



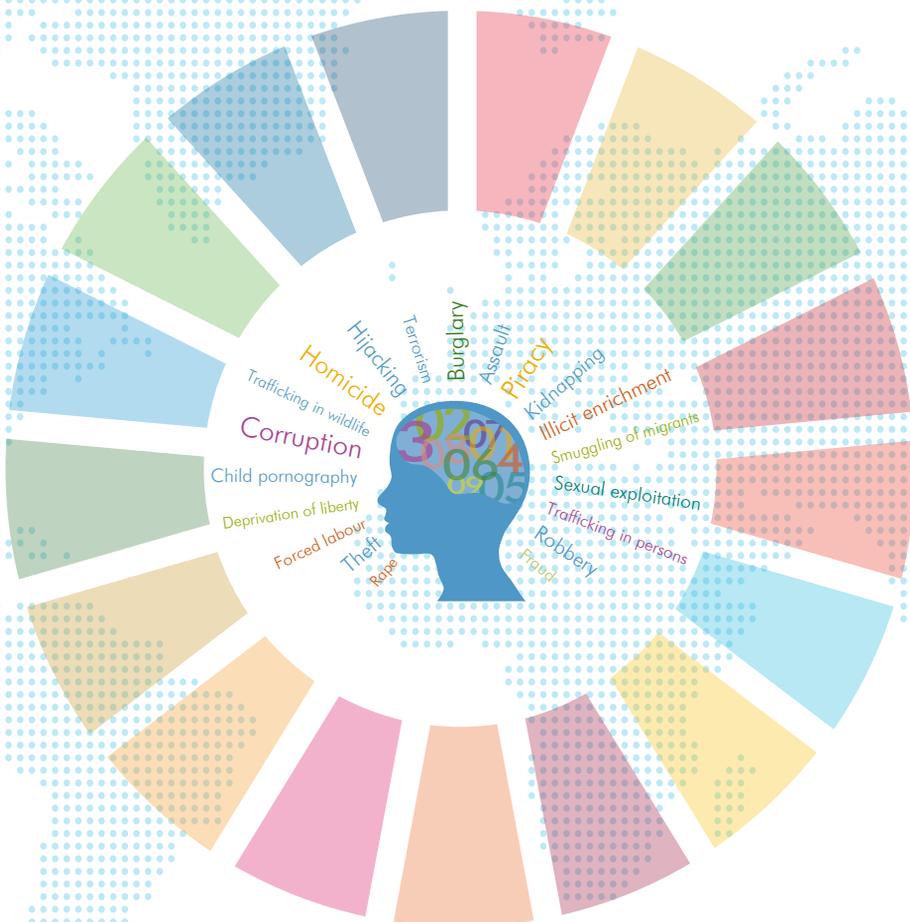
UNODC

United Nations Office on Drugs and Crime



ICCS BRIEFING NOTE

Unlawful killings in conflict situations



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UNLAWFUL KILLINGS IN CONFLICT SITUATIONS

The statistical treatment of violent deaths in conflict situations is a complex matter due to the existence of legal, operational and statistical challenges. *The International Classification of Crime for Statistical Purposes (ICCS)*¹ provides a firm ground for the definition and classification of unlawful killings, both in situations of conflict and non-conflict.

The gradual implementation of the ICCS will bring greater accuracy and comparability to crime and criminal justice data, including on intentional homicide and other unlawful killings. This note draws on the definition and classification of intentional homicide elaborated in the ICCS and provides a consistent framework for classifying violent deaths in conflict situations.

Definition of intentional homicide

In the ICCS intentional homicide is defined as the “Unlawful death inflicted upon a person with the intent to cause death or serious injury”. This definition contains three elements characterizing the killing of a person as *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 unlawfulness of the killing, which means that the law considers the perpetrator liable for the unlawful death (legal element).

This definition states that, for statistical purposes, all killings corresponding to the three criteria above are to be considered as intentional homicides, irrespective of definitions provided by national legislations or practices.

Killings in conflict situations

The specific classification of violent deaths in situations of conflict is particularly difficult as it is conceptually challenging to discriminate between different forms of lethal violence. It is sometimes difficult to distinguish typical combatant groups from organized crime groups and terrorist organizations. Forms of armed confrontations are increasingly complex (targeting of civilians or military hors de combat increasingly used as conflict tactic, use of unmanned aerial vehicles, etc.).

