

A STATE OF IGNORANCE

The UK Government's efforts to assess
civilian deaths in Iraq, 2003-2009

A State of Ignorance critically examines attempts by the UK to assess the number of civilian deaths resulting from the 2003 Iraq war and the violence that followed. Using documents released under the UK Freedom of Information Act over several years, it outlines the internal deliberations within government and Whitehall about Iraqi deaths. It concludes that the effort was fundamentally inadequate.



Publication information

Report written by Prof. Brian Rappert, University of Exeter
Edited by Richard Moyes, Policy & Research Director AOAV

This version released in July 2010 by:

Action on Armed Violence (Landmine Action)
Epworth House
25 City Road
London EC1Y 1AA

T +44 (0) 20 7 256 9500
F +44 (0) 20 7 256 9311

Landmine Action is a company limited by guarantee.
Registered in England and Wales no. 3895803.

“

The basic obligations under international humanitarian law as regards civilian casualties in an armed conflict are set out in Additional Protocol I to the Geneva Conventions [...] In particular, indiscriminate attacks are prohibited, and this includes any

"attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated".

This obligation under international humanitarian law has been fully complied with by the United Kingdom in respect of all military operations in Iraq.

[...]

In many cases it would be impossible to make a reliably accurate assessment either of the civilian casualties resulting from any particular attacks or of the overall civilian casualties of a conflict. This is particularly true in the conditions that exist in Iraq.

”

Former Foreign Secretary Jack Straw (2004)¹

Table of contents

Executive summary	5
Recommendations	7
Background	9
Methodology	11
A chronology of ignorance and ambiguity	12
2003	12
2004	13
2006	18
2007	20
2008-2009	25
Limitations of material released under the FoI Act	26
Conclusions	30
Annex A Extract from a letter of April 2004 from 52 former senior British 32	
diplomats to Tony Blair.	
Annex B Letter of December 2004 urging an inquiry to determine Iraqi 33	
deaths subsequent to the 2003 invasion.	
Notes	35

Glossary of common acronyms

DFID	Department for International Development
DoH	Department of Health
FCO	Foreign and Commonwealth Office
FoI	Freedom of Information
GOI	Government of Iraq
IBC	Iraq Body Count
IHL	International humanitarian law
MNF	Multi-National Force
MoD	Ministry of Defence (Iraq)
MoH	Ministry of Health (Iraq)
UNAMI	United Nations Assistance Mission for Iraq

Executive summary

This report is written against the background of the 'Iraq Inquiry' that is seeking to identify lessons for how the British government acts and takes decisions in relation to future military operations. It is also produced in the context of a growing international policy debate on "armed violence". Within that debate, the UK is part of a Core Group of states promoting the 2006 Geneva Declaration on Armed Violence and Development, which commits states to achieve "measurable reductions" in armed violence.

This report is not endorsing particular methodologies or particular studies estimating civilian deaths and injuries in Iraq. Rather, it is documenting how the UK failed to undertake such measures and how it responded to those that did seek to estimate civilian harm.

A State of Ignorance examines attempts by the UK to assess the number of civilian deaths resulting from the 2003 Iraq war and the violence that followed. Using documents released under the UK Freedom of Information (Fol) Act over several years, it outlines the internal deliberations within government and Whitehall about Iraqi deaths.

Based on the evidence obtained under the Fol Act, the argument is four-fold:

1. By its own standards, the UK should have sought to understand the levels of civilian harm resulting from the conflict in general, and from its own actions in particular, but it did not.

This is backed up by:

- Ministers' references to IHL and the need for proportionality in military attacks;
- Endorsement of such frameworks as the 2006 Geneva Declaration on Armed Violence and Development, which highlight the importance of "measuring" the impact of armed violence;
- The general acceptance throughout discussions that knowing the impact of the violence on civilians would be useful;
- The calls of external parties for a reckoning of this impact and the recognition within the civil service that this is something that should reasonably be expected;
- Yet the UK undertook no independent efforts, and supported no studies or processes, that would have facilitated such an understanding.

2. Rather than working to understand the levels of civilian harm, certain UK officials arguably fostered a deliberate institutional ignorance of the matter.

This was done by:

- Presenting one-sided assessments of the data offered from different sources (in particular studies of excess mortality deaths published in *The Lancet*);
- Offering confused assessments of the possibility of and need for "reliable" figures;
- Failing to make clear that different methods of measuring casualties enumerated very different phenomena (for instance, in relation to direct vs indirect deaths);
- Shifting the burden of responsibility wholly onto the government of Iraq.

3. This production of ignorance was possible, in part, because of a lack of established policy regarding the understanding of civilian harm.

- The UK had no preferred methodology for understanding civilian harm from the conflict.

4. The process of this research has also revealed points of concern regarding the function of the Freedom of Information (Fol) system as a mechanism for ensuring greater transparency and accountability from government.

This is reflected in:

- Different documents being released by different departments (despite relating to both departments);
- Text being released out of context, greatly reducing the prospects for understanding its meaning;
- Text being redacted differently in different releases, without explanation;
- Most worryingly, documents contained explicit statements that because material might subsequently be released under the Fol system, better understanding of civilian harm should not be sought because it might contradict prior Government statements.

The State and Ignorance

A State of Ignorance argues that the UK government actively sought to maintain a position of ignorance regarding measurements of death, injury and deprivation resulting from violence in Iraq. This means not simply that UK officials did not know the impact of violence, but that they worked – in various ways – to avoid knowing. The Fol material that this report is based on suggests officials selectively used information to undermine studies that estimated relatively high casualty figures, made little effort to develop a systematic understanding of the tallies being offered, and did seemingly nothing to ensure figures were produced by the Iraqi government as the UK said it should.

This preference for ignorance stood in the face of appeals by senior former diplomats, military commanders, public health professionals and others who argued in a public letter that “without counting the dead and injured, no one can know whether Britain and its Coalition partners are meeting [their legal] obligations.”² Rather than undertake a serious study of this matter (as this letter had requested), officials sought to avoid accepting any quantified understanding of deaths and injuries resulting from violence and, ultimately, to avoid accepting that the UK had any responsibility to press for such an understanding.

Recommendations

This report does not argue that understanding and monitoring the impact of armed violence is a simple practice or one that is not likely to produce disagreement. However, establishing a sense of the scope of deaths and injuries is a central part of gauging the extent and consequences of violence, assessing the requirements for reconstruction, adhering to the laws governing war, and – however inadequately and incompletely – acknowledging the suffering experienced by civilian populations.

As such, this report offers a number of recommendations:

Iraq Inquiry

- As part of its efforts to identify the lessons that can be learned, the Iraq Inquiry should investigate how the UK government assessed Iraqi civilian deaths. Barring major revisions to the analysis presented in *A State of Ignorance*, it should conclude that inadequate and lamentable efforts were undertaken by the British government to gauge civilian deaths resulting from the conflict. Furthermore it should recommend that, if faced with similar situations in future, the UK should undertake positive steps to ensure civilians deaths are evaluated.

UK Government analysis of the impact of armed violence

- The UK should recognise the imperative of understanding the impact of conflict and other forms of armed violence on civilians. There is growing international recognition of the importance of avoiding civilian casualties not simply as a fundamental moral and legal obligation, but also as a strategic interest for military commanders. This commitment needs to be translated into a structured process to undertake transparent measurement and monitoring of the impact of armed violence where UK forces are active.

International humanitarian law

- With regard to the implementation of the rules under international humanitarian law, the UK should acknowledge that in situations where it directly initiates conflict, it should bear also a responsibility to understand the impact of that decision. As in the case of Iraq in the years after the 2003 invasion, it is not viable simply to deflect responsibility away to affected governments that face pressing challenges. Furthermore, the UK should acknowledge that ensuring the proportionality of force is incompatible with systematically avoiding efforts to understand civilian harm caused by the use of force.

Freedom of Information

- Whilst this report is critical of the way in which the Freedom of Information Act is implemented by certain Whitehall Departments the system can offer valuable tools for enabling greater transparency and accountability in government.

The importance of undertaking positive steps to ensure political transparency was noted by British Prime Minister David Cameron shortly after taking office. On 29 May

2010 he said the new government would “rip off [the] cloak of secrecy and extend transparency as far and as wide as possible.” This was presented as a way of holding the government to account and re-building trust in politics. “In time”, the Prime Minister added, “I want our government to be one of the most open and transparent in the world.”³ The Coalition government has pledged it will “extend the scope of the Freedom of Information Act to provide greater transparency.”⁴

If the new government is to achieve this aspiration it should commit itself to correcting the deficiencies identified in this report that seriously limit the utility of the Freedom of Information system for holding government to account.

Background

Since the start of the 2003 Iraq war, recurring concerns have been raised about the plight of Iraqi civilians. Long after the end of major hostilities, thousands of casualties have resulted from military actions by Iraqi and multi-national forces, suicide bombings, and insurgent fighting. Less visible, but no less significant, the welfare of the civilian population has been compromised because of the impaired condition of vital infrastructure, such as medical, power, water and sanitation facilities.

