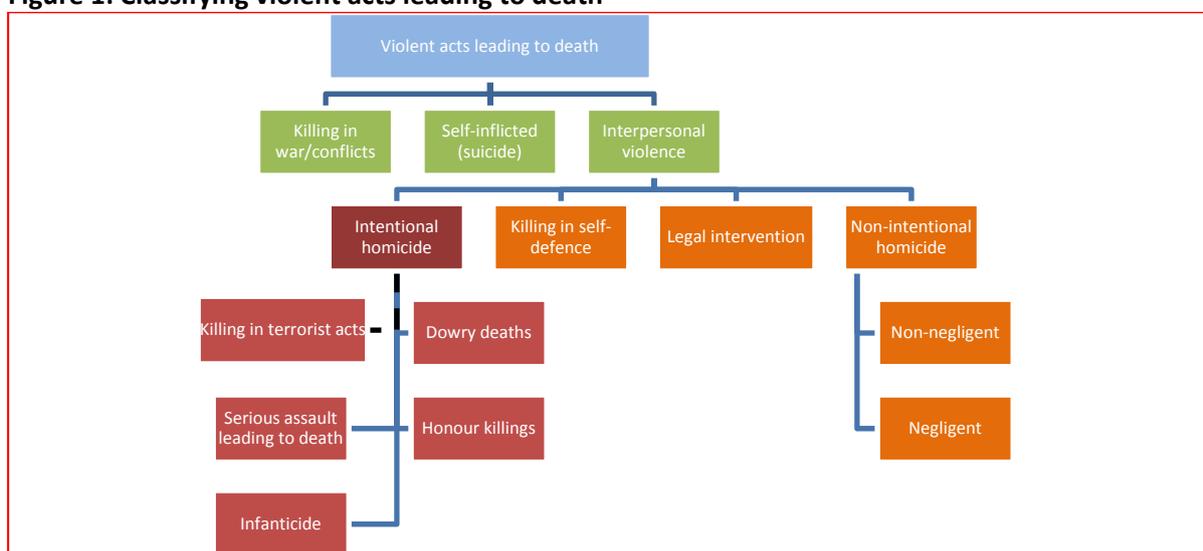


## Towards a standardized definition of intentional homicide for statistical purposes

Data produced at national level typically correspond to the definition of intentional homicide used in the national penal or criminal code. From an international perspective, there is a need to use a standard approach and definition as a way to improve accuracy and comparability of data that are internationally available.<sup>1</sup> The starting point for such standardization is that not all killings are considered intentional homicides: according to the definition currently used by UNODC, intentional homicide is the “unlawful death purposefully inflicted on a person by another person”. This definition contains three elements characterizing an *intentional homicide*:

1. The killing of a person by another person (objective element).
2. The intent of the perpetrator to kill or seriously injure the victim (subjective element).
3. The intentional killing is against the law, which means that the law considers the perpetrator liable for the unlawful death (legal element).

**Figure 1: Classifying violent acts leading to death**



Specificities of intentional homicide can be better understood when placed in the broad context of violent acts leading to death (figure 1).<sup>2</sup> The scheme shows that acts of interpersonal violence leading to death are distinguished in the first place from deaths that are a result of war or conflict<sup>3</sup>, or that are self-inflicted (suicides).

<sup>1</sup> In this regard, it should be recalled that international comparability of data is primarily beneficial for countries themselves since it allows the creation of benchmarks to evaluate their own situation.

<sup>2</sup> Violence is defined by the World Health Organization (WHO) as the “intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development, or deprivation.” (WHO, World Report on Violence and Health. 2002)

