

A photograph showing the aftermath of a bombing. In the foreground, a man in a red t-shirt and blue shorts stands with his back to the camera, looking towards a large, heavily damaged concrete structure. The ground is covered in rubble, including large blocks of concrete and twisted metal. In the background, another person is visible near the wreckage. The sky is clear and blue.

Civilian deaths in the anti-ISIS bombing campaigns 2014–2015



Cover photo:

People gather near a destroyed building after an airstrike by the Iraqi Air Force in ISIS-seized city of Fallujah, some 50 km west of Baghdad, Iraq, on 24 June 2015. At least seven people were killed and fifteen others wounded during the bombing on Wednesday.

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Minority Rights Group International
November 2015

This report has been produced as part of the Ceasefire project, a multi-year programme supported by the European Union to implement a system of civilian-led monitoring of human rights abuses in Iraq, focusing in particular on the rights of vulnerable civilians including vulnerable women, internally-displaced persons (IDPs), stateless persons, and ethnic or religious minorities, and to assess the feasibility of extending civilian-led monitoring to other country situations.

This report has been produced with the financial assistance of the European Union. The contents of this report are the sole responsibility of the publishers and can under no circumstances be regarded as reflecting the position of the European Union.



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Written by Sue Eedle and Mark Lattimer with additional research by Miriam Puttick.

Report designed by Staša Sukic.

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Civilian deaths in the anti-ISIS bombing campaigns

January 2014–September 2015

Introduction

This briefing summarizes the existing information, predominantly from local sources, on civilian deaths in the bombing campaigns conducted against the Islamic State of Iraq and Al-Sham (ISIS) since January 2014. It complements other Ceasefire reports which have detailed outrages committed in Iraq by ISIS, as well as other armed actors, including mass extra-judicial executions, kidnappings, systematic torture, rape and sexual slavery.

The main parties in the air campaigns against ISIS include the Iraqi Security Forces, supported principally by Iran and the United States; the US-led Combined Joint Task Force (Operation Inherent Resolve), under which a coalition of some 12 states including the US have conducted air strikes in Iraq and/or Syria; the Syrian Air Force; and, most recently, the Russian Federation.

Despite legal obligations on parties to armed conflict to account for the dead and the missing, without adverse distinc-

tion, few authoritative sources of information exist on civilian deaths in the anti-ISIS campaigns. The UN has published some figures on civilian casualties, generally drawn originally from local sources, but frequently emphasizes the difficulty in verifying information (including that obtained from governmental sources). Information released by belligerents is similarly deficient. The Iraqi and Syrian governments publish almost no information on civilian casualties from their own operations – and the figures they do disseminate on killings by ISIS and other opposition groups frequently appear inflated and unreliable.¹ The US and other members of the international coalition routinely deny allegations of civilian casualties but also may refuse to confirm their participation in a particular attack, making the attribution of responsibility much more difficult.

Most of the information from the ground on civilian casualties therefore originates from non-governmental organizations (NGOs) and other civilian activists (particularly in Syria), working at considerable risk, supplemented by local media sources. This is further supplemented (particularly

International law and the anti-ISIS campaigns

International humanitarian law and the law of human rights

The conduct of hostilities and the protection of civilians and other non-combatants in both international and non-international armed conflicts are regulated by international humanitar-

ian law (IHL). The rules of IHL bind both states and armed opposition groups. They are distinct from the international law governing the recourse to armed force and apply irrespective of the legality or otherwise of any particular recourse to force (see below).

Parties to conflict must distinguish at all times between combatants and non-combatants (including civilians

and those *hors de combat*). Attacks on civilians and civilian objects are prohibited at all times. Indiscriminate attacks are also prohibited. These include attacks which fail to distinguish between military and civilian objects, or ones in which expected incidental civilian deaths or injury, or damage to civilian objects, are excessive in relation to the concrete and direct military advantage anticipated. Intentionally directing attacks against

civilians or civilian objects, or launching an indiscriminate attack, is a war crime. In addition, all feasible precautions must be taken in the choice of means or methods of attack to avoid, or in any event minimise, civilian death or injury or damage to civilian objects.

IHL imposes specific duties to investigate civilian deaths. These include an obligation on all parties to identify the dead and the missing, in furtherance of the right of families to know the fate of their relatives. There is a further duty on belligerents to undertake an investigation where a breach of IHL may have occurred, including a suspected failure to take all feasible precautions to avoid loss of civilian life.

Human rights law imposes additional obligations on states towards all those under their jurisdiction. In relation to the right to life, this includes an obligation to undertake an investigation in any case where an individual has been killed by state agents. In addition to binding the Iraqi and Syrian governments with regard to any military action taken on their territories, this obligation also falls on members of the international coalition where an attack has led to the death of civilians under their effective control.

Under the UN's *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, investigations under both IHL and human rights law should be effective, prompt, thorough and impartial.²

Legality of the use of force

The ability of a state to use force to protect its borders and to suppress armed insurgency on its own territory, while not unlimited, is universally recognized. The entitlement of such a state to invite military assistance from foreign states is in some respects more controversial, but is nonetheless increasingly accepted under international law (at least in circumstances where the threat comes from abroad). This constitutes the primary legal justification for the anti-ISIS operations conducted in Iraq by Iran, and by the US and other members of Operation Inherent Resolve, in support of the Iraqi government (as well as in Syria by Russia and Iran in support of the Syrian government). In a letter of 20 September 2014 to the UN Security Council, the government of Iraq notified the Council that it had requested the US to lead international efforts to strike ISIS sites and military strongholds 'with our express consent'.