In relation to British operations in Iraq, the UK government has repeatedly stated its commitment to minimise the negative impacts of its action on civilians. International humanitarian law (IHL) relating to the prosecution of war is founded upon finding a proportionate balance between military necessity and humanity. For instance, Article 51(5)(b) of the Additional Protocol I (1977) of the Geneva Conventions prohibits indiscriminate attacks: those “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.” Without an informed weighing and the progressive delineation of how this balance is achieved, the rules of IHL are worth little.

In recent years, the UK has been one of a number of governments acting with international agencies (including the UN Secretary-General⁵) who have pledged to reduce armed violence in its various forms.⁶ Armed violence has been identified as a major impediment to development in many countries and, thereby, a barrier to realising the Millennium Development Goals.⁷ Beyond the direct humanitarian costs of violence, it has been identified as a cause of significant long-term psychological, health, and economic harm as well as undermining core social institutions.

The UK is also a member of the Core Group of the Geneva Declaration on Armed Violence and Development. Among other goals, the Declaration includes a commitment by governments to “strive to achieve, by 2015, measurable reductions in the global burden of armed violence and tangible improvements in human security worldwide” [emphasis added].⁸ Achieving this goal relies on gathering evidence and devising means of measurement.⁹ Such evidence fulfils a number of functions: gauging the extent and consequences of violence, establishing the negative link between conflict and development, assessing whether initiatives are achieving sought reductions, holding governments accountable to their populations, and assessing the implementation of obligations under international humanitarian law and elsewhere.¹⁰

Despite this history of engagement, the UK government did not join 61 other states in May 2010 in endorsing the Oslo Commitments on Armed Violence. Those countries committed themselves to:

Measure and monitor the incidence and impact of armed violence at national and sub-national levels in a transparent way, and develop a set of targets and indicators to assess progress in efforts to achieve measurable reductions in armed violence.

None of these declarations and commitments are arguing that measuring and monitoring armed violence is a simple or unproblematic task. They do, however, recognise that this is a task that requires serious effort and political commitment.

The Iraq Inquiry: a specific context for this report

These issues are of particular relevance to the outcomes of the Iraq Inquiry launched on 30 July 2009. As stated by its chair, Sir John Chilcot, the Inquiry's Terms of Reference:

...are very broad, but the essential points, as set out by the Prime Minister and agreed by the House of Commons, are that this is an Inquiry by a committee of Privy Counsellors. It will consider the period from the summer of 2001 to the end of July 2009, embracing the run-up to the conflict in Iraq, the military action and its aftermath. We will therefore be considering the UK's involvement in Iraq, including the way decisions were made and actions taken, to establish, as accurately as possible, what happened and to identify the lessons that can be learned. Those lessons will help ensure that, if we face similar situations in future, the government of the day is best equipped to respond to those situations in the most effective manner in the best interests of the country.

As part of identifying lessons as well as establishing as accurately as possible what happened, *A State of Ignorance* documents the scant attention given by the UK to determining Iraqi civilian deaths over successive years. On this basis it appeals for more effective policies be put in place to address this deficiency in the future.

Methodology

A State of Ignorance is based on comparing official public statements made since 2003 with information obtained under the 2005 UK FoI Act.

Three FoI requests made between 2008-2010 resulted in 30 email exchanges, 12 letters, and 7 other documents being released. Those requests were:

- Set 1:** In November 2007, Landmine Action (now Action on Armed Violence) asked the Foreign and Commonwealth Office (FCO), Department for International Development (DFID), and Ministry of Defence (MoD) for information since 2001 regarding what projects they had ‘funded, undertaken or analysed in a) Afghanistan b) Iraq that work, inter alia, to assess the numbers and specific causes of civilian casualties resulting from armed violence perpetrated by UK forces and our relevant international partners?’ and what ‘analyses or assessments have been made [...] regarding methodologies for assessing the civilian cost of armed violence’.
- Set 2:** In 2009-10, the author of this report wrote to the FCO, DFID, MoD, and Department of Health (DoH) re-asking the 2007 Set 1 questions in relation to Iraq.
- Set 3:** In 2009, a request was made to the FCO by a third party asking for information pertaining to ‘the feasibility, accuracy, and results of any assessments made by the UK government of the number of direct and indirect casualties in Iraq’¹¹ with particular emphasis on a study published in the medical journal *The Lancet* (see below).¹² The released information was initially withheld, but then later made public following a decision notice issued by the Information Commissioner's Office that resulted from a complaint.

In large part, the establishment of the FoI Act was justified as a way of improving the transparency – and thereby public accountability – of the British political system. Yet, the adoption of the Act was also done with a recognition that openness needs to have its limits. As part of the responses to the FoI requests noted above, for instance, it was stated that relevant material was withheld because it “would be likely to prejudice relations between the United Kingdom and other states and international organisations” as well as that it would prejudice the “formulation or development of government policy and ministerial communications.”¹³ However, as experienced in this research, FoI responses are not just restricted through explicit exemptions but also through the seemingly erratic and arbitrary way in which certain information is released (this is examined in detail in section titled ‘Limitations of data released under the FoI Act’).

Despite these limitations, information that was made available allows a distinctive picture to be formed of the UK Governments efforts to understand civilian deaths in a major international conflict to which it was a party.

A chronology of ignorance and ambiguity

This section examines the UK's responses to concerns about deaths to Iraqi civilians since 2003. It details the inadequate efforts undertaken by the British government to gauge civilian deaths resulting from the conflict, and suggests that officials fostered ignorance about what could be known about civilian casualties.

This argument is advanced through contrasting what ministers and officials said in “onstage” public statements against the “offstage” deliberations of civil servants and others, in so far as they can be made out through material released under the UK FoI Act.

2003

Summary points

- The UK government spoke of the need to minimise civilian casualties and damage to civilian infrastructure.
- Ministers maintained it was impossible know the number of civilians killed “for sure.”
- Distinguished commentators argued for the production of estimations.

Onstage statements

Since the start of combat operations on 20 March 2003, UK officials spoke of the need to minimise civilian casualties and damage to civilian infrastructure¹⁴ but noted that “it is impossible to guarantee that no civilians will be killed or injured.”¹⁵

In response to a parliamentary question, it was also argued by then Minister of State for the Armed Forces (Alan Ingram MP) that:

We have made very clear our commitment to the welfare and future of the people of Iraq, and deeply regret any civilian casualties resulting from coalition action. However, it is impossible to know for sure how many civilians have been injured, or killed and subsequently buried.¹⁶

As was done in later years, the minister focused on knowing something “for sure”, rather than the possibility of deriving useful estimates.

This assessment of ‘impossibility’ stood in contrast to calls at the time to establish an understanding of this issue, including a call made by 52 former senior British diplomats who stated that “it is a disgrace that the coalition forces themselves appear to have no estimate [of civilian casualties]”.¹⁷

2004

Summary points

- The UK government spoke of the need to minimise civilian casualties and damage to civilian infrastructure.
- The UK undertook no independent efforts, and supported no studies or processes, that would have facilitated the production of estimations of civilian deaths.
- There was recognition in Whitehall of the lack of estimations by the UK.
- It appears that within Whitehall efforts were made to ignore or discredit figures that were politically inconvenient.
- In public statements, Ministers offered shifting and ambiguous claims about the possibility for 'reliable' statistics and the suitability of Iraq Ministry of Health (MoH) figures. They also failed to acknowledge publically the very different types of deaths being measures in different studies.
- Distinguished commentators continued to argue for the production of estimates of civilian deaths.

Onstage statements

Into 2004, government officials continued to speak of the impossibility of determining the number of deaths to Iraqi civilians.¹⁸ However, public attention to this matter became significant in October when the medical journal *The Lancet* published survey results by researchers from Johns Hopkins, Columbia, and Al-Mustansiriya universities.¹⁹ Through a technique of dividing Iraq into regions and undertaking household interviews around a "cluster" point within the regions, the authors estimated 98,000 more Iraqis died than would have in the absence of the war (with a 95% confidence interval estimation range from 8,000 to 194,000). These 'excess death' estimations used a baseline morality rate to compare death rates before and after March 2003. The authors further concluded that "[v]iolence accounted for most of the excess deaths and air strikes from coalition forces accounted for most violent deaths."²⁰

In response to the 2004 *Lancet* study and the considerable media attention that followed, on 17 November 2004 the then Foreign Secretary (Jack Straw) and the then Minister of State, Foreign and Commonwealth Office (Baroness Symons) made the same statement to the House of Commons and House of Lords. They contended that:

In many cases it would be impossible to make a reliably accurate assessment either of the civilian casualties resulting from any particular attacks or of the overall civilian casualties of a conflict. This is particularly true in the conditions that exist in Iraq.

They asserted that hospital reports compiled by the Iraqi Ministry of Health (MoH) listing 3,853 civilian fatalities from "terrorist incidents of as a result of military action" between 5 April 2004 and 5 October 2004 were the "most reliable available" tallies.

This statement also noted that the NGO Iraq Body Count provided figures that were "an estimate relying on media reports" and which the Government "do not regard as reliable." However, despite not being reliable, the Iraq Body Count data was said to be useful because

"it does help to show however that the Iraqi Ministry of Health figures are not the only ones to differ widely from the *Lancet's* estimate."

These statements raise the question of what "reliable" means, since it was said to both be impossible to derive reliable figures and yet possible to specify which ones were the "most reliable."

