improvised Explosive Device attacks by insurgent forces on civilian targets, road traffic accidents and in one case the discovery in May 2003 of a mass grave, thought to date back to 1991, containing 32 bodies.

**195.** Mr Ingram stated that those figures should not be taken as an accurate estimate of Iraqi casualties; they captured only those casualties which were witnessed or discovered by UK forces. The figures did not include the major combat operations phase of Op TELIC, prior to 1 May 2003, for which incident reports were not routinely submitted when casualties were "discovered".

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<sup>122</sup> Minute Quarrey to Prime Minister, 18 December 2004, 'Your Visit to Iraq' attaching Briefing, [undated], 'Civilian Casualties'.

<sup>123</sup> Email IPU [junior official] to PS/Straw, 15 December 2004, 'Civilian Casualties: MOD Line'.

<sup>124</sup> House of Commons, *Official Report*, 27 January 2005, column 541W.

**196.** Ms Short (who had resigned as International Development Secretary in May 2003) wrote to Mr Straw on 13 January 2005 to express her support for the Count the Casualties campaign.<sup>125</sup>

**197.** Mr Straw replied on 3 March:

“We have never made our own assessment of Iraqi casualties ... This is because, after careful consideration of the different means of calculating casualties, we decided that the current circumstances would prevent a valid assessment by the UK ...”<sup>126</sup>

**198.** Mr Straw advised that the MOD had now published overall casualty figures drawn from military incident reports. The UK military aimed to minimise civilian casualties by using careful targeting procedures. Target clearance procedures considered targets on an individual basis; the MOD did not believe that an estimate of casualties in Iraq as a whole would help them to evaluate those targeting procedures.

**199.** Mr Asquith discussed civilian casualties with Dr Kirkup on 21 March.<sup>127</sup> Dr Kirkup “rebutted” the suggestion that an accurate assessment of casualties would be “an essential element of assessing and improving the current health situation in Iraq”. He confirmed that the Iraqi MOH’s figures provided “the most reliable assessment [of casualties] currently available”.

**200.** Dr Kirkup identified four sources of information on casualties:

- the Iraqi MOH’s systems for recording deaths, which had been reasonably sound before the conflict but had “taken a serious hit” and were only now recovering;
- civil registration (death certificates): there was no reliable civil registration system;
- surveys: the security situation was not conducive to effective research, in particular by limiting the scope to obtain the necessary range of data and by introducing interviewee bias; and
- figures from the military: “[those] would help to provide a more complete picture of the causes of death and whether deaths had actually occurred. When dealing with incomplete data it is important to have as many sources as possible.”

**201.** Mr Asquith and Dr Kirkup also considered possible areas of assistance to the Iraqi health service, including data collection and analysis.

**202.** The record of the meeting concluded: “Our position on assessing Iraqi casualty figures reinforced.”

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<sup>125</sup> Letter Short to Straw, 13 January 2005, ‘Count the Call’.

<sup>126</sup> Letter Straw to Short, 3 March 2005, [untitled].

<sup>127</sup> Minute FCO [junior official] to Asquith, 22 March 2005, ‘Iraq Casualties: Director Iraq’s Meeting with Dr Bill Kirkup, 21 March 2005’.

**203.** IBC published *A Dossier of Civilian Casualties 2003 – 2005* in July 2005.<sup>128</sup>

The dossier stated that 24,865 civilians had been reported killed in the two years from 20 March 2003 to 19 March 2005, almost all of them as a direct result of violence.

**204.** Of the 13,811 fatalities for which IBC had age and gender information, 11,281 (81.7 percent) had been male (including the elderly) and 1,198 (8.7 percent) had been female (including the elderly). A total of 1,281 (9.3 percent) had been children and 51 (0.4 percent) babies.

**205.** The dossier also provided a breakdown of who had killed those civilians. That breakdown is reproduced in the table below.

Table 1: Civilian fatalities by category

	<b>Killers by category</b>	<b>Number killed</b>	<b>Percentage of total</b>
1	US-led forces alone	9,270	37.3
2	Anti-occupation forces alone	2,353	9.5
3	Both US-led and anti-occupation forces involved	623	2.5
4	Iraqi MOH-defined “military actions”	635	2.5
5	Iraqi MOH-defined “terrorist attacks”	318	1.3
6	Predominantly criminal killings	8,935	35.9
7	Unknown agents	2,731	11.0
	<b>Total deaths</b>	<b>24,865</b>	<b>100.0</b>

**206.** The “unknown agents” category included attacks which apparently targeted only civilians and lacked any identifiable military objective – for instance suicide bombs in markets and mosques, or attacks apparently motivated by personal or inter-group vendettas. The category also included 334 individual killings where media reports provided no clear information about the killer. This category was likely to overlap with others.

