



# Counting Drone Strike Deaths

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## Summary & Recommendations

Popular debate on U.S. drone strikes often centers on how many individuals are killed, and which of two categories the individuals killed fall into – militant or civilian. U.S. officials emphasize the precision of drone technology and contend that extremely few civilians have been killed. Yet others have questioned these claims and stated that there is evidence to suggest that deaths, and civilian deaths in particular, are much higher than U.S. officials admit.

The uncertainty about civilian deaths is largely due to the U.S. government’s resistance to openly providing information about strikes. In the absence of official data, the most common source for drone strike casualty figures is news reports about particular strikes. Some organizations have catalogued and aggregated these news reports to provide overall estimates of the total number of individuals killed, including the number of “militants” versus “civilians.” The Bureau of Investigative Journalism, Long War Journal and New America Foundation (“tracking organizations”) are among the most influential of such organizations, and their work has in many instances catalyzed debate about the effectiveness and humanitarian cost of strikes.

We are concerned about overreliance on the tracking organizations’ estimates of drone strike casualties, although we find the estimates valuable and a good faith effort. The estimates reflect an echo chamber of sorts: the tracking organizations collect news reports of particular strikes and make an estimate of who is killed based on them; these estimates are then regularly cited and repeated in subsequent news stories and media analysis pieces.

In the limited public debate on drones, the tracking organizations’ estimates substitute for hard facts and information that ought to be provided by the U.S. government. We—the public, the analysts and experts, and the policymakers—still do not know the true impact or humanitarian cost of drones; the estimates, though well-intended, may provide false assurance that we know the costs and can fairly assess whether to continue drone strikes. Furthermore, where the tracking organizations’ estimates significantly undercount the number of civilians killed by drone strikes, they may distort our perceptions and provide false justification to policymakers who want to expand drone strikes to new locations, and against new groups.

Because the stakes are high, the Columbia Human Rights Clinic set out to thoroughly examine the data and methodology of the three tracking organizations. Our findings are two-fold. First, despite the strong efforts of the tracking organizations, their estimates of civilian casualties are hampered methodologically and practically. Two of the organizations, according to our independent review of the media sources available, significantly and consistently underestimated the potential number of civilians killed in Pakistan during the year 2011. Second, while some of the flaws we identify can be fixed, others

are inherent to the process—and these inherent flaws underscore that the U.S. government has the responsibility to step in and describe its own accounting on the civilian casualty question. The tracking organizations provide important information, but in light of the methodological and practical limitations we identify, their estimates are an inadequate and dangerous substitute for official government estimates and information regarding civilian deaths.

We note that some of our conclusions described below are corroborated by other studies, in particular, a September 2012 report by the human rights clinics at NYU School of Law and Stanford Law School that examined a distinct and more recent dataset. Taken together, the various studies underscore the need for a U.S. government accounting of drone strike deaths, as well as greater care by media outlets and observers in describing the impact of drone strikes.

*Flaws in Media Reporting on Drone Strike Deaths:* We analyzed the tracking organizations' data collection for strikes in Pakistan during 2011 and found that while their estimates are useful, they necessarily reflect the biases and flaws of their media report sources, i.e., the news stories about particular strikes which they aggregate to arrive at their own estimates. Media coverage of drone strikes is inconsistent, and it is likely that some deaths and even entire strikes are not captured by tracking organizations, particularly to the extent they rely on English-language media sources. The media reports often rely on very limited sources, in particular the word of anonymous Pakistani officials who will not put their names to a statement. There is no standard definition that the media sources use to categorize a person as militant or a civilian, nor a standardized measure by which the media sources weigh and corroborate their information.

*Our Recount:* Examining the same media reports that the tracking organizations cited, we found a significantly higher number of reported deaths overall and civilian deaths in particular than is reflected in the counts of the New America Foundation and Long War Journal; our count was similar to that of the Bureau of Investigative Journalism. Of the three organizations, only the Bureau has consistently purported to actively track *civilian* casualties—as opposed to focusing on providing an estimate of the overall number of individuals killed. Nevertheless, news analysis and political commentary frequently cite New America Foundation and Long War Journal's numbers in making conclusions about the impact of drone strikes on civilians and local communities. Exclusive or heavy reliance on the casualty counts of these two organizations is not appropriate because of the significant methodological flaws we identify. While we do not agree with the Bureau's analysis of media sources in all cases, it appears to have a more methodologically sound count of civilian casualties, commensurate with its special focus on that issue.

Our recount found reports of between 72 and 155 civilians killed in 2011 Pakistan drone strikes, with 52 of the reportedly civilian dead identified by name – a relatively strong indicator of reliability. By comparison, New America Foundation's count is just 3 to 9 "civilians" killed during this period; Long War Journal's count is 30 civilians killed. In percentage terms, and based on their and our minimum numbers, we counted 2300 percent more "civilian" casualties than the New America Foundation, and 140 percent more "civilian" casualties than New America's "civilian" and "unknown" casualty counts combined. We counted 140 percent more minimum "civilian" casualties than the Long War Journal. The Bureau of

Investigative Journalism’s count of between 68 to 157 civilians killed in Pakistan during 2011 is closest to our own: we counted only 5.9 percent more minimum civilian casualties. We describe our standards for the recount below.

It is important to note that despite the great care we took in reviewing the data and original media sources, our recount does not purport to be reliable or an accurate indicator of the actual number of civilian or “militant” casualties of U.S. drone strikes. Rather, our recount reflects the extent to which civilian casualties that are credibly reported are nonetheless missed by the tracking organizations; it underscores that the public and policymakers do not have complete information about the humanitarian cost of drone strikes.

