



Casualty recording and missing persons in armed conflict

Submission to Secretary-General's report on missing persons

6 April 2022

1. Introduction

Every Casualty Counts¹ has prepared this briefing to inform the 2022 report of the Secretary-General on Missing Persons, pursuant to General Assembly resolution [75/184](#). Since the period covered in the last report,² understanding has grown of the links between casualty recording and efforts to prevent or resolve cases of persons going missing in armed conflict. The present submission highlights these developments and makes recommendations concerning the use of casualty recording to prevent people from becoming missing in armed conflict.

Casualty recording is the practice of systematically identifying individuals killed in armed conflict, documenting the details of their death, and making these records publicly available.³ States' obligations under international law regarding casualty recording arise from many of the same sources as states' obligations concerning missing persons.⁴

There are two main differences between casualty recording and work focused on the missing. The first is that casualty recording is triggered by evidence that an individual has been killed. Casualty recorders' task is to identify (or enable the identification of) the victim and the circumstances of their death, record these details, and make them publicly available. In contrast, those searching for the missing start by knowing the identity of the individual concerned. Their role is to determine whether the person in question is living or deceased, their fate and whereabouts, and to provide such information to the victim's family. In her report on mass graves, the Special Rapporteur on extrajudicial, summary or arbitrary executions highlighted that identification and acknowledgement of the dead has a

¹ [Every Casualty Counts](#) is an independent non-governmental organisation with ECOSOC special consultative status. It is registered with the Charity Commission of England and Wales and has IRC 501(c)(3) status in the United States of America.

² United Nations, General Assembly, *Missing persons: report of the Secretary-General*, [A/75/306](#) (11 August 2020)

³ For more information on casualty recording see www.everycasualty.org.

⁴ For detailed analysis of the elements of international law relevant to states' obligations on casualty recording see Breau, S and Joyce, R. (2011) '[Discussion Paper: The legal obligation to record civilian casualties of armed conflict](#)'.

dual purpose. It is both an essential right and need of families of the missing and ‘an acknowledgment that, for many reasons, broader society must also know the truth.’⁵

In his [2020 report on missing persons](#), the Secretary-General recommended that states should prioritize prevention, preparedness and early action, and strengthen measures to prevent cases of missing persons. Casualty recording can and should be one of these preventive measures.

Many of the persons reported as missing in armed conflict have been killed. Transparent recording of casualties as soon as possible after death is an effective action to prevent persons becoming missing in armed conflict, even if some details are initially incomplete. It can also help identify where resources are needed to aid in the recovery, analysis, and identification of deceased persons. When basic details of fatal incidents are not documented as soon as possible, essential identifying information can be lost rapidly. Where families and communities are dispersed by violence, and medical, legal and death-care infrastructure is disrupted, the identity of the deceased – or the very fact of their death – can easily become permanently unknowable. This perpetuates the suffering of victims’ families, which can last a lifetime. When substantial sectors of the surviving population are affected in this way, it can also create social tensions and conditions which propagate further conflict.

Comprehensive and fully verified casualty records of a conflict can take decades to complete. However, basic steps can and should be taken during and immediately after conflict to preserve essential casualty information. This information can, in turn, prevent or resolve a significant number of missing persons cases.

2. International legal and institutional framework

Every Casualty Counts asserts that international humanitarian law, international human rights law, and customary international law impose several specific obligations on states relating to the missing and deceased in armed conflict. The obligations which arise from human rights law apply even in situations where protracted armed violence does not meet the legal threshold to be considered ‘armed conflict’. All obligations are applicable to both civilians and military personnel.

The obligations require states to:

- a) Collect all casualties of armed conflict from the area of hostilities as soon as circumstances permit;
- b) Ensure the remains of the dead are not despoiled and mutilation of dead bodies is prohibited;
- c) Take all reasonable steps, within the capacity of the respective authorities, to identify the deceased and to determine the cause of death;

⁵ United Nations, General Assembly, *Mass graves, highlighting the multitude of sites of mass killings and unlawful deaths across history and the world: Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions*, [A/75/384](#) (12 October 2020).

- d) Uphold the right of relatives of the deceased to learn their fate;
- e) If at all possible, return the remains of the deceased to their relatives;
- f) Ensure the dead are buried with dignity and in accordance with their religious or cultural beliefs;
- g) Ensure the dead are buried individually and not in mass graves;
- h) Ensure graves are maintained and protected;
- i) Ensure the location of the place of burial is recorded by the party to the conflict in control of that territory.