**207.** The dossier reported that 98.5 percent of deaths caused by US-led forces were attributable to the US and 1.5 percent of deaths were attributable to other coalition forces including the UK.

**208.** The dossier also stated that in incidents for which both death and injury information was available, it had recorded 42,500 injuries (of all kinds) against 13,424 deaths, a ratio of over 3 to 1.

<sup>128</sup> Iraq Body Count, July 2005, *A Dossier of Civilian Casualties 2003 – 2005*.

**209.** IBC stated in the introduction to the dossier that:

“Assurances that military forces ‘make every effort to avoid civilian casualties’ are no substitute for real data-gathering and analysis, and can have no basis without it. On the eve of the invasion Tony Blair stated that ‘[Saddam Hussein] will be responsible for many, many more deaths even in one year than we will be in any conflict’. Only data such as presented here will allow a realistic evaluation of such predictions.”

**210.** The US Government was required under the Emergency Supplemental Appropriations Act 2005 to provide quarterly reports to Congress on political, economic and security progress in Iraq.<sup>129</sup>

**211.** The second quarterly report, in October 2005, included a graph showing the average daily number of coalition and Iraqi casualties caused by insurgents since 1 January 2004.<sup>130</sup> The report did not provide the data used to produce that graph.

**212.** On the basis of that graph, *The New York Times* estimated that over 25,000 Iraqi civilians and members of the Iraqi Security Forces had been killed and wounded by insurgents since 1 January 2004.<sup>131</sup> *The New York Times* stated that that was fewer than reported by the Iraqi MOH and IBC.

**213.** A Pentagon spokesperson stated that the figures were compiled from reports filed by coalition military units after they responded to attacks. Those reports did not provide a comprehensive account of Iraqi casualties, but did provide information on trends in casualties resulting from insurgent attacks.

**214.** *The New York Times* reported that the graph had been included in the quarterly report as a result of specific questions posed by Congressional staff, and commented that its disclosure was significant as it showed that the US military was tracking Iraqi casualties, having “previously avoided virtually all public discussion of the issue”.

**215.** In subsequent quarterly reports to Congress, the Pentagon updated that graph and added a breakdown of casualties by province.<sup>132</sup>

**216.** In June 2006, the UK Government signed the Geneva Declaration on Armed Violence and Development.<sup>133</sup> Signatories resolved to take action to reduce armed violence and its negative impact on socio-economic and human development, including by supporting initiatives “to measure the human, social and economic costs of armed violence, to assess risks and vulnerabilities, to evaluate the effectiveness of armed violence reduction programmes, and to disseminate knowledge of best practices”.

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<sup>129</sup> Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

<sup>130</sup> Report to Congress, October 2005, ‘Measuring Stability and Security in Iraq’.

<sup>131</sup> *The New York Times*, 30 October 2005, *US quietly issues estimate of Iraqi civilian casualties*.

<sup>132</sup> Report to Congress, May 2006, ‘Measuring Stability and Security in Iraq’.

<sup>133</sup> Geneva Declaration on Armed Violence and Development, 7 June 2006.

**217.** The UK became one of 15 members of the “Core Group” charged with steering the Geneva Declaration process and guiding its implementation.<sup>134</sup>

**218.** *The Lancet* published the second Johns Hopkins Bloomberg School of Public Health cluster sample survey of excess mortality in Iraq (direct and indirect, violent and non-violent deaths) on 12 October 2006.<sup>135</sup> The first Johns Hopkins study had been published by *The Lancet* in October 2004.

**219.** The second study used the same (cluster sample survey) methodology as the first study, but was based on a larger sample (1,849 households as against 988 in the first study).

**220.** The study estimated that between March 2003 and June 2006, there had been 654,965 excess Iraqi deaths and 601,027 excess violent Iraqi deaths as a consequence of the war. The study attributed 31 percent of violent excess deaths to the coalition, 24 percent to “other” and 45 percent to “unknown”. The study also concluded that levels of violence were increasing.