The situation becomes even more confusing when other statements from 2004 are noted in which it was claimed MoH figures were not "reliable" (see Box 1). It would seem that after the publication of *The Lancet* report in October, the Iraqi MoH figures took on an enhanced reliability and comprehensiveness in the eyes of the British government.

Box 1: Iraqi civilian death counts in 2004

Unreliable but reliable

"[Iraqi Ministry of Health] 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."²¹

7 June 2004

"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."²²

24 June 2004

"So while recognising the bravery and professionalism of those conducting the *Lancet* study, the Government do not accept its central conclusion, and continue to believe that the most reliable figures for casualties in Iraq are those provided by Iraqi hospitals to the Iraqi Ministry of Health."

17 November 2004

"If the *Lancet* survey is accurate we could have expected Iraqi Ministry of Health figures, compiled by hospitals, to show many more times the number of people killed and wounded over that period than they in fact do. Hospitals in Iraq have no obvious reason to under-report the number of dead and injured."

17 November 2004

All statements by Minister of State, Foreign and Commonwealth Office, Baroness Symons,
emphases added

Box 2: Distinguishing between 'excess mortality' and 'direct violence deaths'

Comparing apples with oranges

It is startling that throughout the UK's public statements about civilian deaths they never explicitly recognize the fundamental difference between measuring "excess mortality" (as in the 2004 and 2006 *Lancet* studies) and measuring "direct violence deaths" (as was done by the Iraqi MoH and civil society projects such as Iraq Body Count.) It is not simply that the methodologies used are very different – but the very phenomena being measured are fundamentally different also.

Direct violence deaths as documented by methodologies based on hospital records of violent death, or media reports of people killed in violence, include only people documented as having been killed directly from wounds caused by guns, explosive weapons, etc. In some contexts, such methodologies will tend to under-record deaths because not all are captured by the different data sources (e.g. some people are buried without being documented at a hospital.) Such methodologies will also produce a lower indicator of the impact of violence because they do not capture the wider follow on effects.

Excess mortality "captures the difference between the death rates ('crude mortality') in a non-conflict situation and in a conflict or crisis situation. It includes those dying both from the direct and indirect consequences of armed conflict ... Indirect deaths are caused by the worsening of the social, economic, and health conditions in the conflict-affected area. They can result from a variety of different factors including ... inability to access health care, damage to health systems and public health infrastructure, changes in behaviour that increase the incidence of diseases, malnutrition, unsanitary living conditions, food insecurity, and loss of livelihood and agricultural land." Such methodologies will produce a higher indicator of the impact of the impact of violence, but this indicator is based on extrapolation from a sample, rather than on verifiable individual records.

The Secretariat of the 2006 Geneva Declaration on Armed Violence and Development (an instrument which the UK sits on the coordinating group of) estimates that "between three and 15 times as many people die indirectly for every person that dies violently."²³

Measurement and monitoring of direct violence deaths and estimations of excess mortality both have important roles to play in understanding the impact of armed violence. A combination of both methodologies is increasingly accepted as international best practice in assessing the true impact of armed violence. Yet by comparing these methodologies in public statements without recognizing their fundamental differences the UK Government worked against better understanding of the impact of violence on civilians.

Offstage arguments

In the light of these changing and contradictory public messages, this sub-section draws on Fol released material to cast light on the discussions that informed parliamentary statements. It is clear from the material obtained that the 2004 *Lancet* study provided the spark for ministerial consideration of Iraqi civilian deaths. Although other estimates were produced in 2004,²⁴ these did not prompt any deliberation within Whitehall or between Whitehall and No. 10 in the Fol documents obtained.²⁵

This Fol material indicates not only that the UK did not produce tallies of Iraqi civilian deaths, but that some officials judged this was not feasible in the context of domestic political considerations. So, a letter from the Ministry of Defence (Hd Iraq Inquiries Team) to the FCO Deputy Head of the Iraq Policy Unit dated 13 October stated:

...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 help alleviate No10's concerns about public presentation.

Such an evaluation – that *ignorance was inevitable* – stood in contrast the aforementioned attempts by members of civil society (such as Iraq Body Count) and academic institutions to derive figures in the case of Iraq as well as the extensive history of efforts elsewhere. Although it is not clear of what kind, “concerns about public presentation” were noted to be an important in assessing methodologies.

Repeatedly within the correspondence obtained under the FoI, officials expressed uncertainty about the basic issues at hand. The quote below was part of inter-ministerial email correspondence leading the 17 November 2004 House of Commons and Lords statements about the *Lancet* study:

From: [REDACTED]
Sent: 07 November 2004 14:29
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Foreign Secretary's draft statement on civilian casualties

I'm still worried about where we may be heading. Obviously if the estimate of 100,000 is wrong, we must make that clear. But for every flaw identified, there is testament to the study's sound methodology. The Economist quoted Scott Zeger, head of department of biostatistics at John Hopkins that the clustered sampling is the rule in public health studies. Death by epidemic also varies by location. If this is how these people usually calculate the effects of epidemics, we need to be careful about criticising it, especially when we have made no attempt of our own to make an estimate – a very major weakness. And I still suspect someone somewhere either has a rough estimate, or the means to pull one together from different pieces of evidence and reporting. If it one day emerges under FAC questioning for example, thaty [sic] someone in the Mod or FCO though [sic] the number were higher than we've acknowledged, we would deservedly face public criticism.

This passage makes a number of points echoed elsewhere:

- The UK made no official effort of its own to estimate civilian deaths and (at least) some regarded this as a deficiency;
- The 2004 *Lancet* study's methodology was subject to both negative and positive assessments within Whitehall. So with regard to the latter, in the FoI material released the MOD's Chief Scientific Adviser concluded the “design of the study is robust”²⁶ and a Chief Economist (presumably from the FCO, see below) assessed that its methodology “appears sound”, though both also offered some grounds for reservation about the 98,000 figure;
- Among many of those drawing up official statements, knowledge of the methodological issues at stake appear rather limited;
- Major public statements were crafted despite offstage acknowledgement of ignorance regarding what was known by government departments.

Despite these deficiencies, some officials did recognise the different types of deaths (for instance, excess deaths versus direct deaths from violence) being measured across the work of the *Lancet* article study team, the IBC, and the Iraqi MoH. However, this distinction between different methodologies did not figure in statements made in the previous ‘Onstage arguments’ sub-section.

But more than this, it is possible to point to instances in which some officials appear to manufacture ignorance about Iraqi deaths – by apparently ignoring data that did not suit the perceived political purpose. For instance, as part of the inter-ministerial email correspondence leading to the 17 November 2004 parliamentary statements about the *Lancet* study, one official (name and ministry withheld) referred to a poll undertaken by the International Republican Institute.²⁷ The IRI found that 22% of 2000 respondents said that in the past year and a half their household had “been directly affected by violence in terms of

deaths, handicap or significant monetary loss".²⁸ Another official (name and ministry withheld) responded by arguing that "The IRI survey seems to me to harm our argument rather than help, but it is certainly useful to know." Another official in an email on 9 November likewise wrote that "22% of 30 million is rather a lot of people so this may back up the *Lancet's* claim, or be seen to?" In line with a desire only to muster evidence that questioned the 2004 *Lancet* study estimation of 98,000 deaths, it has not been possible to find the IRI's findings in any subsequent government statements.

A 'Restricted' letter from a ministry's Chief Economist (presumably the FCO as it released the document) dated 8 November 2004 closed with:

It might also be possible, as Gerald Russell has suggested, to try and validate the study's pre-invasion estimate of mortality by checking it against unpublished MoH health figures. But there is (a) no certainty at this stage that this kind of work would invalidate the *Lancet* findings, or (b) any guarantee that if it does produce a difference answer, that the rejection of the *Lancet* findings would be conclusive.

This quote suggests, again, that deliberations were geared in a particular direction – towards finding grounds for rejecting the *Lancet* study, without any evidence of countervailing efforts by government officials to produce or endorse alternative other studies or data. At numerous other occasions in the exchanges released it could be argued that officials were not undertaking a neutral attempt to understand the impact of violence in Iraq on the civilian population. Rather – and in the absence of evidence and research of their own – they adopted the attitude of opponents of one particular study. While they did not wish to override the more nuanced evaluations of technical advisors, the general thrust of inter-ministry deliberations reads as seeking to find as many grounds possible for dismissal of the study's findings as possible.

In choosing to criticise the *Lancet* study rather than offer any estimates, positive criteria for judging estimates, or recommendations for what type of research was necessary, ministers were able to deflect attention away from the uncertainties and disagreements within Whitehall evident in the FoI released material.²⁹ This strategy of deflection was developed further to emphasise the responsibility of 'insurgents' as the cause of ongoing casualties and, later, the responsibility of the Iraqi Government to collect data on casualties.

An FCO letter sent to 10 Downing Street on 14 October 2004 stated:

We should be wary of being caught in a public debate over which of these figures are accurate. We should also be wary of being drawn into giving an estimate of the numbers killed by MNF and Iraqi forces as against those killed by insurgents. If we are able to give the ones, pressure will build to release the others.

[...]

The US have, like ourselves, stuck to the line that there are no comprehensive figures for civilians casualties and do not comment on suggested figures. The Embassy in Washington has asked for the US's official estimate of civilian casualties in Iraq. We still await the responses from the State Department and Department of Defense.