General Assembly resolution 75/184 (2020)⁶ and Security Council resolution 2474 (2019)⁷ affirmed these obligations. The Secretary-General's 2020 report on protection of civilians in armed conflict also recognised and supported these legal standards. In particular, the report stated that:

Under international humanitarian law, parties are required to prevent persons from going missing and to take all feasible measures to account for those reported missing as a result of armed conflict. International humanitarian law also provides for the right of families to receive information on the fate and whereabouts of their missing relatives...⁸

It also stated:

*All Member States need to ensure that they have in place appropriate laws, policies and institutional frameworks or mechanisms to prevent people from going missing, to search for missing people and to respond to the needs of their relatives in situations of armed conflict. **Key measures include: the systematic registration, centralization and timely transmission of information on protected persons to their families, in particular detainees and the dead;**⁹ (Emphasis added.)*

The Special Rapporteur on extrajudicial, summary or arbitrary executions has also highlighted that:

Under international law, the exhumation of mass graves, their investigation and the search for the disappeared or the missing is, above all, the obligation of the State and all parties to a conflict. International humanitarian law recognizes that, when States fail to act, international organizations should step in. Civilians can “assist in the search for and collection of the dead”, although this does not relieve States of their obligations.¹⁰

⁶ General Assembly resolution 75/184, *Missing persons*, [A/RES/75/184](#) (16 December 2020).

⁷ Security Council resolution 2474, [S/RES/2474](#) (11 June 2019).

⁸ United Nations Security Council, *Protection of civilians in armed conflict: report of the Secretary-General*, [S/2020/366](#) (6 May 2020).

⁹ *Ibid.*

¹⁰ United Nations, General Assembly, *Mass graves, highlighting the multitude of sites of mass killings and unlawful deaths across history and the world: Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions*, [A/75/384](#) (12 October 2020).

This is an important recognition of the legitimacy of civil-society led initiatives to record casualties and identify missing persons.

3. Developments since the previous reporting period

On 27 May 2020, at the meeting of the Security Council on Protection of civilians in armed conflict, the Group of Friends of the Protection of Civilians in Armed Conflict highlighted the benefits of digital technologies ‘for more efficient clarification in cases of missing persons, as well as in the recording of casualties’.¹¹

In July 2020, the Human Rights Council adopted a resolution on the Syrian Arab Republic which called upon parties to the armed conflict to ‘take all appropriate measures to actively search for persons reported missing, to enable the return of their remains, to record and identify all those killed, to account for persons reported missing without adverse distinction’.¹² The resolution also called on parties to the conflict ‘to put in place appropriate channels enabling response and communication with families on the search and recording process’.¹³ The same resolution noted that lack of casualty records and official death certificates restricted the rights of survivors, particularly for women and children.

In September 2020, Afghanistan presented a statement to the Human Rights Council on behalf of a group of 50 states noting the direct complementarity of casualty recording and efforts to account for missing persons in armed violence and conflict.¹⁴

On 5 February 2021, Liechtenstein, Croatia, Costa Rica and Afghanistan jointly organised an online event to explore the role of casualty recording in upholding human rights obligations, including in relation to the Missing.

In his 2021 annual report on the protection of civilians, the Secretary-General noted that ‘[g]ood practice in casualty recording helps to clarify the fate of missing persons’.¹⁵ He also highlighted that swift action, including to maintain and restore family links and ensure the adequate and dignified management of the dead, is critical to preventing people from going missing.¹⁶

¹¹ United Nations Security Council, *Letter dated 29 May 2020 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council*, Annex 66, [S/2020/465](#).

¹² United Nations Human Rights Council resolution 43/28, *Situation of human rights in the Syrian Arab Republic*, [A/HRC/RES/43/28](#) (22 June 2020).

¹³ Ibid.

¹⁴ Afghanistan on behalf of Cross Regional Core Group (Afghanistan, Costa Rica, Croatia, Liechtenstein), 45th Session of the Human Rights Council, Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (general debate) [Joint Statement on Casualty Recording](#) (22 September 2020).

¹⁵ United Nations Security Council, *Protection of civilians in armed conflict: Report of the Secretary-General*, [S/2021/423](#) (3 May 2021).

¹⁶ Ibid.