### Criticisms of the *Lancet* studies

The 2004 and 2006 Johns Hopkins Bloomberg School of Public Health studies published by *The Lancet* have been subject to several criticisms. The most significant are:

- That the baseline pre-invasion mortality rate used by the studies was lower than the actual pre-invasion mortality rate, leading to an over-estimation of excess mortality in the post-invasion period. The second study used a pre-invasion mortality rate of 5.5 deaths per thousand people.<sup>136</sup> The 2008 Iraq Family Health Survey (IFHS) used a figure of nine deaths per thousand.<sup>137</sup>
- That the sample sizes were too small. The 2004 *Lancet* study (central estimate 98,000 excess deaths) surveyed 988 households and the 2006 *Lancet* study (central estimate 655,000 excess deaths) surveyed 1,849 households. The 2008 IFHS (central estimate 151,000 excess violent deaths) surveyed 9,345 households. The IFHS team highlighted the implications of that difference in scale: “The estimated number of deaths in the IFHS is about three times as high as that reported by the Iraq Body Count. Both sources indicate that the 2006 study by Burnham et al [the second *Lancet* study] considerably overestimated the number of violent deaths. For instance, to reach the 925 violent deaths per day reported by Burnham et al for June 2005 through June 2006, as many as 87 percent of violent deaths would have been missed in the IFHS and more than 90 percent in the Iraq Body Count. This level of underreporting is highly improbable, given the internal and external consistency of the data and the much larger same size and quality-control measures taken in the implementation of the IFHS.”

<sup>134</sup> Geneva Declaration on Armed Violence and Development website, *How does it work*.

<sup>135</sup> Burnham G, Lafta R, Doocy S and Roberts L. Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey. *The Lancet* **368**: 1421-1428 (2006).

<sup>136</sup> Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

<sup>137</sup> Iraq Family Health Survey Study Group. Violence-Related Mortality in Iraq from 2002 to 2006. *The New England Journal of Medicine* **358**: 484-493 (2008).

**221.** An Iraqi Government spokesperson commented on 12 October that “these figures [in the study] are unrealistic and give a very exaggerated picture”.<sup>138</sup>

**222.** A DFID Statistics Adviser provided advice on the study to IPU on 12 October, at their request.<sup>139</sup> He concluded that “in essence, the method is tried and tested”.

**223.** Professor Anderson provided his views on the study the following day.<sup>140</sup> He stated that he had received comments on the study from an independent expert on statistical epidemiology and demography. Professor Anderson advised:

“... the study design is robust and employs methods that are regarded as close to ‘best practice’ in this area, given the difficulties of data collection and verification in the present circumstances in Iraq ... The methods are an improvement on those used in the 2004 *Lancet* article by the same author ...”

**224.** Professor Anderson advised that deaths were much more prevalent among adolescent to middle-aged men and suggested that bias might remain with respect to the level of non-combatant mortality.

**225.** Professor Anderson concluded that, given the reasonably robust study design and appropriate analysis methods, the UK Government should be cautious in publicly criticising the *Lancet* study.

**226.** An IPU official produced a brief on the study for Mr Blair later on 13 October.<sup>141</sup> The brief summarised the advice from the DFID Statistics Adviser and Professor Anderson, and identified several “key points”:

- “• ... People are dying at the hands of those who choose violence to pursue their aims ...
- There are conflicting estimates [of the number of civilian casualties] from a number of sources, and no comprehensive or accurate figures;
- The numbers that the *Lancet* has extrapolated are a substantial leap from other figures. There is no reason to assume the *Lancet* figure is any more accurate than any other is.”

**227.** The same IPU official wrote to colleagues on 16 October:

“... we do not (not) accept that the figures quoted in the *Lancet* survey are accurate ... The figures are extraordinarily high and significantly larger than the figures quoted by the Iraq Body Count or Iraqi Government – however the survey methodology used here cannot be rubbish, it is a tried and tested way of

<sup>138</sup> Briefing IPU, 13 October 2006, ‘*The Lancet*: Iraq: a Cross-Sectional Cluster Survey Sample’.

<sup>139</sup> Email DFID [junior official] to FCO [junior official], 12 October 2006, ‘Foreign Secretary Comment on the *Lancet* Report’.

<sup>140</sup> [Minute APS/CSA to DJC-Sec10, 13 October 2006, ‘Iraq – Mortality After the 2003 Invasion of Iraq: a Cross-Sectional Cluster Sample Survey – \*Lancet\* October 2006’.](#)

<sup>141</sup> Briefing IPU, 13 October 2006, ‘*The Lancet*: Iraq: a Cross-Sectional Cluster Survey Sample’.

measuring mortality in conflict zones. The overriding message is that there are no accurate or reliable figures of deaths in Iraq.”<sup>142</sup>

**228.** On 18 October, in response to a Parliamentary Question from Sir Menzies Campbell, Mr Blair stated:

“It is correct that innocent civilians are dying in Iraq. But they are not being killed by British soldiers. They are being killed by terrorists and those from outside who are supporting them ...”<sup>143</sup>