The legality of anti-ISIS operations in Syria which are not undertaken with the consent of the Syrian government is highly controversial. Space does not permit a detailed description of the debate here, but legal arguments that have been advanced by belligerents to justify anti-ISIS operations in Syria rely primarily on the collective self-defence of Iraq, under Article 51 of the UN Charter, in response to the armed attack(s) launched by ISIS from Syria, where the government of Syria does not have effective control over the territory from which such attacks are launched and is unwilling or unable to prevent them. Additionally, it has been argued that certain operations are justified as individual self-defence of members of the international coalition in response to an attack or imminent threat of attack on their

own territory. Others, however, maintain that such arguments do not justify an exception to Article 2(4) of the UN Charter which prohibits the threat or use of force against the territorial integrity of political independence of any state. UN Security Council resolution 2249 condemning ISIS terrorist attacks, unanimously adopted on 20 November 2015, manages to add to the controversy without resolving it. The resolution does not separately authorize military action but rather 'calls upon member states that have the capacity to do so to take all necessary measures, in compliance with international law, in particular with the United Nations Charter' against ISIS and other designated terrorist groups.

The disputed doctrine of 'humanitarian intervention' was earlier cited by the UK to justify a planned attack on Syria in 2013 in response to the use of chemical weapons. While the anti-ISIS operations are instead legally grounded in the collective self-defence of Iraq, civilian protection has been widely invoked as an associated motive. The US, the UK and the government of Iraq have all, for example, described the aims of such operations as 'to end the continuing armed attacks on Iraq, to protect Iraqi citizens, and ... regaining control of Iraqi borders' [emphasis added].³ If the purpose of armed force is, *inter alia*, civilian protection, then the use of force should be necessary and proportionate in relation to that purpose.

It should be noted that this is only a summary of the arguments under international law; the legality of the anti-ISIS operations under national or constitutional law or convention (including the question of congressional or parliamentary approval) has also proved controversial.

in Iraq) by some figures from hospitals and health authorities, although the absence of any comprehensive data series makes even just an accurate tally of total fatalities from air strikes problematic.

Civilian casualties from bombing in Iraq

In May 2013 the Iraqi Army launched Operation Shabah (Phantom), with the support of the air force, aimed at severing contact between Al-Qaeda in Iraq and Islamist militants in Syria along the border, and in July it announced a campaign to clear out insurgent bases in Anbar and Ninewa Provinces. A further crackdown by government forces on largely peaceful Sunni demonstrations in Ramadi on 30 December 2013, in which civilian deaths included three children,⁴ helped trigger a renewal of armed conflict in Anbar Province between local residents, Iraqi Security Forces and multiple armed groups.

After the fall of Fallujah and parts of Ramadi to ISIS control on 4 January 2014, the ISF's war on Sunni militants escalated sharply and air strikes became a regular occurrence. On 22 January, for example, the defence ministry said 'painful and effective air strikes' against targets in Anbar Province the previous day had killed more than 50 ISIS militants.⁵

The monitoring group Iraq Body Count records the first civilians killed in air attacks by the Iraqi Security Forces (ISF) from 4 January 2014 and frequently from then on until 17 July 2014, the latest date for which it has confirmed data. During this period it tallies 468 civilian casualties of ISF air attacks, all of them, until June, in Anbar Province, and the vast majority in residential areas of Fallujah, followed by Ramadi.⁶

From 9 May 2014 the first civilian casualties from barrel bombs began appearing in the IBC database, in addition to mortar and artillery shelling and other air strikes. Human Rights Watch also reported that government forces dropped barrel bombs on residential neighbourhoods of Fallujah and surrounding areas from early May, part of an intensified campaign against armed opposition groups including ISIS, causing civilian casualties and forcing thousands of residents to flee.⁷ In July

2014 HRW described a consistent pattern of aerial bombardments in residential areas by government forces using helicopters, jets, and other aircraft, hitting areas surrounding mosques, government buildings, hospitals, and power and water stations, as part of a drive to retake areas controlled by ISIS fighters and other Sunni armed groups.⁸

UN casualty reporting

From December 2013, the monthly casualty reports collated by the UN Assistance Mission for Iraq (UNAMI) began to carry caveats concerning data on 'casualties of the current IA [Iraqi Army] operation in Anbar' because of problems with verification. From that point on, UNAMI has reported Anbar casualties separately using figures provided by the Anbar Health Directorate, which it says it can sometimes only partially verify.

In July 2014, and for that month only, UNAMI broke down recorded incidents by category and attributed casualties to each category as follows:

*'UNAMI recorded a minimum 400 security incidents in different parts of Iraq. Among these incidents are included: 62 incidents by air attack [which] caused a minimum of 823 casualties killed and injured. 30 incidents caused by vehicle borne improvised explosive devices (VBIED) and suicide vehicle borne improvised explosive devices (SVBIED), which caused a minimum of 535 casualties killed and injured. 78 incidents using improvised explosive devices (IEDs) caused a minimum of 322 civilian casualties killed and injured. 67 incidents with small arms fire (SAF) caused a minimum of 141 casualties killed and injured.'*⁹

The breakdown does not classify incidents by actor, or casualties by whether they are civilian or non-civilian. However, these casualties occurred in the context of a total of 1,186 civilians and 551 non-civilians killed during the month in addition to 198 civilians killed in Anbar Province, reported separately, of whom 127 were in Fallujah.¹⁰ This was the month before the international coalition commenced its air campaign, so the strikes are presumed to have been carried out by the Iraqi Security Forces (ISF). The office of the UN High Commissioner for Refugees and the International Organization on Migration reported that hundreds

of thousands of internally-displaced people had fled from Anbar during the year so far.