In this continuum of violence, differentiating the count of deaths strictly related to conflicts and deaths related to unlawful killings is important for understanding the nature of the problem and the tools available to resolve it. Wars involving the opposition of two armies are typically addressed through political solutions, while the killings by organized crime groups or terrorist organizations for example require the intervention of the criminal justice system (together with other types of interventions). From a policy perspective, it is important to distinguish between unlawful killings and other types of killings in all situations - including in those of conflict - since unlawful killings are to be

¹ The ICCS has been endorsed by the UN Statistical Commission at its forty-sixth session (3-6 March 2015) and by the UN Commission on Crime Prevention and Criminal Justice. For full documentation on the history and structure of the ICCS, see: <http://www.unodc.org/unodc/en/data-and-analysis/statistics/iccs.html>.

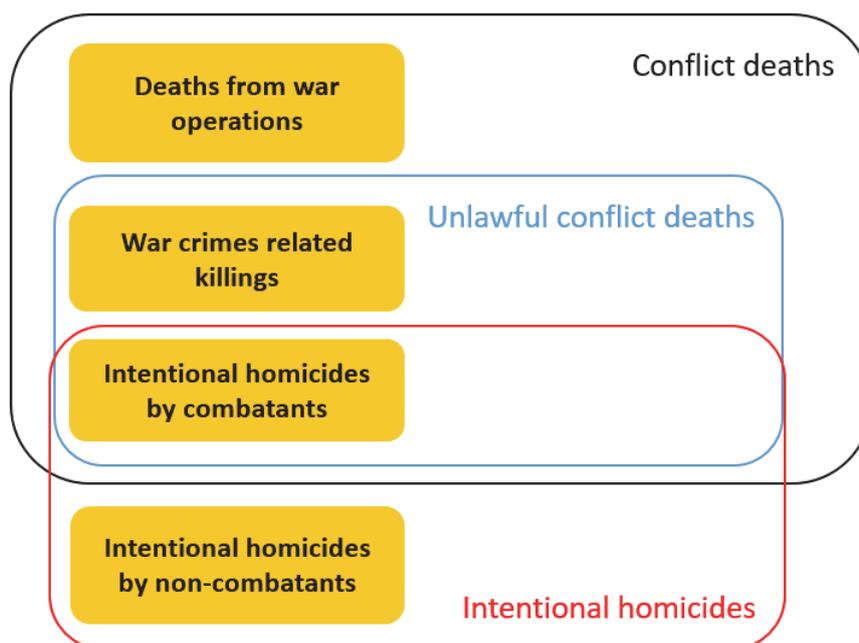
prosecuted by criminal justice institutions, while the others are not. The different categories of unlawful killings have already been defined and classified in the ICCS, and depending on the definition of conflict, killings considered by the ICCS as intentional homicide may partially overlap with conflict deaths (particularly when conflicts are defined as involving terrorist organizations and non-state armed groups). Considering the policy relevance of counting conflict deaths in their totality (including unlawful or lawful killings) and the need to maintain consistency with the ICCS, four types of killings can be identified when considering violent deaths in conflict situations:

1. **Deaths from war operations:** killings during combat war operations, i.e. during operations between parties to the conflict, including civilian victims killed by the parties
2. **War crime related killings:** killing of combatants by other combatants which is in breach of international humanitarian law and considered as a war crime; for example, wilful killing of parties to the conflict that are *hors de combat*;
3. **Intentional homicide by combatants:** targeted killings by combatants of civilians or others not during combat operations (these killings are considered as intentional homicide but under specific and aggravating conditions this type of killing can amount to war crime related killing);
4. **Intentional homicide by non-combatants:** intentional homicide committed by somebody that is not part to the hostilities (e.g. a civilian). This refers to all intentional homicides not related to the conflict.

How these four different groups can be considered in the definition of conflict deaths is illustrated in Figure 1.

Other types of unlawful killings, not defined as intentional homicide and not related to war operations may be committed in conflict areas by persons not taking part in the hostilities and can be treated as indicated in the ICCS (e.g. non-intentional homicide).

Figure 1: types of killings in conflict situation



The statistical framework presented in Figure 1 defines conflict deaths as the number of victims of war operations plus the number of unlawful killings related to war crimes and intentional homicides committed by combatants.

In countries considered to be in conflict, the definition of intentional homicides remains as defined by the ICCS. The ICCS already includes a number of disaggregating variables that can define the different context of homicide. These variables could be further refined to facilitate the application of the framework presented in Figure 1: homicide perpetrators could be characterized as combatants and non-combatants and a category 'Homicide in conflict situation' could be added in the classification of intentional homicides by situational context.

Figure 1 is particularly relevant in situations of conflict involving combatants from non-state armed groups, which may apply non conventional combat operations (such as bombing of civilian targets). The framework above allows to disentangle the various types of killings and maintain conceptual clarity. Operational challenges to implement it in real life situations can be addressed through more guidance on the application of the ICCS in countries afflicted by a conflict, which can improve recording and counting of various types of unlawful killings.