**229.** Researchers at Oxford University (Mr Sean Gourley and Professor Neil Johnson) and Royal Holloway, University of London (Professor Spagat) issued a press release on 19 October, claiming that there were “serious flaws” in the methodology used by the *Lancet* study which acted to inflate its casualty estimate.<sup>144</sup>

**230.** In response to a question from Mr Jeremy Corbyn on 6 November, Mr Ingram set out the Government’s position on the *Lancet* study:

“Maintaining records of civilian deaths in Iraq is ultimately a matter for the Government of Iraq and we believe they are best placed to monitor the situation. The *Lancet* report is one of a number of recent studies ... none of which can be regarded as definitive. The figures in the *Lancet* report are significantly higher than other casualty estimates.”<sup>145</sup>

**231.** Professor Anderson revisited the *Lancet* study in March 2007, following Mr Straw’s request for further advice on the study in the light of the public exchanges since its publication.<sup>146</sup> Professor Anderson wrote to Mr Straw on 19 March, stating that while there was “clearly a possibility of [sampling] bias”:

“I reiterate my earlier advice, which acknowledged that bias and moderate confidence bounds remain in the study, and that at this stage I see no value in either criticising the study or engaging in the public debate.”

**232.** Later that month, following the release of papers relating to the *Lancet* study under the Freedom of Information Act, the Government was asked how it could accept the *Lancet* study’s methodology but reject its findings.<sup>147</sup> A Government spokesperson responded:

“The [*Lancet* study] methodology has been used in other conflict situations, notably the Democratic Republic of Congo. However, the *Lancet* figures are much higher

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<sup>142</sup> Email FCO [junior official] to FCO [junior official], 16 October 2006, ‘PMQs Deaths of Iraqis’.

<sup>143</sup> House of Commons, *Official Report*, 18 October 2006, column 869.

<sup>144</sup> Oxford University/Royal Holloway, University of London, 19 October 2006, *Lancet study fundamentally flawed: death toll too high*.

<sup>145</sup> House of Commons, *Official Report*, 6 November 2006, column 810W.

<sup>146</sup> Minute Anderson to Hickey, 19 March 2007, ‘Iraq: Mortality After the 2003 Invasion of Iraq: a Cross-Sectional Cluster Sample Survey – *Lancet* October 2006’.

<sup>147</sup> BBC, 26 March 2007, *Newshour special investigation – Iraq civilian casualties*.

than statistics from other sources, which only goes to show how estimates can vary enormously according to the method of collection. There is considerable debate amongst the scientific community over the accuracy of the figures.”

**233.** General David Petraeus, Commanding General MNF-I, presented Congress with his assessment of the US troop surge on 10 September 2007.<sup>148</sup> He highlighted the “considerable data collection and analysis ... using a methodology that has been in place for well over a year and that has benefitted over the past seven months from the increased presence of our forces living among the Iraqi people” which underpinned his assessment, and offered Congress statistics on the number of violent civilian deaths and “ethno-sectarian” deaths.

**234.** Colonel Steven Boylan, Gen Petraeus’ spokesman, provided details of that methodology to *The Washington Post* later that month.<sup>149</sup> Col Boylan reported that the statistics quoted by Gen Petraeus drew on data which combined “unverified” Iraqi reports and coalition Significant Activities reports (SIGACTS).

**235.** A 2008 RAND report, sponsored by the Office of the US Secretary of Defense, considered the argument for documenting civilian casualties.<sup>150</sup> The report stated:

“Because protecting the population is one of the central tenets of US COIN [counter-insurgency] doctrine, it can be surmised that trends related to Iraqi civilian fatalities should be a chief concern for the U.S. military.”

**236.** RAND reviewed a number of studies of civilian casualties, including the two *Lancet* studies, the 2008 Iraq Family Health Survey (IFHS) Study Group and IBC. RAND went on to present its own dataset, which combined the RAND Terrorism Knowledge Base with the IBC dataset. RAND drew a number of observations and conclusions from the consolidated dataset, including that:

- The US military had devoted considerable effort to defeating Improvised Explosive Device (IEDs), yet IEDs accounted for only 5 percent of civilian fatalities in 2006. Firearms accounted for 58 percent of civilian deaths in 2006. RAND concluded that while measures to defeat IEDs might save coalition lives, they might not be useful for reducing civilian fatalities; the coalition and the Iraqi Government needed to implement measures to counter the types of attacks that were claiming civilian lives.
- The insurgency was specifically targeting the Iraqi Government and the Iraqi economy. Over 30 percent of insurgent attacks were aimed at these two aspects of the Iraqi polity.