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. [REDACTED] We recommend that for the moment we continue to put our public emphasis on specific atrocities against civilians, such as the mass killing of Iraqi children in Baghdad on 30 September, and their attempts to thwart our efforts to stand up independent Iraqi security forces.

So while the FCO was waiting on US estimates, the advice offered here was to focus on atrocities committed by sectarian groups; this rather than becoming engaged in debates about how to achieve sound estimations.

In December 2004, in response to a parliamentary question about whether the UK needed to “hold an independent inquiry into the number of civilian casualties in Iraq since the invasion” under its international legal obligations, the then Prime Minister Tony Blair rejected the suggestion:

I do not accept that. In our view the figures from the Iraqi Ministry of Health, which has surveyed the hospitals there, constitute the most accurate survey that there is, but let me just make this point to the hon. Gentleman and, through him, to the authors of the letter today: those who are killing innocent people in Iraq today—those who are responsible for innocent people dying—are the terrorists and insurgents who want to stop the elections happening in Iraq. Any action that the multinational force or the Iraqi army is taking in Iraq is intended to defeat those people, who are blowing up innocent people, preventing people from joining the police force and killing innocent aid workers—killing anyone trying to make the country better.³⁰

This statement addressed public calls at the time to determine the number of civilians killed; such as a letter to the Prime Minister from over forty individuals including former British military officers and ambassadors, scholars, and religious leaders.³¹

2006

Summary points

- The UK started to shift responsibility for estimating civilian deaths wholly onto the government of Iraq.
- Individuals within government offered multiple and shifting claims about the deficiencies associated with the *Lancet* studies. As part of this they also failed to distinguish between the different types of deaths measured by different methodologies.
- The UK did not endorse any other methodologies for gathering information on civilian deaths.
- The UK undertook no independent efforts, and supported no studies or processes, that would have facilitated the production of estimations of civilian deaths.

Despite the public and parliamentary interest building up to the end of 2004, according to the FoI released material, it was not until late 2006 that the level of Iraqi deaths from armed violence again became a matter of UK Government deliberation. Once again, this was in response to a survey lead by researchers at Johns Hopkins University that appeared in the medical journal *The Lancet*. This second survey, published on 12 October 2006, gave an average estimate of the number of excess Iraqis deaths at 654,965 (based on an estimated range between 392,979 to 942,636 with a 95% confidence interval).³²

The Guardian reported that on the day of its release the Prime Minister’s official spokesman rejected the study’s conclusions by saying:

The problem with this is that they are using an extrapolation technique from a relatively small sample, from an area of Iraq which isn’t representative of the country as a whole. We have questioned that technique right from the beginning and we continue to do so. *The Lancet* figure is an order of magnitude higher than any other figure; it is not one we believe to be

anywhere near accurate...There is a democratically-elected, sovereign government [in Iraq] and therefore it is for the Iraqi government - as would be entirely the case in the United Kingdom - to address these issues and not for us.³³

On 19 October 2006 the Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, Lord Triesman, offered a less strident negative assessment in a prepared statement to the House of Lords:

My Lords, every civilian death is a tragedy and must be of concern in Iraq, as elsewhere. However, we continue to believe that there are no comprehensive or reliable figures for deaths since 2003. Estimates vary according to the method of collection. The figure of 655,000 given in the recent *Lancet* survey is significantly higher than other estimates, including those provided by the Iraqi Government. We believe that the Iraqi Government are best placed to monitor deaths among their own civilians.

Of interest with the responses are the continuities and discontinuities with previous statements. Whilst there is a recognition that methodologies differ, there is again no recognition that different methodologies may be measuring very different things (i.e. excess mortality as opposed to direct violence deaths) and that this in itself would lead to very different figures.

Offstage arguments

The shift between the response on 12 October and 19 October is perhaps explained by the inter-ministry communications between those dates. As in 2004, the FoI released correspondence from 2006 indicates that technical advisors cautioned against the government criticising the cluster sampling methodology used in the second *Lancet* study. On 13 October the MoD Chief Scientific Advisor concluded “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.” He also made a number of comments about the quality of data in stating:

The most significant improvement in methodology between the 2004 and 2006 studies lie in death certificate verification of reported mortality, larger sample sizes, and better design in the cross-sectional (by age and gender) cluster-based survey methods.

These changes brought the study more in line with a suggestion by the FCO Chief Economist dated 8 November 2004 when he wrote: “In the absence of a detailed census (impossible in the current security environment), the best way of narrowing down the uncertainty in the [2004] *Lancet* article is likely to be to conduct a similar survey with a significantly larger sample size.” In addition, in 2006, a DFID Statistical Advisor provided reasons for why the 2006 *Lancet* study might have underestimated mortality.³⁴ Finally, a four page assessment (not dated and without author identification) released by the MoD in 2010 (only as part of Set 2 of the FoI requests) contended the methodology was sound and (on balance) supported the *Lancet* study’s findings.

The official statement by Lord Triesman did not acknowledge how the 2006 *Lancet* study redressed many of the grounds for criticism offered in 2004 by Jack Straw and Baroness Symons. With advisors warning against focusing on the quality of the data used in the analysis, Lord Triesman directed attention to the variations between different estimations and how the *Lancet* figures were still out of line with others – crucially – without noting that different types of deaths were being tallied.

And yet, in subsequent questioning in the House of Lords, Lord Triesman seemed to raise doubts about the methodology underlying the cluster sampling in a manner that had not been done in the past:

[T]here are different methods which have arrived at very different figures and ... those methods also are legitimate. The way in which data are extrapolated from samples to a general outcome is a matter of deep concern and merits considerable study rather than the denunciation of one method compared with another.

However, as will be indicated below, the suggestion in the previous paragraph about the need for the “considerable study” of methodology did not lead to UK action. Indeed, as we noted in 2004, the UK had already rejected calls for an inquiry that would have provided space for that study.

Instead, as Lord Triesman proposed, understanding the impact of armed violence was deemed a matter for the Iraqi government. Whilst it is reasonable to consider that states have a fundamental responsibility to understand the nature and impact of violence amongst their populations, the UK’s disavowal of any responsibility in this context is problematic for a number of reasons.

- Firstly, the 2003 conflict in Iraq, and the violence set in train by that conflict, was directly initiated by the UK and its international partners. In such a situation the UK should bear also a responsibility to understand the impact of that decision.
- Secondly, both the legality of the conflict as a whole and the legality of individual attacks within that conflict depend on an estimation of “proportionality” - that the unintended but foreseeable harm to civilians is not excessive in relation to the anticipated benefits. It is not possible to make such estimations if States systematically avoid coming to any understanding of the actual civilian harm caused in different circumstances.
- Thirdly, the Iraqi Government was then facing pressing challenges, not least the levels of ongoing armed violence, and therefore lacked capacity to meet its responsibilities in this respect beyond the basic levels of hospital and mortuary data.

2007

Summary points

- The UK undertook no independent efforts, and supported no studies or processes, that would have facilitated knowing the number of Iraqi civilians killed and instead cemented the position that the responsibility rested wholly on the government of Iraq.
- Whitehall assessments of what others knew about civilian deaths were inaccurate, incomplete, and lacked important qualifications.
- Within Whitehall the suggestion was made that because internal figures might subsequently be released under the FoI system, better understanding of civilian harm should not be sought because it might contradict prior Government statements

Onstage statements

Parliamentary and public concern about Iraqi deaths continued into 2007. A statement by Kim Howells, Secretary of State for Foreign and Commonwealth Affairs on the 9th of October, provided the then latest version of UK position:

The Government do not collate figures for civilian casualties in Iraq. The Government of Iraq is best placed to monitor the numbers of Iraqi civilian casualties, but we continue to believe that there are no comprehensive or reliable figures for deaths since March 2003 as estimates vary according to the method of collection.³⁵

In making these contentions, the Secretary restated themes made by Lord Triesman in 2006; namely that the Iraqi government was the one that should be monitoring deaths and that the variability of results by method meant that there were no reliable (or comprehensive) figures.

Offstage arguments

The sense that a government line had formed in 2006 is corroborated by the apparent lack of attention to this topic within Whitehall. The only material released under the FoI Act for 2007 related to an email chain between a DFID official and two officials from the FCO. Since this material was only provided in 'digest form' (see below) it is difficult to ascertain the context for the exchange. On 4 December 2007, a DFID official wrote asking for data sources on battle deaths. That day an FCO official responded that:

I will look into the battle deaths point but my instinct is that we will have to use MNF stats. Petraeus produced a slide during his testimony on September on "Iraqi civilian deaths", sourced to "coalition and host government reports." ... do you (or DIS colleagues) have any idea how regularly MNF produces this sort of reporting – and do we have timely access to it? ... it would be helpful if you could produce a checklist of all the different data sets which purport to measure Iraqi civilian deaths from conflict, together with a short summary of our views on their reliability, and what we have said about them in public.

To this another FCO official responded on 5 December:

I will do my best, although we have not come to a view on the reliability of many of the sources. We have tried to stay out of the debate on figures, and have always said that the GOI are best placed to monitor them. I would be very wary of using MNF's figures – they do not record all incidents, and if they arrive on the scene later, many victims will already have been taken away by relatives.