UNAMI reported in September 2014 that an increasing number of civilian casualties were being attributed to air strikes carried out by the Iraq Security Forces (ISF). It detailed specific incidents giving rise to 222 civilian deaths, including many women and children, and 237 wounded, between 21 June and 1 September 2014 as a result of ISF air strikes alone, in addition to the documented casualties of ISF artillery shelling and the actions of government-allied militia groups. While there was no evidence that the ISF deliberately targeted civilians, it said, the strikes nevertheless resulted in significant civilian deaths and injuries and destruction of civilian infrastructure. It quoted the ministry of defence as saying the air strikes directly targeted ISIS and associated armed groups, but these deliberately positioned themselves in civilian areas or civilian facilities such as hospitals in an attempt to shield themselves from attack. UNAMI's comment on this was to reiterate the requirement that ISF take constant care and all feasible precautions to avoid or at any rate minimise incidental loss of civilian life, and ensure its operations were proportional to the military advantage anticipated.¹¹

In response to the increasing civilian casualties attributed to air strikes and shelling, on 13 September 2014 the newly elected prime minister, Hayder al-Abadi, ordered the air force to halt strikes on civilian areas even where ISIS was present, and expressed his commitment to protect civilians;¹² however, airstrikes continued in Fallujah and northern Iraq to the end of the year, killing hundreds more civilians. Sources in Fallujah General Hospital (which itself came under rocket and shell fire several times) reported that 144 bodies (including 18 children) had been received during September, 398 bodies (including 26 children) during October, and 294 bodies (including 8 children) during November. Sources in the hospital alleged that most of these casualties had resulted from shelling carried out by Iraqi army and associated forces.¹³ UNAMI was not able to verify this claim, or these figures, and has commented elsewhere on the difficulty of attributing air strikes to specific military forces, and of assessing whether the ISF has met the requirements of distinction and proportionality when ISIS deliberately bases itself in civilian areas.

From the monthly statistics published by UNAMI, Fallujah alone appears to have accounted on average for around 14 per cent of all civilian casualties recorded in the country during the second half of 2014, and nearly 25 per cent in November, though these deaths are not attributed to any particular actor or actors.¹⁴

Regional and international military intervention

Whether or not the use of barrel bombs by the ISF had been prompted by a lack of more sophisticated and high-precision equipment, by mid-2014 Baghdad was desperate to build up its air power. It had been reduced to a few dozen fixed-wing propeller planes and helicopters carrying US-supplied Hellfire missiles since Saddam Hussein's once-mighty air force had been wiped out in 2003. The Iraqi government now ordered 36 F-16 fighter jets from the United States, in the meantime it negotiated the return of some decades-old Soviet- and French-built aircraft impounded by the Iranians during the Iran-Iraq war of the 1980s, and secured delivery of a handful of second-hand jets from Russia and Belarus.¹⁵

A senior US military officer speaking to *The Washington Post* at the time voiced concerns that using the outdated technology could mean large numbers of civilian casualties. 'Even when you get them, you still need training for pilots,' he said, pointing out that many of the Iraqis who were trained to fly them were also now too old.¹⁶ Since then there have indeed been cases where civilian casualties have been blamed on the poorly trained and equipped air force, according to *The Wall Street Journal*. On 6 July 2015 a Russian-made Sukhoi fighter jet returning from a mission against ISIS targets in western Iraq accidentally dropped a bomb on a residential area of Baghdad, killing seven people. The bomb, which had failed to release from the aircraft earlier in the flight, although the pilot tried six times to drop it, finally detached as it flew over the capital. A government spokesman said the pilot was among the country's most qualified. The previous day, eyewitnesses in Fallujah said an Iraqi jet fighter killed more than 50 young men when it mistakenly dropped a

bomb on a soccer field in the city instead of its intended ISIS target.¹⁷

Major setbacks for the Iraqi armed forces, revealing their inadequacies, prompted logistical and material support and ultimately intervention by external players keen to prevent ISIS making further gains. After the fall of Fallujah in January 2014 the United States said it was speeding up the supply of surveillance drones and Hellfire missiles to Iraq.¹⁸ After the debacle of the ISIS takeover of Mosul five months later, and reports of ISIS atrocities in the north of the country, the US began undertaking reconnaissance missions over northern Iraq, and on 8 August they started bombing ISIS positions at the request of the Iraqi government.