In a statement delivered at the Security Council on 25 May 2021, the Group of Friends of the Protection of Civilians in Armed Conflict reiterated that ‘prompt and transparent casualty recording can prevent persons from going missing in armed conflict’.¹⁷

At its 47th regular session in July 2021, the Human Rights Council made further reference to the link between casualty recording and missing persons in Syria. In resolution A/HRC/47/18 the Council recognised ‘the vital work of Syrian organizations of victims, survivors and families working on the issue of missing persons, including those subjected to enforced disappearance, supports their efforts to compile a comprehensive, transparent record of all casualties of the conflict and acknowledges the importance of their work regarding urgent access to information about those missing and disappeared and the need for accountability and justice for the victims and their families.’¹⁸

The report of the Working Group of the Universal Periodic Review on Somalia included a recommendation to take steps to develop a verified, comprehensive and publicly accessible record of all casualties of armed conflict, in collaboration with civil society, OHCHR and the United Nations Assistance Mission in Somalia.¹⁹ Prompt recording and publication of information on casualties during armed conflict is an important preventive measure against the risk of persons becoming missing.

On 21 September 2021, a group of states led by Liechtenstein and Croatia organised an online event to consider casualty recording in Syria, including its relationship to the search for the Missing.

In her oral update to the 48th regular session of the Human Rights Council on conflict related deaths in Syria, the High Commissioner on Human Rights highlighted that ‘[d]ocumenting deaths is directly complementary to efforts to account for missing people.’²⁰ In this update, the High Commissioner reported that her office had so far been able to individually identify and account for 350,209 of the individuals killed in Syria between March 2011 and 2022. Although this number is by no means representative of the total death toll, it incorporates a significant number of persons who would otherwise be recorded as missing.

In January 2022, in his statement to the Security Council 8953rd meeting on ‘War in cities: protection of civilians in urban settings’, the Secretary-General noted that ‘[r]ecording casualties can help clarify the fate of missing people.’²¹

¹⁷ United Nations Security Council, *Letter dated 27 May 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council*, Annex 54, [S/2021/505](#).

¹⁸ Human Rights Council resolution 47/18, *Situation of human rights in the Syrian Arab Republic*, [A/HRC/RES/47/18](#) (13 July 2021).

¹⁹ United Nations, General Assembly, *Report of the Working Group of the Universal Periodic Review: Somalia*, [A/HRC/48/11](#) (7 July 2021).

²⁰ [Oral update on the extent of conflict-related deaths in the Syrian Arab Republic](#), Statement by Michelle Bachelet UN High Commissioner for Human Rights, 48th Session of the Human Rights Council (24 September 2021).

²¹ UN SCOR, 77th Sess., 8953rd mtg., [UN Doc S/PV.8953](#) (25 January 2022).

The 49th regular session of the Human Rights Council adopted a resolution which noted the oral update from the High Commissioner at the previous session and ‘emphasize[d] the importance of such comprehensive, verifiable and transparent records of the casualties of the conflict’. The resolution requested the Office of the High Commissioner to continue to document and publish civilian deaths and to submit a report thereon for the fiftieth session of the Human Rights Council.²²

4. Measures to prevent persons from going missing

Enacting national legislation

Dignified disposition of the deceased in mass casualty contexts requires authorities to balance different obligations. The deceased should be afforded the necessary cultural and religious rituals but this should factor in the need for identification and, where necessary, determination of cause of death, especially when war crimes and other atrocities are suspected. All possible steps should be taken to identify the deceased before final disposition, particularly in cases of cremation, and to record the location of their remains.

International law requires that burial or cremation of victims of armed conflict should be carried out individually as far as circumstances permit, unless unavoidable circumstances require the use of collective graves.²³ This requirement, fundamental to respect for human dignity, is necessary to allow accurate identification of the deceased, thereby preventing them from becoming Missing. New regulations published by the Russian authorities in December 2021 expediting the use of mass burials during armed conflict are contrary to these principles and should be overturned.²⁴

Other preventive measures

The High Commissioner for Human Rights recommended that the Government of Afghanistan strengthen the efforts of the National Security Council and the Afghan national security forces to systematically document harm to civilians from conflict-related incidents.²⁵ Such records, when produced promptly and shared with relevant parties, can

²² Human Rights Council resolution 49/27, *Situation of human rights in the Syrian Arab Republic*, [A/HRC/RES/49/27](#) (28 March 2022).

²³ [Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#), Article 17, Geneva, 12 August 1949; [Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea](#), Article 20, Geneva, 12 August 1949; [Geneva Convention III relative to the Treatment of Prisoners of War](#), Article 120, Geneva, 12 August 1949; [Geneva Convention IV relative to the Protection of Civilian Persons in Times of War](#), Article 130, Geneva, 12 August 1949.