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<sup>148</sup> Gen David H. Petraeus, Commander, MNF-I, *Report to Congress on the Situation in Iraq*, Washington, D.C.: U.S. House of Representatives, Committee on Foreign Affairs and the Committee on Armed Services, 10-11 September 2007.

<sup>149</sup> *The Washington Post*, 22 September 2007, *Statement by Colonel Steven A. Boylan, spokesman for General David Petraeus, commander, Multi-National Force-Iraq, to the Fact Checker.*

<sup>150</sup> RAND, 2008. *An Argument for Documenting Casualties: Violence Against Iraqi Civilians 2006.*

- Most violence was directed at “for lack of a better word, the common Iraqi civilian”. For over 50 percent of the individuals killed in 2006 there was “... no identifying data, no apparent or recorded reason, and no discernible affiliation or target. All we know of these people is that they were killed; this fact alone suggests that our capacity to understand, analyze, and effectively respond to the bloodshed is limited by a lack of information.”

**237.** In April 2009, researchers from King’s College London, Royal Holloway, University of London and IBC used IBC’s record of Iraqi non-combatant civilian deaths to analyse the nature and effects of various weapons.

**238.** The researchers concluded that in events with at least one Iraqi non-combatant civilian casualty, the methods that killed the most non-combatant civilians per event were aerial bombing (17 per event), combined use of aerial and ground weapons (17 per event) and suicide bombers on foot (16 per event). Aerial bombs killed on average nine more non-combatant civilians per event (17) than aerial missiles (8). The team commented:

“It seems clear from these findings that to protect civilians from indiscriminate harm, as required by international humanitarian law ... military and civilian policies should prohibit aerial bombing in civilian areas unless it can be demonstrated – by monitoring of civilian casualties for example – that civilians are being protected.”

### The WikiLeaks Iraq War Logs

On 22 October 2010, WikiLeaks released 391,832 US Army Field Reports, covering the period from 1 January 2004 to 31 December 2009 (except for the months of May 2004 and March 2009).<sup>151</sup> WikiLeaks stated that the Field Reports detailed 109,032 deaths in Iraq over that period, comprising:

- 66,081 “civilian” deaths;
- 23,984 “enemy” deaths (“those labelled as insurgents”);
- 15,196 “host nation” deaths (Iraqi Government forces); and
- 3,771 “friendly” deaths (coalition forces).

IBC reported that, based on an “early analysis”, the Field Reports contained 15,000 previously unreported civilian deaths.<sup>152</sup> Once a full analysis was complete, casualty data would be integrated into IBC’s record.

IBC stated that the majority of the previously unreported deaths came from small incidents comprising one to three deaths. That was not unexpected, as larger incidents attracted more media coverage than smaller incidents.

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<sup>151</sup> WikiLeaks, 22 October 2010, *Iraq War Logs*.

<sup>152</sup> Iraq Body Count, 22 October 2010, *15,000 previously unknown civilian deaths contained in the Iraq war Logs released by WikiLeaks*.

## Witness comment

**239.** The Inquiry asked Mr Ingram, Minister for the Armed Forces from June 2001 to June 2007, why the UK Government had been unable to produce an estimate of civilian casualties when other organisations including NGOs and academic organisations had done so, in particular given the public interest on the issue.<sup>153</sup>

**240.** Mr Ingram told the Inquiry:

“The idea that somehow or other an NGO is the fount of all wisdom and knowledge and accuracy I don’t think stands up.

“So if we were going to take the figures from external sources, then we would have had to put effort and verification into that. Should we have done so? Perhaps, yes, and I’m not so sure it wasn’t being done ...”

**241.** Mr Ingram added that establishing the number of civilian casualties would not have changed the reality on the ground:

“... the concept of ground truth is absolutely vital in this and, by establishing that fact, wouldn’t have altered where we were. Because we couldn’t, in one sense, easily have stopped the civilian casualties because it wasn’t being carried out by us on the civilians, it was being carried out by the tribal wars, the family feuds, by the Sunni/Shia factionalism that was taking place, by the Shia on Shia factionalism that was taking place, but we ... were being vilified, attacked and criticised that we had precipitated all of this.

“I have to say I believe that to be a false logic, because that may have happened at any time under Saddam Hussein and, therefore, the establishment of the facts perhaps should have been carried out by – elsewhere in Government. I don’t really think it was an MOD function in that sense.”