Even before that, however, the Islamic Republic of Iran had responded to the growing strength of ISIS by sending General Qassem Soleimani of the Iranian Revolutionary Guards Corp to help organise Baghdad's counter-campaign.¹⁹ In mid-June Iran started flying drones over Iraq, and in July it sent Iraq several Sukhoi Su-25 aircraft to use against ISIS.²⁰ At the same time it began discreetly deploying its own jet aircraft across the border in eastern parts of Iraq. This was initially the subject of some speculation but appeared subsequently to be confirmed by US officials, who were however keen to point out that they were not collaborating with the Iranians.²¹

There were also occasionally strikes across the western border by Syrian government aircraft attacking ISIS positions and causing civilian casualties. On 24 June 2014, for example, Syrian warplanes reportedly struck suspected ISIS targets in western Iraq, close to Al-Qa'im and in Al-Rutba, killing at least 57 civilians and injuring 138.²²

Since the US-led international coalition commenced attacks on Iraq on 8 August 2014 and on Syria on 22 September 2014, members of the coalition have conducted to end September 2015 some 4,606 airstrikes in Iraq and 2,596 airstrikes in Syria, according to figures released by the Combined Joint Task Force – Operation Inherent Resolve. Although civilian casualties are generally denied by the coalition (see below), in both countries local monitors have alleged hundreds of civilian deaths. For example, the editor-in-chief of the Ninewa Journalists Network, Mohammed Al-Bay-

ati, claimed in August 2015 that 37 civilians, including nine children, had been killed by coalition airstrikes in Ninewa in northern Iraq, and a further 72 had been injured. In the same month the Syrian Network for Human Rights reported the killing of 225 civilians, including 65 children and 37 women, by international coalition airstrikes against ISIS since the start of coalition operations in Syria. SNHR told *Al-Araby* that in the first five months the coalition targeted ISIS sites lying outside of inhabited areas, in addition to oil facilities, supply routes, and some targets within cities and towns. However, in the period after January 2015 the coalition began targeting villages and cities under ISIS control.²³

Some Iraqi commanders appear to believe that the coalition exercising less prudence with regard to civilian casualties would aid the fight against ISIS. Following the fall of Ramadi, the capital of Anbar Province, to ISIS in May 2015, Iraqi officials expressed criticism that the US was being too cautious in its air campaign.²⁴ The commander of the Iraqi air force announced on 6 September 2015 that it had conducted its first airstrikes against ISIS using the new F-16 fighters acquired from the US. Lt-Gen Anwar Hama Amin told AFP that 'smart weapons' were used in the strikes.²⁵

Public reaction in Iraq to civilian deaths

Civilian deaths from anti-ISIS bombardment, particularly in Sunni Arab areas, are the subject of intense political and media debate in Iraq, although it is rarely reflected in the international media. The repeated calls by the US and other international partners of Iraq that the Iraqi government should be politically 'inclusive' of Sunni representation fail to acknowledge the degree of polarisation created by this issue.

In September 2014, soon after the formation of the new government: Parliamentary speaker Salim al-Jabbouri warned against civilian casualties, telling the US Secretary of State that air raids against ISIS should not lead to civilian deaths, according to Iraqi media. Jabbouri said Iraqi forces should immediately stop the use of barrel bombs and indiscriminate artillery shelling of Sunni areas of Iraq that are under ISIS control. He said random shelling of civil-

Spotlight: Hawija

On 23 April 2013 in Hawija in Kirkuk province the Iraqi Security Forces attacked a camp of protestors demonstrating against the Shia-dominated government of Nouri al-Maliki.

Scores of people were killed over two days of violence, with the ISF reportedly deploying helicopter gunships. Estimates of civilian-dead varied, but included eight children.^{26,27} This episode marked a significant milestone in the evolution of Arab Spring-style expressions of Sunni grievances into an armed struggle led by tribal militias that coincided with the rise of ISIS in Sunni regions of Iraq.

Hawija's Sunni population and its location 40 km south of Kirkuk make it of considerable strategic importance in the conflict and it was the target of repeated airstrikes by the ISF during 2014. Kirkuk Now, an Iraqi media outlet, reported eyewitnesses in Hawija saying IS militants were exploiting random shelling of civilian houses and shops to recruit young men. Witnesses told Kirkuk Now that armed men visit houses that have been shelled and invite the occupants to fight with them against the government.²⁸

On 3 June 2015 Hawija was the scene of one of the largest alleged losses of civilian life by a single international coalition action to date, when airstrikes targeted an ISIS facility

making vehicle-borne improvised explosive devices. The aftermath was widely reported and recorded on social media. The head of Kirkuk's Arab council estimated the dead and injured at 150 and a Kurdish outlet reported 70 killed, including 22 women and 26 children.²⁹ On 5 June Lt-Gen Hesterman, the Combined Forces Air Component Commander, blamed the scale of the destruction on secondary explosions and said 'we haven't seen any evidence of civilian casualties so far'.³⁰ Local residents told Reuters that the scene of the strike resembled the site of an 'earthquake' and compared it to the 'site of a nuclear bomb'.³¹ The Pentagon later announced that the allegations of civilian deaths were credible and that it had opened a full investigation.

ians is unacceptable; innocent people pay the price and their resentment will increase.³² International organisations have repeatedly warned of rising numbers of civilian casualties, particularly in Fallujah, and tribal elders have called on forces to distinguish between targets.³³

On 5 July 2015, amid reports of a renewed escalation of attacks on Fallujah by the ISF and the Shia Popular Mobilisation Forces (PMF), a discussion programme on Al Jazeera asked what was so special about Fallujah, and why civilians were paying the price.³⁴ Abdulqader al-Nayel, a tribal sheikh from Anbar, saw Fallujah as having historical symbolic significance as a bastion of resistance to would-be occupiers of Iraq over the centuries, including invaders from ancient Persia and more recently the United States. The civilian casualties in Fallujah, al-Nayel said, were 'a badge of shame for the PMF, the Abadi government and the international community, which remains silent about these crimes...' PMF spokesman Karim al-Nouri disputed al-Nayel's accusations and insisted that the PMF gave Fallujah residents every opportunity to make their way to safety before launching attacks.