Box 3 presents the FCO checklist assessment of different casualty data sets. Insofar as the UK formed a comprehensive picture of different sources at this time – and insofar as the officials assessed Iraqi civilian death at all – this box outlines the state of analysis.

Box 3: FCO Checklist, 7 December 2007³⁶

Analysis of Iraqi Civilian Death Tolls

Lancet Survey November 2004

- 98,000 deaths from March 2003 – November 2004

Advantages:

- none

Disadvantages:

- Methodology deemed flawed by MOD's Chief Scientific Adviser and FCO's Chief Economist.
- Figures extrapolated from a small sample.
- Figure higher than any previously quoted.

Public statements:

- FS's statement November 2004: "...so while recognising the bravery and professionalism of those conducting the *Lancet* study, the Government does not accept its central conclusion, and continues to believe that the most reliable figures for casualties in Iraq are those provided by Iraqi hospitals to the

***Lancet* Survey October 2006**

- 654,965 deaths from March 2003 – June 2006

Advantages:

- MOD Chief medical adviser and DfID statisticians agree the methodology is tried and tested, although some flaws highlighted by other scientists e.g. Royal Holloway team.

Disadvantages:

- Figure higher than any previously quoted.

Public Statements:

- FS released the following statement: "Every death in Iraq is a tragedy for those affected. The Government of Iraq represents all communities and is committed to tackling sectarian violence. We are supporting this effort and will continue to do so. The numbers that the *Lancet* has extrapolated are a substantial leap from other figures. What is important is that we bring an end to the violence and death in Iraq."
- Lord Triesman in an Oral PQ answer on 19/10/06 said: "My Lords, there is no doubt that the survey has been done by a very reputable statistical team at Johns Hopkins University; I have no doubt about their abilities in that sense. What does disturb me a good deal is the extent to which this is a very high estimate compared with others in which the methodology is also regarded as really pretty good. For those reasons it is extremely difficult to arrive at a sensible conclusion."

MOI [Ministry of Information] figures

12,320 deaths in 2006 and other various monthly totals.

Advantages:

- GOI best placed to monitor Iraqi deaths.
- Figures include all provinces in Iraq.

Disadvantages:

- No official, centrally-collated Iraqi statistics exist for the period before April 2004.
- No details were provided of how the figures were compiled.
- Figures conflict with those provided by MOH, which led to the GOI ceasing co-operation with UNAMI in March 2007.

Public Statements:

- Margaret Beckett on 24 January during debate on Middle East: "First, my hon. Friend asks me for the figures from the beginning of the year. From memory, the Iraqi Government estimate that 12,500 people or thereabouts were killed during the year ending 31 December 2006. He knows that there are other widely and wildly varying estimates, but the figure that the Iraqi Government have given is based on returns to the Ministry of the Interior. Secondly, the most recent month for which I have figures is December-January, and the figure is about 1,900. There has been an increase in the past couple of months..."

MOH/UNAMI [Iraqi Ministry of Health, United Nations Assistance Mission in Iraq] figures

- 34,452 in 2006 and other various monthly figures until January 2007

Advantages:

- GOI best placed to monitor Iraqi deaths
- Some detail on methodology – figures collected from hospitals and morgues across Iraq, including the Baghdad morgue, the Medico-Legal institute, which received Red-Cross funding to improve procedures.

Disadvantages:

- No official, centrally-collated Iraqi statistics exist for the period before April 2004.

- Figures do not include the three Kurdish provinces.
- The figures do not distinguish between insurgents, civilians or Iraqi Security Forces killed.
- Potential for under-counting, as execution style murders frequently classified as "criminal" or "mystery" killings by police, and not counted towards total figure.
- Only bodies taken to hospitals or morgues counted.
- MOH stopped providing figures directly to BE Baghdad in May/June 2006 and to UNAMI in March 2007.

Public statements:

- FS in November 2004 in *Lancet* statement: The UK government "continues to believe that the most reliable figures for casualties in Iraq are those provided by Iraqi hospitals to the Iraqi Ministry of Health"
- Lord Triesman in Oral PQ answer on 19/10/06 "I believe that the Government of Iraq—assisted by the Medico-Legal Institute, which itself is assisted by the International Committee of the Red Cross—and the UN human rights officials who compile a report and are on the ground, still have a very effective operation. I would be loath to try to judge which set of figures is right or to believe that we could do a better job than those who are there....The figures from the Iraqi Government and the Medico-Legal Institute and the UN human rights figures are 3,000 a month, but the bases on which those figures are compiled also have methodological flaws...the Government of Iraq, are the one body with authority to deal with the issue right across Iraq."

Joint MOH/MOI/[Iraqi Ministry of Defence] MOD figures

- 14,135 from Feb 07-Nov 07, monthly totals released to AFP/Reuters

Advantages:

- GOI best placed to monitor Iraqi deaths
- Figures supposedly an agreed figure between MOH/MOI/MOD

Disadvantages:

- Figures have only been released since February 2007.
- A breakdown of figures between civilian/army/police have only been provided since October 2007.
- No information is given on how the figures are reached. Our embassy in Baghdad thinks they are an average of MOH/MOI/MOD figures, however, all these departments reach their totals in different ways.
- We have deliberately not quoted these figures in any recent PQ answers.

Iraq Body Count/icasualties.org

- 78,062-85,046 from March 2003 – present

Advantages:

- deaths monitored consistently since March 2003

Disadvantages:

- Figures are estimates based on media reporting.
- No guarantee that every violent death reported in the media or that figures quoted in media reports are accurate (although IBC dispute this)

Public Statements:

- In December 2005, President Bush mentioned the figure of 30,000 civilian deaths. We believe that he based his estimates on figures published in the media and possibly on studies such as the Iraq Body Count.
- FS' 2004 statement on the *Lancet* report: IBC "is an estimate relying on media reports, and which we do not regard as reliable. It includes civilian deaths at the hands of terrorists as well as of the Coalition forces. It relies on media reporting to decide who is a civilian and who is not. It does help to show however that the Iraqi Ministry of Health figures are not the only ones to differ widely from the *Lancet's* estimate."

MNF-I [Multi-National Force Iraq] figures

Advantages:

- MNF consistently recording casualty data since 2003? (Although, I have never seen a total figure)

Disadvantages:

- MNF-I are not always called to scenes of incidents which leads to a great probability of under reporting. There is no MNF-I presence in many areas of Iraq.
- If MNF-I do go to the scene there is a risk of bodies being removed before MNF-I do a body-count.
- As Iraqis become increasingly in the lead it is becoming even more difficult for them to obtain accurate figures.
- Do they differentiate between civilians and insurgents?

Public statements:

- General Petraeus used MNF-I figures in his Washington evidence sessions in September 2007.
- As far as I am aware, we have never publicly quoted MNF-I figures.

Especially because of the lack of other analysis at the time, there are various reasons for concern about the checklist:

- **Inaccuracy** - For instance, it was written that the 2004 *Lancet* study had no advantages and its methodology was deemed flawed by MOD's Chief Scientific Adviser and FCO's Chief Economist. As noted in the section on 2004 in this report, whilst stating reservations about the figure of 98,000 deaths, the MOD's Chief Scientific Adviser judged that "the design of the study is robust, the methodology section is ... long and detailed" and a Chief Economist presumably with the FCO concluded that "the statistical methodology appear sound."
- **Unknowns** - The checklist expressed basic unknowns about the methods for deriving estimates; such as in the case of the Multi-National Force, the Iraqi Ministry of Interior figures and joint Iraqi Ministry of Interior, Health, and Defence figures. So despite the UK promoting that the Iraq government monitor civilian deaths and on an occasion using these figures (as the "most reliable"), the official tasked with determining what the UK knew did not know how in detail how these estimates were derived.
- **Lack of qualifications** - There is little acknowledgement that the methods listed measured different types of civilian deaths. The *Lancet* studies, for instance, sought to estimate so-called 'excess mortality' – the number of all Iraqis who died that would not have done so in the absence of the war. As such, the averages of 98,000 and 654,965 include those that died from the lack of sanitation infrastructure or health care provisions caused by the destruction of the war. The Iraq Body Count and MNF data only relate to direct violence deaths.
- **Incompleteness** - The checklist failed to note significant data sets. For instance, four months prior to the email exchange, a survey conducted by the British polling firm Opinion Research Business (in associated with Independent Institute for Administration and Civil Society Studies) estimated one million Iraqis had died since 2003 as a result of conflict.³⁷

2008-2009

Summary Points

- The UK undertook no independent efforts, and supported no studies or processes, that would have facilitated knowing the number of Iraqi civilians killed. Despite challenges facing data gathering in Iraq, the UK reiterated the position that the responsibility rested wholly on the government of Iraq.

Early in 2008, the *New England Journal of Medicine* published a survey undertaken by a variety of Iraqi organizations in collaboration with the World Health Organization.³⁸ Based on interviews, that survey estimated that from March 2003 to June 2006, 151,000 Iraqis³⁹ - combatants and civilians - had died from violent deaths. The study did not include deaths from accident, disease, or suicide.