**242.** The Inquiry asked Mr Ingram whether the Government would not have been better placed than external organisations to develop credible estimates of civilian casualties, and asked which department within government should have been responsible for producing such estimates. Mr Ingram told the Inquiry:

“You [the responsible department] have then to go to the hospitals. You then have to put civilians or a military person at that hospital counting the bodies in and the bodies out. So you need force protection to do that. You put people at risk to do that. Is that what people wanted, soldiers or civilians being killed at hospitals? Because they would have been at risk.

“... the UN may have been the mechanism by which we’d establish true facts, but they were withdrawn.

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<sup>153</sup> Public hearing, 16 July 2010, pages 30-34.

“So there were points at which, yes, it would have been desirable, but how do you achieve that objective? Do you put other lives at risk to do that? I would say no.”

**243.** The Inquiry asked if it was the MOD’s function to develop estimates of civilian casualties, or that of another department. Mr Ingram told the Inquiry:

“Unquestionably. Is it something that DFID could have funded? Is it something the FCO should have taken ownership care of? The UN had become engaged – it was still engaged, but not in terms of presence on the ground – is it a role that they should have played? Yes. Of course the answer to that is yes.

“But what – the very establishment of the facts would not have changed what was happening. It would have confirmed what everyone knew, but it wouldn’t have led to a solution ...”

## Records and estimates of the number of Iraqi fatalities

### Approaches to determining fatalities due to conflict

There are two broad approaches to determining the number of fatalities attributable to a conflict:

- Incident, or passive, reporting. This approach, which aims to capture direct conflict deaths, typically involves the collation of reports from the media, other non-government and government sources. Its accuracy depends in part on the accuracy and completeness of those reports. Access to conflict-affected areas (or to particular communities) may be difficult, and there may be pressure to distort information. Incident reporting frequently undercounts the number of direct conflict deaths.
- Estimates derived from a survey of part of a population. This approach typically aims to estimate the number of excess deaths caused by conflict, by extrapolating from the data produced by a survey. Those excess deaths would include both direct deaths (caused by war-related injuries) and indirect deaths (caused by the worsening of social, economic and health conditions in a conflict-affected area). The accuracy of such estimates can be undermined by a lack of detailed, baseline mortality data (and conflicts often occur in areas without such information, or lead to the disintegration of the systems which provide it), the selection of an unrepresentative sample, the methodology used, and the conduct of the survey.

**244.** The IBC project, founded in 2003 by UK and US volunteers, aims to record the violent civilian deaths resulting from the 2003 military intervention in Iraq.<sup>154</sup> It draws its evidence from cross-checked media reports of violent events or of bodies being found, supplemented by the review and integration of hospital, morgue, NGO and

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<sup>154</sup> Iraq Body Count website.

official figures. Further details of the methodology and inclusion criteria used by IBC are available on its website.

**245.** IBC has publicly stated that while its database cannot provide a complete record of violent civilian deaths, it does provide an “irrefutable baseline of certain and undeniable deaths based on the solidity of our sources and the conservativeness of our methodology”.<sup>155</sup>

**246.** IBC continually updates its figures as new information becomes available. As at April 2016, IBC had recorded between 156,531 and 175,101 violent civilian deaths since January 2003.<sup>156</sup>

**247.** As apparent from the material addressed earlier in this Section, estimates of the number of fatalities caused by conflict in Iraq after 2003 vary substantially.

**248.** In October 2004, *The Lancet* published a study by the Johns Hopkins Bloomberg School of Public Health entitled *Mortality before and after the 2003 invasion of Iraq: cluster sample survey*.<sup>157</sup> The study was based on a survey of 988 households in 33 clusters. It estimated that there had been 98,000 more deaths from all causes in Iraq than expected in the 18 months since the invasion (95 percent confidence interval 8,000–94,000). That estimate did not include data from one cluster in Fallujah.

**249.** In October 2006, *The Lancet* published a second study by the Johns Hopkins Bloomberg School of Public Health.<sup>158</sup> The study used the same (cluster sample survey) methodology as the first study but was based on a larger sample.

**250.** The study estimated that between March 2003 and June 2006, there had been 654,965 excess Iraqi deaths and 601,027 excess violent Iraqi deaths as a consequence of the conflict.

**251.** The IFHS was undertaken in 2006 and 2007 by the Iraqi Government in collaboration with the World Health Organization (WHO); the results were published in *The New England Journal of Medicine* in January 2008.<sup>159</sup> The IFHS collected data from 9,345 households across Iraq on a number of issues, including mortality.

**252.** The IFHS Study Group estimated that, between March 2003 and June 2006 (the period covered by the second *Lancet* study), there were 151,000 violent deaths in Iraq.

**253.** In a September 2008 report, the Geneva Declaration on Armed Violence and Development pooled a number of datasets, including IBC, to provide a consolidated

<sup>155</sup> Iraq Body Count, April 2006, *Speculation is no substitute: a defence of Iraq Body Count*.