On 6 July 2015 the Sunni bloc in the Iraqi parliament issued a statement accusing the Iraqi air force of dropping barrel bombs on civilian-populated areas of Fallujah. According to the Watani Alliance led by Iyad Allawi, 90 civilians had been killed and 100 injured in ISF air and artillery strikes on Fallujah since the beginning of Ramadan (on 17 June). The government responded with a statement denying that its forces were indiscriminately bombing civilian areas under ISIS control.³⁵

Government supporters of the bombing campaigns often question not just the loyalty of communities in ISIS-held areas of Anbar and Mosul, but even their civilian status. The comments of State of Law MP Mohammed Saadoun al-Sayhoud to an Iraqi news outlet on 2 June are not untypical: 'The inhabitants of the cities violated by the terrorist Da'esh have now fled to Baghdad and other provinces. What you have in Mosul and Anbar is Da'esh, Ba'athists, Saddamists and former Republican Guard officers, and they are lined up behind Da'esh to kill the sons of the Iraqi people of all sects and ethnicities.'³⁶

However, in a rare indication that the government might be responsible for some civilian casualties, the Council of Ministers announced on 28 September 2015 that the ministry of finance had paid out IQD 36 billion in compensation to those affected by ‘military operations, military errors and terrorist operations’ over a three month period from April–June 2015.³⁷

Finally, it should be noted that the theme of civilian casualties of Iraqi, Iranian, US and coalition bombing is a staple of ISIS propaganda. ISIS-related websites and social media outlets continually publish photographs, videos and written reports of the civilian dead and injured, particularly children, women and the infirm, and damage to places of worship and civilian infrastructure. ISIS bombings in Shia areas of Baghdad are presented as revenge for attacks on communities in Fallujah. The UK-based Quilliam Foundation notes in a report on ISIS communications: ‘Graphic evidence of civilian casualties is Islamic State’s lifeblood and the more graphic the evidence, the more powerful the propaganda.’³⁸

Civilian casualties from bombing in Syria

ISIS, primarily an Iraqi organisation, was a relatively late entrant to the Syrian war. The conflict between the Syrian government and armed opposition groups began in 2011 and has since claimed up to a quarter of a million lives. Serious violations of international humanitarian law have been committed by many parties to the conflict, but the greatest responsibility lies with the Syrian government itself, including in its intensive aerial bombardment of residential areas in Aleppo, Homs and other cities. A VDC report on the use of barrel bombs in Syria, for example, claims 6,589 civilians were killed by this means from the start of the Syria crisis to the end of May 2015, including 3,831 since UN Security Council Resolution 2139 explicitly banned their use on 14 February 2014. Over 60 per cent of these deaths occurred in Aleppo Province.³⁹ VDC’s monthly statistical reports shed some light on the distribution of casualties more generally. Of a total of 1,579 ‘victims’ killed in Syria in May 2015, for example, 1,126 (71 per cent) were civilians. 764 of them (48 per cent of the total) died due to ‘strikes and barrel bombs’; 745 of these (97

per cent) were civilians. (The report also records ‘more than 187 documented killed by ISIS’, including more than 82 civilians.)⁴⁰

For the period covered by this report, 1 January 2014 – 30 September 2015, the VDC database lists nearly 12,000 civilian deaths from ‘warplane shelling’ in Syria, the vast majority of which can be inferred to be caused by Syrian forces.⁴¹ However, only a small proportion of these casualties are connected to anti-ISIS bombing – the subject of this report – in the sense that they resulted from strikes against ISIS targets or bombardment of areas controlled by ISIS. In fact, the Syrian government appeared to avoid engaging ISIS even as its territorial control expanded across eastern Syria, only commencing action in the latter half of 2014 (see box overleaf).

The international coalition commenced airstrikes against ISIS targets in Syria some six weeks after it started bombing Iraq. The Syrian Observatory for Human Rights (SOHR) estimates civilian deaths from coalition strikes in the ten months from 22 September 2014 to 25 July 2015 at 173, including 53 children and 35 women (compared with 3,042 mainly non-Syrian Islamist militants killed in the attacks).⁴⁵ SOHR said most of the incidents of civilian deaths from coalition actions were caused by strikes on oil refineries, oil wells, buildings and vehicles. In the worst single incident, on 30 April 2015, 64 people were killed when coalition warplanes struck Bir Mahli village near Serrin in Aleppo Province. They included 16 girls and 15 boys under 18, and 19 women.⁴⁶

Russian forces announced the start of their air campaign to support the Syrian government at the end of September 2015. Although the Russian government said that it was targeting ISIS, and strikes against ISIS were recorded in Raqqqa and Aleppo provinces, the vast majority of the Russian strikes to date have targeted other Syrian opposition groups. In the first month of bombing, Russian attacks killed at least 254 civilians, according to the Syrian Network for Human Rights. Monitoring groups have recorded the use of cluster munitions, thermobaric bombs and white phosphorus. Given the means used and the indiscriminate nature of some of the attacks, it is likely that civilian casualties will increase sharply if Russian airstrikes continue or expand.