<sup>3</sup> International humanitarian law distinguishes between two types of armed conflict: (1) *international armed conflicts*, which exist wherever there is a resort to armed force between States (International Criminal Tribunal for the former Yugoslavia (ICTY) – *The Prosecutor v. Dusko Tadic*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, 2 October 1995, and Common Article 2 of the Geneva Conventions); and (2) *non-international armed conflicts*, which occur whenever there is protracted armed violence between governmental authorities and organized armed groups or between such groups within a State (International Criminal Tribunal for the former Yugoslavia (ICTY) – *The Prosecutor v. Dusko Tadic*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, 2 October 1995, and Common Article 3 of the Geneva Conventions). A conflict that spreads across borders may also be a non-international armed conflict; as such, rather than the territorial scope defining the type of conflict, it is the parties involved in the conflict that distinguish international from internal armed conflicts. Further, non-international armed conflicts can be distinguished from “civil unrest” based on a threshold of intensity of the hostilities (i.e. when the hostilities are of a collective character, or when the government is compelled to use military force rather than police force against insurgents), and the degree to which the armed groups are organized (i.e. non-governmental groups involved in the conflict must be considered ‘parties to the conflict’ in that they possess organized

At a subsequent level, other types of killings that are **not** considered to be intentional homicides are:

- Non-intentional homicide, which can be divided into two categories:<sup>4</sup>
  - Negligent: killing through recklessness or negligence (as for example dangerous driving or professional negligence)
  - Non-negligent: killing that is not considered intentional homicide due to certain specific mitigating circumstances such as provocation or diminished responsibility.
  
- Additional categories are represented by killings in self-defence and from legal interventions,<sup>5</sup> which are considered as justifiable killings and thus not intentional homicide.

As concerns intentional homicide, it is important to note that, for statistical purposes, all killings corresponding to the above definition - *unlawful deaths purposefully inflicted on a person by another person* – should be considered as intentional homicides. This means that all killings with such characteristics should be counted as intentional homicides, including such offences that, under certain legislations, can be considered under a different heading, such as infanticides, honour killings, dowry deaths or serious assaults leading to death.<sup>6</sup>

Deaths due to terrorism<sup>7</sup> are a challenging category. From a conceptual perspective, the label of “intentional homicide” is certainly broad enough to encompass deaths caused by terrorist acts, and whilst perpetrators may face additional charges, such as acts of terrorism, acts against the state, or even crimes against humanity, the core act still concerns the intentional killing of another. However, such deaths, in national practices, might fall somewhere at the boundary between conflict and interpersonal violence, and they are not always recorded and counted as intentional homicides.<sup>8</sup>

Violent deaths in the context of civil unrest are even more challenging, as there is no international legal basis for deaths due to “civil unrest,” mainly because there is no accepted definition of “civil unrest” . In such circumstances, the general definition of intentional homicide provides guidance on what deaths should be considered as such, and which should be considered under a different category.<sup>9</sup> National practices in classifying such deaths can differ, but it is important that all violent

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armed forces under a certain command structure and have the capacity to sustain military operations.) See D. Schindler, “The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols,” RCADI Vol 163, 1979-II, p. 147, and ICTY, *The Prosecutor v. Fatmir Limaj*, Judgement, IT-03-66-T, 30 November 2005, para 94-134)

Regarding “conflict deaths,” this category should only include deaths that are directly attributable to actions constituting part of the armed conflict, while acts leading to death that occur during a period of armed conflict but are not part of that conflict should be classified according to the criteria used for any other killing.

<sup>4</sup> Manslaughter (both negligent and non-negligent) is considered to be non-intentional homicide.

<sup>5</sup> Such are killings by the police or other law enforcement agents in the course of arresting or attempting to arrest lawbreakers, while maintaining order, or during other legal actions. It should be noted, however, that killings resulting from the excessive use of force in law enforcement or through the excessive use of force in self-defence are either considered intentional homicides or non-negligent non-intentional homicide and should therefore be counted as such.

<sup>6</sup> Serious assault leading to death is understood as a death due to an assault committed with the knowledge that it was probable that death or serious injury would occur (with reckless indifference to life).

<sup>7</sup> Death due to terrorism means any “act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.” (UN General Assembly Resolution 54/109 “International Convention for the Suppression of the Financing of Terrorism,” 1999, Article 2 (1b).

<sup>8</sup> Country practice varies as to whether such deaths are included in police homicide statistics. Neither the nearly 3,000 victims of the attacks on the United States on 11 September 2001, nor the nearly 200 killed in terrorist attacks on 11 March 2004 in Madrid were recorded as homicides. In contrast, the 52 victims of the 7 July 2005 London bombings were included in official police statistics as homicides; homicide statistics in India include murder related to “terrorist/extremist” violence, and homicide statistics in a number of African countries include deaths by “mob action.”