*Discrepancies in Tracking Organizations’ Estimates:* In comparing the tracking organizations’ studies, we found that their methodologies vary, leading each of them to arrive at different estimates of the number and identity of individuals killed. We identified four principal reasons for the discrepancies in tracking organizations’ overall casualty counts and counts per strike: (1) the number of media sources the tracking organizations relied on; (2) the Bureau of Investigative Journalism’s use of non-media sources; (3) the New America Foundation and Long War Journal’s decision not to update figures in some cases where media sources change their casualty counts in subsequent reports; and (4) the tracking organizations’ decisions not to include some data from some of their own listed sources.

*U.S. Government’s Responsibility to Provide Estimates:* The discrepancies in counts by the tracking organizations—credible and well-resourced institutions—underscore the difficulty of gaining an accurate understanding of the impact of drone strikes from media reports alone. The public and some policymakers are compelled to rely on these estimates to judge the impact of drone strikes because the U.S. government has not officially provided information on drone strike deaths. While touting the success of the drone program and particular high-profile strikes, U.S. officials have avoided providing specifics—and cited national security. The public has no information on how and whether the U.S. tracks and investigates potential civilian deaths.

Yet, in other conflict settings such as Afghanistan, U.S. officials have provided some of this information—without compromising U.S. security. As the U.S. government anticipates the continued and expanded use of lethal drone technology, it owes the public a genuine assessment of the impact of drone strikes, including the effects on local civilian populations. The U.S. government should, to the extent practicable, provide its own estimate of the number of individuals killed and their identities. Moreover, instead of seeking to discredit on-the-ground reporting by journalists and human rights groups that puts forward evidence of civilian casualties, the U.S. government should investigate and address the reported strikes and casualties.

*Media & Tracking Organizations’ Roles:* We encourage media and observers to reconsider the way they address the question of who is being killed in drone strikes. They should qualify their use of estimates provided by the tracking organizations. These estimates are not actual body counts—they are reports from a region where even seasoned journalists and investigators suffer from limited access, and where witness statements and officials’ explanations may be biased. When media and commentators use

civilian casualty estimates, they should acknowledge these limitations and the ambiguity of terms like “militant.” Likewise, tracking organizations should acknowledge the limitations of their studies, and address the methodological problems we have identified.

## Recommendations

### TO THE U.S. GOVERNMENT

1. To the extent practicable, collect and release estimates regarding past drone strike casualties and provide information on new strikes after operations are completed, including the following information:
  - a. The total number of individuals killed or injured in U.S. drone strikes outside of Afghanistan
  - b. The total number of individuals killed whom the U.S. identifies as combatants or persons subject to direct attack under U.S. legal standards or U.S. interpretations of humanitarian law.
  - c. The total number of individuals killed whom the U.S. identifies as not subject to direct attack under U.S. legal standards, including: civilians killed collaterally (i.e. killed in an attack on a military objective, and not identified as a civilians directly participating in hostilities); civilians killed mistakenly (e.g. killed based on mistaken identity); or individuals otherwise afforded protection from direct attack under U.S. legal standards or U.S. interpretations of humanitarian law.
  - d. The total number of drone strikes and the location and date of each drone strike.
2. Disclose the legal standards and definitions the U.S. government uses in categorizing the individuals killed as military targets or individuals subject to direct attack; civilians subject to direct attack (e.g. civilians directly participating in hostilities); civilians entitled to protection and killed collaterally.
3. Investigate credible reports of civilian death by media and nongovernmental organizations, and make amends to families and local communities where appropriate.

### TO TRACKING ORGANIZATIONS

1. Publish estimates with a prominent disclaimer, including in regard to the sources for its dataset, the variance of reporting among news outlets and over time and the potential biases of primary sources on which identification of “militants” versus “civilians” are based.
2. For organizations that rely on a limited set of media sources, expand the range of media sources in cataloguing deaths; where more media reports are unavailable, qualify estimates as incomplete or uncorroborated.
3. In describing the findings of media reports that cite unnamed Pakistani officials, acknowledge the potential political bias or use qualifying language such as “alleged” and attributive language such as “according to.” Where a decision is made to discard certain reported figures in any particular strike estimate, indicate which report was discarded and explain why.

## TO MEDIA AND COMMENTATORS

1. When describing the overall number and identity of individuals killed by drone strikes:
  - a. “Reported” Deaths: Acknowledge that information about drone strike casualties is limited as a general matter, and describe the tracking organizations’ estimates as collations of *reported* deaths—in a context where virtually no media reports are based on information gathered inside the region firsthand or able to be verified by the media organization itself, and where media reports sometimes rely on biased sources, e.g., anonymous government officials.
  - b. Different Estimates: When citing a single tracking organization’s estimate of the number or identity of individuals killed, acknowledge where there are discrepancies between that estimate and estimates by other organizations.
2. When reporting on particular strikes:
  - a. Limited reporting: Where appropriate, acknowledge limits of reporting and information about a strike, e.g., that information provided by local sources could not be verified due to limited access to the region.
  - b. “Militant” Deaths:
    - i. Regarding estimates of the number of “militants” versus “civilians” killed, acknowledge that the determination of whether a casualty is categorized as “militant” or “civilian” is ambiguous and controversial, e.g., by using the term “alleged.”
    - ii. In recognition of its ambiguous and controversial character, avoid using the word “militant” unless quoting a government official; use more specific identifiers where possible.