<sup>156</sup> Iraq Body Count, 13 April 2016, *Documented civilian deaths from violence*.

<sup>157</sup> Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

<sup>158</sup> Burnham G, Lafta R, Doocy S and Roberts L. Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey. *The Lancet* **368**: 1421-1428 (2006).

<sup>159</sup> Iraq Family Health Survey Study Group. Violence-Related Mortality in Iraq from 2002 to 2006. *The New England Journal of Medicine* **358**: 484-493 (2008).

estimate of violent (direct) deaths in Iraq.<sup>160</sup> It estimated that, between 2003 and 2007, at least 87,000 direct conflict deaths had occurred.

**254.** The report also considered indirect deaths, and commented on the difference between the figures reported by the two *Lancet* studies and the IFHS:

“At first glance, such a wide range seems to imply that the exact number of deaths due to violence remains unknown. But the quality and reliability of these surveys is not equal. The most recent study (2008) [the IFHS] surveyed 9,345 households, and was conducted under the auspices of the World Health Organization. The previous two studies [the *Lancet* studies], both conducted under difficult circumstances and with limited resources, surveyed 990 (2004) and 1,849 (2006) households. The gain in precision with greater numbers of households surveyed in the 2008 study is obvious ...”

**255.** The report estimated that there had been more than 150,000 indirect deaths in Iraq between March 2003 and March 2008 (with a wide possible range between 80,000 and 234,000).

**256.** A further analysis was undertaken in 2013 by a team of American, Canadian and Iraqi researchers, based on a sample of 2,000 households.<sup>161</sup> Unlike earlier studies, this was undertaken when the situation on the ground was relatively calm. The study concluded that there had been 461,000 excess deaths from 2003 to 2011. Most excess deaths were due to direct violence but about a third resulted from indirect causes, such as the failures of health, sanitation, transportation, communication and other systems.

**257.** About a third of the deaths due to direct violence were attributed to coalition forces (some 90,000), and a third to militias. The study reported that at the peak of the conflict men faced a 2.9 percent higher risk of death than they did before the war and women a 0.7 percent higher risk of death.

**258.** The majority (63 percent) of violent deaths were the result of gunshot with 12 percent attributed to car bombs.

## Non-Iraqi civilian fatalities

**259.** The Inquiry is not aware of any comprehensive list of non-Iraqi civilian casualties, or of UK civilian casualties in Iraq. The UK Government did not maintain a record of deaths and injuries to UK civilians in Iraq.

**260.** The Brookings Iraq Index, drawing on a partial list of contractors killed in Iraq maintained by the Iraq Coalition Casualty Count (ICCC), reported that by October 2009

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<sup>160</sup> Geneva Declaration on Armed Violence and Development, September 2008, *Global Burden of Armed Violence*.

<sup>161</sup> Hagopian A et al. Mortality in Iraq Associated with the 2003–2011 War and Occupation: Findings from a National Cluster Sample Survey by the University Collaborative Iraq Mortality Study. *PLOS Medicine* **10(10)** (2013).

(the end of the period covered by this Inquiry) 523 non-Iraqi civilians had been killed in Iraq.<sup>162</sup> The Index did not offer any breakdown of that total.

**261.** The ICCC reported 464 contractors killed in Iraq by October 2009, of whom it identified 45 as British.<sup>163</sup> Of those, the ICCC identified 37 as security contractors or security guards.

**262.** The US Special Inspector General for Iraq Reconstruction (SIGIR) reported in July 2012 that 321 US civilians had died during Operation Iraqi Freedom from 1 May 2003 (the end of major combat operations) to 31 August 2010.<sup>164</sup>

**263.** The Committee to Protect Journalists recorded that 191 Iraqi and international journalists and other media workers were killed in Iraq between 19 March 2003 and October 2009 (the end of the period covered by this Inquiry).<sup>165</sup>

## Conclusions

**264.** In a series of Assessments in the second half of 2002, the Joint Intelligence Committee identified the possibility of significant civilian casualties in the event of a Coalition attack on Iraq, in particular as a result of Iraqi use of chemical and biological weapons, the implementation of a scorched earth policy, and disorder after the end of major combat operations.

**265.** The MOD made only a broad estimate of direct civilian casualties arising from an attack on Iraq, based on previous operations.

**266.** In the months before the invasion, Mr Blair emphasised the need to minimise the number of civilian casualties arising from an invasion of Iraq. He repeatedly asked the MOD for details on the accuracy of the weapons that the UK would use, the targeting policy and guidelines, and the estimated number of civilian casualties.