It does not appear this new study initiated any discussion or analysis in Whitehall. No material was released dated from 2008 onwards as part of the FoI requests that form the basis of this report. A House of Commons parliamentary question in February 2008 about Iraqi deaths brought a reference back to the previously cited 9 October 2007 statement by the Secretary of State for Foreign and Commonwealth Affairs in which he said:

The Government do not collate figures for civilian casualties in Iraq. The Government of Iraq is best placed to monitor the numbers of Iraqi civilian casualties, but we continue to believe that there are no comprehensive or reliable figures for deaths since March 2003 as estimates vary according to the method of collection.⁴⁰

As before, there was no suggestion by British government ministers in public statements that the Iraqi government might be compromised in its ability to monitor deaths – either because of lack of capacity, internal divisions or political pressures. While the FCO 'Analysis of Iraqi Civilian Death Tolls' in Box 3 flagged disputes between Iraq agencies and the United Nations Assistance Mission for Iraq (UNAMI), those were not something drawn attention to in public statements. However, around this time,⁴¹ a number of suggestions to that effect were made. For instance, *The Guardian* reported on the history of attempts to derive figures:

The Iraqi ministry of health initially tried to keep a count based on morgue records but then stopped releasing figures under pressure from the US-supported government in the Green Zone. The director of the Baghdad morgue, already under stress because of the mounting horror of his work, was threatened with death on the grounds that by publishing statistics he was causing embarrassment. The families of the bereaved wanted him to tell the truth, but like other professionals he came to the view that he had to flee Iraq.⁴²

Reporting on disputes between the Iraqi government and UNAMI, the *Chicago Tribune* reported a UN human rights officer stating, "[Iraqi] government officials had made clear during discussions that they believed releasing high casualty numbers would make it more difficult to quell unrest."⁴³

If there was no suggestion in official statements from 2008 or elsewhere of the possible politics of mortality figures, neither was there an acknowledgement in official statements or FoI released material that the British government could have tried to ensure that figures were produced. Despite UK ministers asserting that this was a responsibility of the Iraqi government, the UK seemingly took no action to help that government to meet this responsibility.

Limitations of material released under the Fol Act

Because *A State of Ignorance* has been able to draw on overlapping Fol requests, it has been possible to document the vagaries associated with what material is released and therefore the limitations of individual Fol requests as tools for holding officials to account.

Arbitrary redactions

For example, making clear sense of whether the government sought to neutrally ‘assess’ versus deliberately ‘undermine’ the 2004 *Lancet* study is difficult, in part because of the extent of material redacted from the Fol releases. Withheld information included not only the name of civil servants, but in many instances their organisational affiliations.⁴⁴

To take the example of the Chief Economist’s ‘Restricted’ letter. As part of the Set 3 request (see the ‘Methodology’ section), both the organisational affiliation and title of that person was withheld. Yet in Set 1 only the organisational affiliation was missing. Based only on the information released under Set 3, it would have been far more difficult to judge the significance of this intervention.

The two page illustration below contrast the different sorts of redaction practices evident.

Words out of context

Making sense of the FCO ‘Analysis of Iraqi Civilian Death Tolls’ (see Box 3) checklist was frustrated though because of the way it and the email exchange pertaining to it was released under the Fol Act. As with material from 2006 (but not 2004), this 2007 information was given in a ‘digest form’; meaning segments of text from emails were cut and pasted into a separate document. In this case, no information was included on the position of the officials involved or who (if anyone) was also copied into the emails. While this digest format was justified “on the grounds that the rest of the email chain is not relevant to your request”,⁴⁵ the lack of contextual information makes it difficult to understand its place as part of inter-ministry deliberations. It is even not clear whether the ‘Analysis of Iraqi Civilian Death Tolls’ was ultimately a formal appraisal or simply part of an informal exchange.

Doc 11

CONFIDENTIAL

From: [REDACTED]
IPU
Date: 04 November 2004
cc: [Click here to see copy addressee\(s\) and originator's contact details](#)

To:	Private Secretary
-----	-------------------

CIVILIAN CASUALTIES IN IRAQ: LETTER TO GEOFF HOON

ISSUE

1. What to say about civilian casualties in Iraq.

RECOMMENDATION

2. That the Foreign Secretary write to Geoff Hoon explaining why MOD should be in the lead on this issue; and that Ministers note the attached lines to take. *Just from set 30*

DETAIL

3. I attach a draft reply to Geoff Hoon's letter to the Foreign Secretary of yesterday (A), which argued that the FCO rather than the MOD should lead in Whitehall on casualty figures in Iraq. It explains that MPs are looking to the MOD for this information, that our troops on the ground are better positioned than diplomats to provide it, and that this is a requirement of open government which the MOD will inevitably need to address in the future. *Policy formulation set 35*

4. As the letter also acknowledges, the FCO will need to help the MOD formulate its lines to take with the press and Parliament, and the Foreign Secretary will be asked about the issue whoever it is that formally leads. We will need to work together to have a line for the Foreign Secretary to take at TOPS next Tuesday.

5. In particular, we have undertaken (Foreign Secretary's interview this morning – transcript at B) to present to Parliament an assessment of the Lancet report claiming 100,000 extra civilian deaths since the invasion of Iraq. One option for this is that we rely on assessments from the Iraqi Ministry of Health; another is that we draw on the help of MOD experts. We have already had the views of the MOD chief scientific adviser, at C.

Page 1

CONFIDENTIAL

The same letter as released in 2009 as part of the Set 3 request

Doc 11

From: [REDACTED]
IPU
Date: 04 November 2004
cc: [Click here to see copy addressee\(s\) and originator's contact details](#)

To:	Private Secretary	
-----	-------------------	--

CIVILIAN CASUALTIES IN IRAQ: [REDACTED]

[REDACTED]

1. [REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
5. In particular, we have undertaken (Foreign Secretary's interview this morning – transcript at B) to present to Parliament an assessment of the Lancet report claiming 100,000 extra civilian deaths since the invasion of Iraq. One option for this is that we rely on assessments from the Iraqi Ministry of Health; another is that we draw on the help of MOD experts. We have already had the views of the MOD chief scientific adviser, at C.

Page 1

Anxiety about FoI - a barrier to better policy making

Concern about the FoI Act and what it might require by way of future government accountability in relation to the use of force is evident in the following paragraph from the 2007 email exchange discussed above. On 5 December an FCO official commented:

There is intense FOI and parliamentary interest in this – if we started using figures internally now as a measurement of progress, we would risk having to release them under an FOI request, which would contradict previous statements that we do not collate or endorse any casualty figures.

This passage seems to indicate a recognition that data on the impact of violence could be used as a tool for understanding “progress” in the context of Iraq. However, this is set against a fear of being seen to contradict the previously stated UK position(s) of the “impossibility” of doing so. Such attitudes on the part of officials are of grave concern.

Conclusion

...when people say, 'There were people dying in Iraq', and, you know, the figures, I think the most reliable figures out of the Iraq Body Count or the Brookings Institute may be 100,000 over this whole period -- the coalition forces weren't the ones doing the killing. The ones doing the killing were the terrorists, the sectarians, and they were doing it quite deliberately to stop us making the progress we wanted to make.

So argued former Prime Minister Tony Blair to the Iraq Inquiry on 29 January 2010 in response to concerns raised about the possible disillusionment of Iraqi people with the actions of Coalition forces. In doing so, he both continued and broke with past official statements.

As before, he acknowledged the problem of casualties, but sought to deflect attention away from deaths resulting from the actions of the UK and its partners – either direct conflict deaths or indirect casualties stemming from the loss of vital infrastructure.

As before, Tony Blair did not offer any official British government figures for the number of civilians killed since 2003. The reason for this is simple: the UK never produced any. Neither did it act to support the production of officially recognised figures by others.

As before, Tony Blair cited those findings giving comparatively low estimates for civilian deaths – figures measuring only direct violence deaths – without any acknowledgement that such methodologies necessarily underestimate the wider civilian impact of violence.

Yet by citing Iraq Body Count and the 'Brookings Institute'⁴⁶ [sic Institution] estimations, the former Prime Minister did depart from past practices of UK ministry officials and ministers. The Iraq Body Count was frequently criticised in offstage inter-ministry deliberations obtained under the Fol. The former Foreign Secretary Jack Straw said they were statistics that he did "not regard as reliable"(see Box 3). The Brookings Institution's 'Iraq Index', itself compiled from the Iraq Body Count and other primary sources,⁴⁷ was only once mentioned in passing once within the Whitehall correspondence examined in this report. What prompted the rethink about these two figures for Blair is unclear. Nothing in the information obtained would suggest reasons why the government assessment of them should change in this way.

So, while citing these particular figures marked a break with the past, Blair continued with the makeshift manner in which numbers were latched on to in an attempt to reduce anxiety about deaths to civilians. In quoting the figures of Iraq Body Count, Blair was endorsing a civil society project that had been run throughout the conflict with very limited resources and which had achieved a strong baseline documentation of civilian deaths whilst the UK Government, one of the actors with fundamental responsibilities in relation to those deaths, had done nothing.

We have made very clear our commitment to the welfare and future of the people of Iraq, and deeply regret any civilian casualties resulting from coalition action. However, it is impossible to know for sure how many civilians have been injured, or killed and subsequently buried.⁴⁸

Adam Ingram
Former Minister of State for the Armed Forces
3 April 2003

Among the responsibilities arising from the decision to invade Iraq in 2003, this report considered one: the monitoring of the number of civilian deaths; particularly those resulting from UK military action. Establishing a sense of the scope of deaths is a central part of gauging the extent and consequences of violence, assessing the requirements for reconstruction, adhering to the laws governing war, and – however inadequately and incompletely – acknowledging the suffering experienced by Iraqis.