Spotlight: Raqqa

Until August 2014 Syrian forces had largely avoided engaging ISIS, but in that month a series of airstrikes were carried out in Raqqa. According to SOHR, in addition to ISIS fighters at least six civilians were killed and ten injured. A resident told Al Jazeera that 'About 30 per cent of the strikes hit the Islamic State positions, the rest hit civilian areas'.⁴²

On 25 and 27 November 2014 some 225 civilians were massacred in a series of airstrikes by Syrian forces on civilian areas of Raqqa. Locations bombed included a public market opposite the national museum, and the entrance to the industrial city east of Raqqa opposite the shrine of Sheikha Owais al-Qarni. The greatest loss of life was caused when a sec-

ond missile at the latter location killed those who had rushed to help victims. Numbers and identities of the dead were recorded by medical professionals, the Syrian Arab Red Crescent and media activists, as reported to the Violations Documentation Center in Syria. A witness told the VDC: 'In Raqqa, we don't have any ambulances currently as [ISIS] confiscated them all. Thus, relief operations are carried out only by the Red Crescent, which lack medical personnel and supplies.'⁴³

The best-known civilian monitoring group in the city maintains the website Raqqa is Being Slaughtered Silently. Although one of the founders, Ibrahim Abd al Qader, and another journalist were found shot and beheaded on 30 October 2015 in Urfa in Turkey in an attack claimed by ISIS, the group continues to operate. A blog post dated 20 October

2015 describes the impact of a recent series of airstrikes from 17 September that hit schools, hospitals, industrial neighbourhoods and residential areas, resulting in the deaths of four ISIS members and some 70 civilians. On the basis of their flight characteristics and munitions, the activist identifies the aircraft involved as Russian (despite this being before the official announcement of Russian airstrikes on 30 September), although this is unconfirmed. The post ends: '...hearing the sound of airplanes is ordinary and the absence of it is the exception to the civilians [...] persecuted by the destruction and death from all over the world[;] who did not die as a result of the ISIS practices on the ground, his fate will be the death coming from the sky sent by the Russian aviation and its ally the regime, or death as a result of mistakes committed by the international coalition aviation.'⁴⁴

Aggregate statistics on civilian deaths

In September 2015, an Iraqi government official from the Ministry of Health spoke to the media on the condition of anonymity about civilian deaths tolls caused by international coalition and government airstrikes.⁴⁷ He said that 89 per cent of victims of the ongoing violence in Iraq are civilians, most of whom were killed by aerial bombardment, rocket attacks and shelling targeting Iraq's northern and western cities. The official referred to a 'large, worrying rise' in the number of victims of international coalition air strikes. He said that the coalition was responsible for the deaths of around 130 civilians, including nine families who were struck inside their homes, due to error and the shelling of ISIS targets in residential areas using high-destruction rockets. The official said that the death toll remained much lower than the number

of victims of bombardment by Iraqi planes, where the number of civilian victims exceeds 3000, most of them in Mosul, Tikrit, Falluja, Baiji and Hawija, in addition to Al-Karma and Hit in western Iraq.

A medical report from Fallujah General Hospital, a copy of which was obtained by news outlet Al-Araby Al-Jadid,⁴⁸ indicates that the civilian death toll resulting from daily attacks from the beginning of 2014 to May 2015 reached 2,800, including 358 children under the age of 10 and 208 women. 4,609 other civilians were injured, including 441 women and 524 children.

According to the report, most of the victims were killed by barrel bombs and random rockets, which fall on civilian areas leaving behind massive destruction. Moreover, 60 per cent of those recorded as injured are suffering from permanent disabilities, such as loss of limbs, blindness, paralysis or untreatable burns.

The monitoring group Iraq Body Count (IBC) maintains the most widely-referenced database on the civilian casualties of violence in Iraq. Its overview of the year 2014 states:

The year 2014... reflects an increase in violence to levels not seen since the worst years of 2006 and 2007. The rise of the group Islamic State (or ISIS or ISIL) as a major force in the conflict, as well as the military responses by the Iraqi Government and the re-entry of US and Coalition air forces in the conflict, have all contributed to the elevated death tolls... Actions by, and by others in reaction to, ISIS appear only to have worsened an existing trend in rising civilian casualties.⁴⁹

Among the 17,049 civilians IBC recorded killed in 2014, 10,858 were reported killed by unidentified actors; 1,748 were reported killed by the Iraqi military in daily air strikes, primarily in and around Fallujah, while 4,325 were killed by ISIS. 118 civilians were reported killed by US-led coalition air strikes, the first time since 2011 that civilian deaths were directly attributable to coalition actions.⁵⁰

In preliminary analysis of 2015 data commissioned by Ceasefire, IBC reports that in the year up to end September, civilian deaths from Iraqi government air strikes and bombardment totalled 1,067. There was a striking rise in casualties from international coalition air strikes, totalling 610

civilian deaths, as well as a further 126 killed in air strikes by unspecified parties.

Turning to Syria, the main Syrian monitoring groups have broadly comparable figures for civilian deaths from international coalition strikes (see table), averaging at 227 deaths up until August 2015. The greater difficulty is assessing how many of the thousands of civilian victims of aerial bombardment by Syrian forces to include as part of the campaign against ISIS. In the table a conservative estimate has been made based on VDC figures for civilian deaths in 2014-15 from 'warplane shelling' in the provinces of Raqqqa, Hasakah and Deir Ezzor.