**267.** Sections 6.1 and 6.2 consider the MOD's responses, which offered reassurance based on the tight targeting procedures governing the air campaign. Admiral Sir Michael Boyce, Chief of the Defence Staff, advised Mr Blair on 25 February 2003 that civilian casualties were likely to be in the "low hundreds".<sup>166</sup>

**268.** In his public statements before the invasion, Mr Blair suggested that the number of civilians who would be killed in any conflict should be set in the context of the number of civilians who had been killed by Saddam Hussein's regime or were dying as a result of its policies. On the eve of the invasion, Mr Blair stated that Saddam Hussein "will

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<sup>162</sup> The Brookings Institution, 13 October 2009, *Iraq Index*.

<sup>163</sup> Iraq Coalition Casualty Count website.

<sup>164</sup> Report SIGIR, July 2012, *The human toll of reconstruction and stabilization during Iraqi Freedom*.

<sup>165</sup> Committee to Protect Journalists website.

<sup>166</sup> Letter Cannon to Owen, 25 February 2003, 'Iraq: Prime Minister's Meeting with General Franks'.

be responsible for many, many more deaths even in one year than we will be in any conflict”.<sup>167</sup>

**269.** In November 2003, in response to media and NGO reporting on the high levels of civilian casualties, the Government began to consider whether and how it should respond to demands for information on the number of civilians killed in Iraq, including the number killed by UK forces.

**270.** That consideration was driven by the Government’s concern to sustain domestic support for operations in Iraq. Mr Straw and Mr Hoon agreed in November 2003 that the Government needed to produce accurate casualty figures to rebut claims that Coalition Forces were killing large numbers of civilians; in October 2004, Mr Blair stated that the Government needed an estimate of civilian casualties which showed the extent of insurgent responsibility.

**271.** With hindsight, greater efforts should have been made in the post-conflict period to determine the number of civilian casualties and the broader effects of military operations on civilians. A trial monitoring exercise initiated by No.10 in November 2004 was not completed. Much more Ministerial and senior official time was devoted to the question of which department should have responsibility for the issue of civilian casualties than to efforts to determine the actual number.

**272.** The Government was aware of several reports and studies (the Iraqi Ministry of Health in October 2004, the *Lancet* studies in October 2004 and October 2006, and the Iraq Body Count dossier in July 2005) which suggested that coalition forces were responsible for more civilian deaths than were the insurgents.

**273.** Those reports did not trigger any work within the Government either to determine the number of civilian casualties or to reassess its military or civilian effort. An FCO official commented that the Iraqi Ministry of Health’s figures “will not help make the case that more civilians have been killed by terrorists than by military action”.<sup>168</sup>

**274.** The Inquiry has considered the question of whether a Government should, in the future, do more to maintain a fuller understanding of the human cost of any conflict in which it is engaged.

**275.** All military operations carry a risk of civilian casualties. The parties to a conflict have an obligation under International Humanitarian Law to limit its effects on civilians.

**276.** In Iraq, the UK Government recognised that obligation in its Rules of Engagement, Targeting Directive and guidance on Battle Damage Assessment. The Government did not consider that it had a legal obligation to count civilian casualties.

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<sup>167</sup> House of Commons, *Official Report*, 19 March 2003, column 934.

<sup>168</sup> Minute FCO [junior official] to Owen, 13 October 2004, ‘Iraq: Civilian Casualty Figures’.

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

**278.** That will include not only direct civilian casualties, but also the indirect costs on civilians arising from worsening social, economic and health conditions. (Section 10.4 considers the scale of the reconstruction challenge in Iraq after the fall of Saddam Hussein's regime and the Government's contribution to meeting that challenge).

**279.** It may not be possible, before committing to a course of action, to produce even broad estimates of the number of civilians that would be directly and indirectly affected by it, or to identify all the effects on civilians.

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

**281.** The Government should take account of those assessments and estimates in developing its strategy and plans as well as in its military tactics and use of ordnance, in order to minimise, to the extent possible, the effects on civilians. The Inquiry considers that RAND's conclusion in relation to US military operations should apply equally to the UK:

“Because protecting the population is one of the central tenets of US COIN [counter-insurgency] doctrine ... Iraqi civilian fatalities should be a chief concern for the US military.”<sup>169</sup>

**282.** As well as serving to minimise the effect of military action on civilians, such assessments and estimates will also enable the Government to address criticisms of the human cost of military operations.

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<sup>169</sup> RAND, 2008. *An Argument for Documenting Casualties: Violence Against Iraqi Civilians 2006*.