Rather than working towards the establishment of estimates, since 2003 the British government sought in various ways to undermine the prospect for doing so. Instead of helping produce working figures or improve estimates made by others based on methods widely used elsewhere, it has presented official positions to the effect that it was not possible for the UK or for anyone to derive ‘reliable’ estimates. Yet, since 2003, the meaning of ‘reliable’ has shifted around as much as the reasons for why it was unachievable. Instead of asking searching questions about what the overall impact of the invasion had been and more specifically what deaths the UK and its international partners should assume responsibility for, the government has cited the differences between tallies (measuring different types of deaths) as evidence that it is impossible to know for sure what happened.

Such a posture stands in contrast to the goals the UK advocates on the world stage. As a member of the Core Group of the 2006 Geneva Declaration on Armed Violence and Development, the UK has called on states to commit themselves to “strive to achieve, by 2015, measurable reductions in the global burden of armed violence and tangible improvements in human security worldwide.”⁴⁹ As part of realising the Declaration’s pledge to reduce the human, social and economic costs of armed violence, promoting the “measurability and monitoring” of activities relating to armed violence has been identified as a core requirement. While much of the international emphasis on and action in improving surveillance and data-gathering capacity tends to be directed at developing countries, *A State of Ignorance* has provided reasons for demanding better policy and practice more broadly. For all its apparent sophistication and expressions of sympathy, the UK did not undertake or support basic types of analysis in the case of Iraq, let alone use these towards some meaningful end. It would be most regrettable if this practice continued into the future.

Extract from a letter of April 2004 from 52 former senior British diplomats to Tony Blair.⁵⁰

[...]

The military actions of the coalition forces must be guided by political objectives and by the requirements of the Iraq theatre itself, not by criteria remote from them. It is not good enough to say that the use of force is a matter for local commanders. Heavy weapons unsuited to the task in hand, inflammatory language, the current confrontations in Najaf and Falluja, all these have built up rather than isolated the opposition. The Iraqis killed by coalition forces probably total 10-15,000 (it is a disgrace that the coalition forces themselves appear to have no estimate), and the number killed in the last month in Falluja alone is apparently several hundred including many civilian men, women and children. Phrases such as "We mourn each loss of life. We salute them, and their families for their bravery and their sacrifice," apparently referring only to those who have died on the coalition side, are not well judged to moderate the passions these killings arouse.

[...]

Signed by,

Brian Barder; Paul Bergne; John Birch; David Blatherwick; Graham Boyce (ambassador to Egypt 1999-2001); Julian Bullard; Juliet Campbell; Bryan Cartledge; Terence Clark (ambassador to Iraq 1985-89); David Colvin; Francis Cornish (ambassador to Israel 1998-2001); James Craig (ambassador to Saudi Arabia 1979-84); Brian Crowe; Basil Eastwood; Stephen Egerton; William Fullerton; Dick Fyjis-Walker; Marrack Goulding; John Graham; Andrew Green; Vic Henderson; Peter Hinchcliffe; Brian Hitch; Archie Lamb; David Logan; Christopher Long; Ivor Lucas (ambassador to Syria 1982-84); Ian McCluney; Maureen MacGlashan; Philip McLean; Christopher MacRae; Oliver Miles; Martin Morland; Keith Morris; Richard Muir (ambassador to Kuwait 1999-2002); Alan Munro; Stephen Nash; Robin O'Neill; Andrew Palmer; Bill Quantrill; David Ratford; Tom Richardson; Andrew Stuart; David Tatham; Crispin Tickell (British permanent representative to the UN 1987-90); Derek Tonkin; Charles Treadwell; Hugh Tunnell; Jeremy Varcoe; Hooky Walker (ambassador to Iraq 1990-91); Michael Weir; Alan White.

Annex B

Letter of December 2004 urging an inquiry to determine Iraqi deaths subsequent to the 2003 invasion⁵¹

Dear Prime Minister,

The medical journal *The Lancet* recently published a study that estimates the post-invasion Iraqi death toll at 98,000. The same study reported that the risk of death from violence among Iraqis is vastly higher than it was before the war began.

You have rejected these findings, but offer no comparable assessment of your own. As you know, your government is obliged under international humanitarian law to protect the civilian population during military operations in Iraq, and you have consistently promised to do so. However, without counting the dead and injured, no one can know whether Britain and its Coalition partners are meeting these obligations.

We therefore urge you immediately to commission a comprehensive, independent inquiry to determine with the greatest possible accuracy how many Iraqis have died or been injured since March 2003 - and the cause of those casualties.

The inquiry should be independent of government, conducted according to accepted scientific methods and subjected to peer review so that all parties can be confident of the findings. It should report regularly to Parliament and the public for as long as British forces remain in Iraq.

Yours sincerely,

Air Marshal the Lord Garden KCB, Visiting Professor, Centre for Defence Studies, King's College London; The Rt Hon the Lord Rea; General Sir Hugh Beach GBE KCB MC, former Master General of the Ordnance British Army; Sir Brian Barder, former British Ambassador to Ethiopia, Poland and the Republic of Bénin, and British High Commissioner in Nigeria and Australia; Sir Stephen Egerton, former Ambassador to Iraq, Saudi Arabia and Italy; Robin Kealy, HM Diplomatic Service (retired) ambassador to Tunisia 2001-2004; Oliver Miles, former Ambassador to Libya, Luxembourg and Greece; Sir David Ratford, Deputy Political Director, FCO 1987-90, Ambassador to Norway 1990-94; Lord Bishop of Coventry, Rt Revd Colin Bennetts, chairman of the Church of England's Partnership for World Mission; Iqbal Sacranie, secretary general Muslim Council of Britain; Dr Daud Abdullah, assistant secretary general Muslim Council of Britain; Dr Rosemary Hollis; Elizabeth Wilmshurst; Bianca Jagger, human rights campaigner Council of Europe Goodwill Ambassador; Tony Fletcher, PhD president International Society for Environmental Epidemiology 2004-5; Public and Environmental Health Research Unit, London School of Hygiene & Tropical Medicine; Professor Martin McKee, European Centre on Health of Societies in Transition, London School of Hygiene & Tropical Medicine; Professor James McEwen, Emeritus Professor in Public Health University of Glasgow; Klim McPherson, FFPH FMedSci, visiting professor of Public Health Epidemiology, Churchill Hospital, Oxford; Jerry Morris, Emeritus Professor of Public Health, Public & Environmental Health Research Unit, London School of Hygiene & Tropical Medicine; Ian Roberts, professor of Epidemiology and Public Health, London School of Hygiene & Tropical Medicine; Dr Alex Scott-Samuel, senior lecturer in Public Health, University of Liverpool; Gill Walt, professor of International Health Policy, London School of Hygiene & Tropical Medicine; Eileen

O'Keefe, senior lecturer in Philosophy & Health Policy, London Metropolitan University; Walter Armbrust, director, Middle East Centre, St. Antony's College Oxford; Alex Danchev, professor of International Relations, University of Nottingham; Dr Eric Herring, senior lecturer in International Politics, University of Bristol; Dr Clive Jones, Institute for Politics and International Studies, University of Leeds; Professor Colin McInnes, director, Centre for Health and International Relations, University of Wales Aberystwyth; Turi Munthe, head of Middle East & North Africa Programme, Royal United Services Institute for Defence and Security Studies; Dr Gerd Nonneman, reader in International Relations & Middle East Politics, Lancaster University; Martin Shaw, professor of International Relations & Politics, University of Sussex; Avi Shlaim, professor of International Relations, St Antony's College Oxford; Paul Williams, lecturer in Security Studies, University of Birmingham; Dr Eddie Coyle, consultant in Public Health Medicine, Wales Centre for Health, Velindre NHS Trust, NHS Wales; Philip Leach, senior lecturer in Law, London Metropolitan University; Jonathan Rosenhead, Emeritus Professor of Operational Research, London School of Economics; Professor John O'Keefe, FRS, FAMS, University College London; Professor Tim Valentine, Department of Psychology, Goldsmiths College; Richard Norman, professor of Moral Philosophy, University of Kent; Dr Mary Midgley, Moral Philosopher; Dr Susie Orbach, psychotherapist and writer, visiting professor, London School of Economics; Harold Pinter, writer; Linda Grant, writer; Gillian Slovo, writer; Bishop of Oxford Richard Harries; Labour peer Baroness Helena Kennedy QC