Airwars, a UK-based monitoring group, has compiled, analysed and sought to verify available data on civilian casualties from coalition airstrikes in both Iraq and Syria. It draws on data from the US and other members of the coalition as well as from the main civilian monitoring groups.⁵¹

Airwars reports that, to the end of September 2015, it had in total recorded 229 alleged civilian casualty incidents involving the coalition dating back to August 2014. The overall alleged civilian fatality range was 621 to 1,859. Airwars considers that 103 of these events are 'fairly report-ed' and are of particular concern – with two or more data sources and coalition strikes confirmed in the near vicinity. It says that some 621 to 857 reported fa-

Civilian deaths in the anti-ISIS bombing campaigns, January 2014 – September 2015, by actor and information source

	Government forces	International Coalition ^a	Unspecified
Iraq			
Health Ministry (unofficial)	3,000	130	-
Iraq Body Count	2,815	728	126
Joint Combined Task Force (Intl. coalition)	-	4	-
Syria			
Violations Documentation Center	629	276 ^b	-
Syrian Network for Human Rights	Breakdown unavailable	225 ^c	-
Syrian Observatory for Human Rights	Breakdown unavailable	181 ^c	-
Joint Combined Task Force (Intl. coalition)	-	2	-
Iraq / Syria			
Airwars	-	621-857	-

a From 8 August 2014 / b To June 2015 / c To August 2015

talities across Iraq and Syria were associated with these credible incidents.

The Combined Joint Task Force (international coalition) has itself only publicly acknowledged six civilian deaths, two children in Syria in November 2014 and four civilians at Hatra in Iraq on 13 March 2015.

Comparison and collation of the data on civilian casualties is made more difficult because of the different reporting periods and the different ways

in which incidents have been categorised and recorded. But it is perhaps unrealistic to expect total consistency between different sources. The difficulties of reporting, investigating and verifying casualty claims in the field are many and complex, not least on account of the extreme security situation in ISIS-held areas. In addition, the multiple conflicting interests at play create a fog of contradictory information and disinformation. Sometimes alleged civilian deaths turn out to have been those of fighters. Sometimes the perpetrators of attacks are not identified. Some inci-

Explaining discrepancies

There is a startling disparity between the number of civilian deaths from international coalition airstrikes documented by civilian monitoring groups, totalling several hundred, and the number acknowledged by the coalition itself – currently just six deaths, although a series of further incidents are under investigation. How can this discrepancy be explained? Experience from Afghanistan and from earlier phases of the Iraq conflict suggests that the number of civilian deaths admitted by the coalition will rise as investigations are completed, but other possible factors include:

- *Incorrect identification of attacker.* Monitoring groups on the ground have sought to identify the authors of airstrikes by the shape, sound and flight paths of aircraft; the blast pattern, effects and remnants of munitions; aircraft communications intercepts; and correlation of the timing of attacks with the limited information published by the international

coalition. However, as the number of parties to the conflict has grown, and parties such as the ISF have acquired more sophisticated capability, attacks may be incorrectly attributed.

- *Incorrect identification of victim.* The location of ISIS fighters among the civilian population and the lack of uniforms or distinctive emblem can lead to confusion between fighters and civilians. Local monitors and families of the dead may often be able to make a positive identification of victims, but there have been cases of the civilian dead incorrectly identified as fighters and vice versa.⁵²
- *Inconsistent definition of combatant/fighter.* The law of the Geneva Conventions makes it clear that persons taking no active or direct part in hostilities are protected from attack. However, the status of some civilians, for example those who provide logistical or other support to members of armed groups, may be disputed. This is of particular concern in circumstances where an armed group situates itself among a

civilian population and where civilians are coerced into providing support.

- *Duplication of reports.* The existence of multiple sources of information may assist data triangulation but might also carry a danger of duplication for those seeking to compile aggregate statistics on civilian casualties. However, the fact that each of the main civilian monitoring groups compiles casualty lists as a separate series, and publishes supporting data transparently, means that this is unlikely to be a major factor.
- *Investigative challenges on the ground.* Journalists and official human rights monitors have no access to ISIS-held territory. This underlines the importance of civilian monitors, often working under great risk, both in reporting violations committed by ISIS and also documenting civilian casualties resulting from the anti-ISIS bombing campaigns. Without greater transparency from the international coalition, however, their work cannot yet be corroborated or any errors they make rectified.

dents are contested, where there are claims of both coalition and government aircraft having carried out strikes in the same area at roughly the same time.

With regard to casualties caused by the international coalition, Airwars argues that efforts to limit the risk to civilians are hampered by an absence of effective transparency and accountability from nearly all coalition members. Of the twelve, it says, only Canada has consistently stated in a timely fashion both where and when it carries out air strikes.⁵³ It cites the example of a coalition strike on an ISIS local headquarters and detention centre at Al-Bab in Aleppo Province on 28 December 2014, which killed 58 or more civilian detainees and family members, including at least four women, as well as a number of ISIS guards, as recorded by the Violations Documentation Center. Pentagon officials said its forces never struck the building and blamed the deaths on a Syrian government strike two days earlier. Only after repeated enquiries by a US news agency did a CENTCOM spokesman finally concede, almost two weeks later on 10 January 2015, that coalition aircraft ‘did strike and destroy an ISIL headquarters building in Al Bab on Dec. 28’.⁵⁴

The lack of transparency not only makes it impossible to scrutinise coalition members’ actions, but also poses problems for the surviving civilians on the ground, who are unable to claim compensation to which they may be entitled if they do not know which state is responsible for their injuries or loss of family members.⁵⁵ A senior spokesman for US Central Command (CENTCOM) confirmed to *Foreign Policy* magazine in December 2014 that the United States was not planning to grant compensation for civilians killed in such strikes. A Defense Department official claimed the congressional authorisation for the payments in Afghanistan was only temporary and did not apply to the current campaign in Syria or Iraq.⁵⁶

Meanwhile, the White House acknowledged shortly after international airstrikes against ISIS began in late September 2014 that the strict standards President Obama had imposed the previous year to prevent civilian deaths from US drone strikes would not apply to US military operations in Syria and Iraq.⁵⁷

Conclusions and recommendations

Over 4,000 civilians have been killed in the anti-ISIS bombing campaigns during 2014–15, according to available monitoring information based on credible local sources. The majority of these deaths, over 2,800, resulted from often indiscriminate bombardment by the Iraqi Security Forces. Hundreds of other civilians have been killed in anti-ISIS airstrikes carried out by members of the international coalition, by the Syrian Air Force, and more recently by Russian forces, among others.