<sup>9</sup> For example, some deaths in cases of civil unrest may not be considered ‘intentional homicides’ if they can be validly described as “self-defence” or “legal interventions” where they are caused by use of force by law enforcement acting in accordance with the 1990 “Basic principles on the use of force and firearms by law enforcement officials” (A/CONF.144/28/Rev.1). If such deaths are caused by law enforcement officials acting with excessive force, they should be considered intentional or non-intentional homicides, according to the

deaths in such circumstances, respectively of law enforcement officers and civilians alike, are reported.

While several of the definitional elements described above appear to be common and in use at national and international level, others are more difficult to interpret and/or are in need of further discussion, as for example the element of intentionality (whether the intention to cause death or only to cause serious harm is required) or how to consider deaths related to terrorist acts or in the context of civil unrests. The work currently under development to produce the first International Classification of Crime for Statistical Purposes (ICCS) will provide further clarification on how to define and count intentional homicides.<sup>10</sup>

Finally, to increase accuracy and comparability of data on intentional homicide it should be kept in mind that:

- regarding the so-called ‘counting rules’: some countries make reference to the criminal ‘case’ and not to the victims involved. For example, if in one incident two persons are killed, an ‘incident-based’ police reporting system may report this as one homicide. In contrast, a ‘victim-based’ police reporting system will report this as two homicides. For data reporting at international level, it is recommended that the counting unit is *victim-based* so that a more accurate assessment of the impact of homicidal violence can be made.
- only *completed* intentional homicides, resulting in the death of a person, are to be reported. The practice of including *both* cases where the victim died and cases where there is evidence that the perpetrator intended death but the victim survived, should be avoided. The inclusion of attempted homicide in the definition of “intentional homicide” for the purpose of creating statistics has the effect of producing a “homicide” rate that is higher than the actual number of killed victims.

From an analytical point of view, in addition to providing accurate definition and counts of the total number of intentional homicides, it is necessary to adopt standard data disaggregation that can facilitate the interpretation and comparability of data. Some key disaggregation variables are sex and age, for both the victim and the perpetrator; the situational context and the weapons used to commit the crime (see figure 2).

**Figure 2: disaggregating intentional homicide by situational context and weapon**

Homicide by situational context
Homicide by intimate partner or family member
Homicide by intimate partner
Homicide linked to robbery
Homicide linked to gangs
Homicide linked to organized crime
Homicide linked to unknown causes

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circumstances. Similarly, deaths of law enforcement officers during civil unrest, or deaths of civilian victims caused by civilian perpetrators during civil unrest, should be classified as intentional homicides or under other types of violent deaths according to the factual circumstances.

<sup>10</sup> The ICCS is currently under development and it builds on the ‘Principles and framework for an international classification of crimes for statistical purposes’ produced by UNODC -UNECE and endorsed by the Conference of European Statisticians in 2012. The ICCS is scheduled to be finalised by 2015.

Homicide by type of weapon used
Homicide committed by firearm
Homicide committed by knife or sharp object
Homicide committed by other means

At national level, the primary source of data on intentional homicide is represented by criminal justice statistics (usually data from police or prosecutors), which are based on information collected from the moment the police receive information about a crime, including the type of crime, its modalities, victim(s) and perpetrator(s) characteristics.

Another source of data on intentional homicides is the public health or medical system. At country level, all deaths should be recorded and their cause explored and certified. National definitions and classifications used for this purpose are usually in line with the WHO 'International Classification of Diseases (ICD)', the international standard diagnostic classification for epidemiological and clinical use. The current version (ICD-10) offers a detailed framework for the classification of causes of death, covering all known diseases and external factors, including violence. Deaths coded with ICD codes X85-Y09 (injuries inflicted by another person with intent to injure or kill) by and large correspond to the definition of intentional homicide discussed above.<sup>11</sup>

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<sup>11</sup> For a thorough discussion on the two sources, see: UNODC (2011), Global Study on Homicide.