- ¹ Straw, J. 2004. 'Iraq', *House of Commons – Hansard* 17 November: Column 94WS.
- ² See Annex B, 2004, 'Demands grow for Iraq death count' *BBC News* 8 December Available at: http://news.bbc.co.uk/1/hi/uk_politics/4076993.stm
- ³ Cameron, David. 2010, "PM's podcast on transparency" 29 May. Available at: <http://www.number10.gov.uk/news/speeches-and-transcripts/2010/05/pms-podcast-on-transparency-51171>
- ⁴ Cabinet Office. 2010, *The Coalition: our programme for government* London: Cabinet Office: 11. Available at: http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf
- ⁵ UN Secretary-General. 2009, *Keeping the promise - a forward-looking review to promote an agreed action agenda to achieve the Millennium Development Goals by 2015* A/64/665 and UN Secretary-General. 2009. *Promoting development through the reduction and prevention of armed violence* A/64/228 5 August. Available at: http://www.undp.org/cpr/documents/armed_violence/ga_armed_violence_09.pdf
- ⁶ United Nations Development Programme and World Health Organisation. 2005, *The global armed violence prevention programme (AVPP) – Phase I programme document* 2 June, The 2006 Geneva Declaration on Armed Violence and Development, online at www.genevadeclaration.org
- ⁷ Small Arm Survey, 2008, *Small arms survey 2008: Risks and Resilience*. Cambridge: Cambridge University Press.
- ⁸ See Geneva Declaration Secretariat, 2008, *Global burden of armed violence* Background Paper. June London: Geneva Declaration Secretariat.
- ⁹ United Nations – Secretary General. 2005, *In larger freedom: towards development, security and human rights for all* 21 March A/59/2005.
- ¹⁰ As in Department for International Development. 2008, *Research Strategy 2008 – 2013* London: DFID.
- ¹¹ The full working of the request was as follows: "I would like to make a request under the Freedom of Information Act for factual information, comments or opinion about: *the Lancet* report; the Foreign Secretary and/or Prime Minister's comments on *the Lancet* report; the feasibility, accuracy, and results of any assessments made by the UK government of the number of direct and indirect casualties in Iraq; any other assessments of which the government is aware (including, but not limited to: the Iraq Body Count organization (<http://iraqbodycount.net/>); the Iraqi Ministry of Health; any assessment made by the United States government.)
- I am requesting information relating to the above areas to or from (but not limited to) any of the following sources: epidemiologists; statisticians; civil servants; special advisors; any other government advisors (including external legal, medical or statistical advisors); ministers.
- I am requesting information relating to the above areas stored in any of the following forms: letters; faxes; minutes of any meetings or phone calls; emails; recordings or transcripts of any phone calls.
- ¹² Available at <http://foi.fco.gov.uk/content/en/foi-releases/2009/Lancet-report>
- ¹³ As in FCO. 2008, Correspondence to Richard Moyes titled *Freedom of Information Request 0873-0730* January London: FCO.
- ¹⁴ See Hoon, G. 2003, 'Iraq' *Hansard – House of Commons* London: HMSO: column 1087.
- ¹⁵ O'Brien, M. 2003, 'Iraqi Civilian Deaths' *Hansard – House of Commons* 8 April London: HMSO: column 190W.
- ¹⁶ Ingram, A. 2003, 'Iraq' *Hansard – House of Commons* 3 April London: HMSO: column 783W.
- ¹⁷ See Annex A. Boyce, G., T. Clark, F. Cornish, J. Craig, I. Lucas, R. Muir, C. Tickell, and H. Walker. 2004. 'Doomed to failure in the middle east' *The Guardian* 27 April. Available at: <http://www.guardian.co.uk/politics/2004/apr/27/foreignpolicy.world>
- ¹⁸ Ingram, A. 2004, 'Iraq', *House of Commons – Hansard* 14 June: column 642W.
- ¹⁹ Roberts, Les Riyadh Lafta, Richard Garfield, Jamal Khudhairi, Gilbert Burnham. 2004. Mortality before and after the 2003 invasion of Iraq: cluster sample survey', *Lancet* 364: 1857–64.
- ²⁰ Ibid: 1857.
- ²¹ Symons, Baroness. 2004, 'Iraq', *House of Lords – Hansard* 7 June: column WA2.
- ²² Symons, Baroness. 2004, 'Iraq', *House of Lords – Hansard* 24 June: column WA138.

- ²³ Geneva Declaration Secretariat, 2008, *Global burden of armed violence* Geneva: Geneva Declaration Secretariat: 32-22.
- ²⁴ See *ibid*: Chapter 2.
- ²⁵ For example, Iraq Body Count, a civil society driven initiative staffed by volunteers, tabulates news accounts as well as other substantiated reports. According to the UK Government, Iraq Body Count recorded between 14,284 and 16,419 civilians reported to have died directly from military or paramilitary violence from the start of the war to roughly the time of *The Lancet* research.
- ²⁶ Author Redacted. 2004, *Iraqi civilian deaths* Ministry of Defence D/CSA/11/6 (388/04) 29 October.
- ²⁷ <http://www.iri.org/>
- ²⁸ International Republican Institute. 2004. *Survey of Iraqi Public Opinion*, Washington DC: IRI.
- ²⁹ In light of this analysis of the FoI material, it is possible to develop a refined understanding of the parliamentary statements offered. In the 17 November 2004 statements by the then Foreign Secretary (Jack Straw) and the then Minister of State, Foreign and Commonwealth Office (Baroness Symons) regarding the 2004 *Lancet* study the criticism of the report concentrated on "the accuracy of the data" subject to analysis. Both voiced concerns about the small sample size, the overall "limited precision" of the data, and the difficulty of accurately attributing who was responsible for deaths. The divergence between this study and the Iraqi MoH numbers was also said to bring grounds for questioning the former (although as the report has noted, these contrasting figures were measuring different things).
- In criticising the study at the level of its *data* (rather than its methodology, for instance), it was possible for ministers to reject its estimate of some 98,000 deaths without doubting the cluster sampling *method*, something technical advisors warned against in the FoI documentation obtained. Yet, as a by-product of this line of argument, focusing on data at least opened the possibility the cluster sampling method could yield reliable figures in the future – *if* the data could be improved – and sat uneasily with aforementioned claims that reliable figures were "impossible" in the case of Iraq.
- ³⁰ Blair, T. 2004, 'Engagements' *House of Commons – Hansard* London: HMSO. 8 December: column 1165.
- ³¹ See Annex B, 'Demands grow for Iraq death count' *BBC News* 8 December Available at: http://news.bbc.co.uk/1/hi/uk_politics/4076993.stm
- ³² Burnham, Gilbert, Riyadh Lafta, Shannon Doocy, and Les Roberts. 2006. 'Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey' *Lancet* 368: 1421–28.
- ³³ Tempest, M. 2006, 'Beckett rejects Iraq death toll', *The Guardian* 12 October Available at: <http://www.guardian.co.uk/politics/2006/oct/12/foreignpolicy.iraq>
- ³⁴ See Horton, R. 2007, 'A monstrous war crime', *The Guardian* 28 March for a reaction when this advice was made public through a BBC news report.
- ³⁵ Howells, K. 2007, 'Iraq', *House of Commons – Hansard* 9 October: column 545W.
- ³⁶ Released by FCO on 7 January 2010 as part of a Letter to Brian Rappert - Freedom of Information Request: Ref 1087-09.
- ³⁷ See ORB. 2008, *New analysis 'confirms' 1 million+ Iraq casualties* ORB News Release 28 January Available at: <http://www.opinion.co.uk/Documents/Revised%20Casualty%20Data%20-%20Press%20release.doc>
- ³⁸ Iraq Family Health Survey Study Group. 2008. 'Violence-related mortality in Iraq from 2002 to 2006' *New England Journal of Medicine* 358 (2): 484–93.
- ³⁹ With a 95% uncertainty range, 104,000 to 223,000.
- ⁴⁰ Howells, K. 2007, 'Iraq', *House of Commons – Hansard* 9 October: column 545W.
- ⁴¹ Brown, David and Joshua Partlow. 2008, 'New estimate of violent deaths among Iraqis is lower', *Washington Post* 10 January.
- ⁴² Steele, J. and Goldenberg, S. .2008. 'What is the real death toll in Iraq?', *The Guardian* 19 March. See online version: <http://www.guardian.co.uk/world/2008/mar/19/iraq>
- ⁴³ Susman, Tina. 2007, 'Iraq won't give casualty figures to U.N.' *Chicago Tribune* 26 April: 12.
- ⁴⁴ The names of officials were deemed 'not relevant' by the FCO to the questions posed by Richard Moyes; see Griffiths, R. 2008, *Freedom of Information Request 0873-07*, 30 January London: Foreign and Commonwealth Office .
- ⁴⁵ FCO. 2010, *Letter to Brian Rappert - Freedom of information request* Ref 1087-09. 7 January.
- ⁴⁶ For the latest version of Brookings's Iraq Index see <http://www.brookings.edu/~media/Files/Centers/Saban/Iraq%20Index/index.pdf>
- ⁴⁷ Itself based on estimations and counts made by other organisations, including Iraq Body Count, see *Ibid*: 42.
- ⁴⁸ Ingram, A. 2003, 'Iraq' *Hansard – House of Commons* 3 April London: HMSO: column 783W.
- ⁴⁹ See Geneva Declaration Secretariat. 2008. *Global burden of armed violence* June Geneva: Geneva Declaration Secretariat.
- ⁵⁰ <http://www.guardian.co.uk/politics/2004/apr/27/foreignpolicy.world>
- ⁵¹ Online at http://news.bbc.co.uk/1/hi/uk_politics/4077031.stm



Action on Armed Violence
Epworth House
25 City Road
London EC1Y 1AA