Given that both the international legal justification, and the strategic rationale, for international coalition airstrikes hinge on the collective self-defence of Iraq and the support of the Iraqi government, there is a serious failure to take any collective responsibility for the unacceptable rates of civilian casualties. Intelligence from Iraqi and Kurdish forces on the ground is used to inform the targeting of international coalition strikes, and military training, intelligence and equipment, including American F16 fighter aircraft, are supplied by members of the coalition to Iraqi forces. However, individual members of the coalition will not accept responsibility for the effects of attacks that are not carried out under their own command and control. At the same time they may decline to confirm which specific attacks they did control, effectively hiding behind a screen of non-attribution.

With the proliferation of armed actors and the difficulties in attributing authorship of specific attacks, there are now indications that sections of the Iraqi public, particularly in areas controlled by ISIS, are blaming the US and other members of the international coalition for civilian casualties even if they result from attacks by the Iraqi Security Forces.

Failures in transparency by the international coalition represent a marked deterioration from recent practice in other conflicts. Following repeated incidents of civilian collateral damage from targeting errors in Afghanistan, and public criticism from the Afghan government, the International Security Assistance Force in Afghanistan established in late 2008 a civilian casualty track-

ing cell in an attempt to ‘demonstrate proportionality, restraint and utmost discrimination in the use of firepower’. The aim was to ‘acknowledge civilian casualties immediately and transparently investigate allegations rapidly’. The establishment of a similar tracking cell by the Combined Joint Task Force – Operation Inherent Resolve should now be considered an urgent priority.

It is recommended that:

- All credible allegations of civilian casualties should be subject to an effective, prompt, thorough and impartial investigation, and the results made transparent, with a view to suppressing breaches of international humanitarian law and violations of human rights and securing reparation for victims and their families;
- All parties to the conflict should communicate information regarding the identity of the dead and the missing including, where relevant, the cause of death, in furtherance of the right of families to know the fate of their relatives;
- All parties to the conflict should abide at all times by international humanitarian law and international human rights law. The international coalition should seek to ensure that both its individual members, and the Iraqi Security Forces it supports, prohibit attacks targeted at civilians or civilian objects, prohibit indiscriminate attacks and take all feasible precautions to avoid or at least minimise civilian death or injury;
- Any decision to undertake further military action should put in place adequate mechanisms to monitor and evaluate the action according to its effect on the civilian population.

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Civilian deaths in the anti-ISIS bombing campaigns 2014–2015

In brief

Over 4,000 civilians have been killed in the anti-ISIS bombing campaigns in Iraq and Syria during 2014 – 2015, according to available monitoring information based on credible local sources. The majority of these deaths, over 2,800, resulted from often indiscriminate bombardment by the Iraqi Security Forces. Hundreds of other civilians have been killed in anti-ISIS airstrikes carried out by members of the US-led international coalition, by the Syrian Air Force, and more recently by Russian forces, among others.

Civilian populations in Fallujah and other cities in western and northern Iraq, and in Raqqa, Aleppo and other areas of eastern and northern Syria, have been subjected to an unremitting and often indiscriminate bombardment, including the use of barrel bombs, that has left residential areas destroyed and caused extensive damage to schools, hospitals and mosques.

The international coalition is conducting airstrikes in both Iraq and Syria in support of the Iraqi government's struggle against ISIS and cites the collective self-defence of Iraq as the primary justification for its use of force under international law. Intelligence from Iraqi security forces on the ground is used to inform the targeting of international coalition strikes, and military training, intelligence and equipment, including American F16 fighter aircraft, are supplied by members of the coalition to Iraqi forces. Under the circumstances,

there is a serious failure to take any collective responsibility for the unacceptable rates of civilian casualties.

The prevention of future civilian casualties is being impeded by the failure by all parties to the conflict to acknowledge civilian deaths and investigate them transparently. In respect of the international coalition, failures in transparency represent a marked deterioration from recent practice in other conflicts.

This report recommends:

- All credible allegations of civilian casualties should be subject to an effective, prompt, thorough and impartial investigation, and the results made transparent, with a view to suppressing breaches of international humanitarian law and violations of human rights and securing reparation for victims and their families;
- The international coalition should seek to ensure that both its individual members, and the Iraqi Security Forces it supports, prohibit attacks targeted at civilians or civilian objects, prohibit indiscriminate attacks and take all feasible precautions to avoid or at least minimise civilian death or injury;
- Any decision to undertake further military action should put in place adequate mechanisms to monitor and evaluate the action according to its effect on the civilian population.

Ceasefire Centre for Civilian Rights and Minority Rights Group International

54 Commercial Street, London E1 6LT, United Kingdom
ceasefire@mrgmail.org | www.minorityrights.org/ceasefire

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