²⁴ Ministry of the Russian Federation for Civil Defence, Emergencies and Elimination of Consequences of Natural Disasters (2021) [ГОСТ Р 42.7.01-2021 «Гражданская оборона. Захоронение срочное трупов в военное и мирное время. Общие требования»](#) [*GOST R 42.7.01-2021 Civil Defence. Burial of urgent corpses in wartime and peacetime. General requirements*] (accessed 6 April 2022).

²⁵ United Nations, General Assembly, *Situation of human rights in Afghanistan, and technical assistance achievements in the field of human rights, Report of the United Nations High Commissioner for Human Rights*, [A/HRC/46/69](#) (15 January 2021).

help prevent persons from becoming missing by giving survivors clarity on their loved one's fate at an early stage.

The Independent International Commission of Inquiry on Syria has repeatedly urged parties to the conflict, including coalition states, to strengthen the processes of investigation into civilian casualties, and make the findings of such investigations public.²⁶ Such measures are essential for ensuring the identity of victims of fatal incidents is established and acknowledged, as well as for investigating possible violations of international humanitarian law. This proactive approach to investigation of fatalities allows surviving relatives to know the fate of their loved ones in a timely manner, without having to pass through the arduous process of reporting and searching for information on a missing person. This is particularly relevant where families and communities have been displaced by the conflict.

People on the move share some of the vulnerabilities of people living in situations of armed conflict, and each year thousands go missing while attempting to move between countries. Initiatives to locate missing migrants, including within the framework of the Global Compact on Migration, can provide valuable models for use in situations of armed conflict. Initiatives to locate migrants who have become missing often incorporate processes to identify and document the deceased.²⁷ For example, El Salvador has created a database of genetic profiles of the deceased in order to aid its efforts to identify missing migrants.²⁸ Databases of known casualties may likewise assist efforts to identify and locate missing persons in armed conflict.

To maximise their effectiveness, and facilitate the sharing of information internationally, such mechanisms and databases should adhere to agreed standardised approaches for the collection, verification and recording of information. In this regard, in July 2021 the Special Rapporteur on extrajudicial, summary or arbitrary executions called for the establishment of an international permanent multi-stakeholder mechanism for the governance and coordination of the search, identification and tracing of missing migrants and refugees, and the treatment of dead migrants and refugees.²⁹

5. Measures to clarify the fate and whereabouts of missing persons

National institutions

Standardised procedures for documenting and tracking the deceased as they pass through medical and death-care services is an important means for preventing persons becoming missing. This is particularly relevant in situations of armed violence and conflict where the number of cases being handled is substantially higher than the relevant services' usual capacity. For example, the High Commissioner for Human Rights reported that following the

²⁶ United Nations, General Assembly, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, [A/HRC/49/77](#) (8 February 2022).

²⁷ United Nations, General Assembly, *Human rights of migrants: report of the Secretary-General*, [A/HRC/45/30](#) (3 September 2020).

²⁸ Ibid.

²⁹ Human Rights Council, advance unedited version, *Extrajudicial, summary or arbitrary executions: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*, [A/HRC/47/33](#) (7 June 2021).

killing of at least 62 people on 14 March 2021 by security forces in Hlaingtharya Township, western Yangon (Myanmar), there was a lack of coordination between medical authorities which resulted in some bodies going missing.³⁰

In contrast, in Colombia authorities have been proactive in preventing the deceased from becoming permanently unidentifiable. Anticipating the increased death rate due to COVID-19, the Unit for the Search for Persons Deemed Missing in the Context of the Armed Conflict made recommendations to public cemeteries and morgues to prevent unidentified bodies from disappearing or being dispersed.³¹

The Unit also began to implement a strategy to determine the total number of disappeared persons by crosschecking the databases of the National Registry of Missing Persons and the National Centre for Historical Memory.³² This example illustrates the direct link between the task of searching for the missing and identifying the deceased. Where these tasks are fulfilled by different entities, States should ensure effective communication and collaboration between them. Consideration should be given to combining these roles within a single entity.

Accountability

The Commission of Inquiry on Burundi reported that as of January 2020, the Truth and Reconciliation Commission of Burundi had identified 142,505 Burundians killed or missing from the time of independence in 1962 until the end of the civil war in December 2008. Reportedly, the Commission has information on the conditions in which the victims were killed or reported missing, and on the perpetrators.³³ Following consultation with survivors and victims' relatives, these records should be made publicly available to assist families still searching for missing relatives and form a permanent record of the lives lost.

Accurate and transparent publication of information recognising casualties of the armed violence in Burundi may address some of the risk factors for atrocities identified by the Commission of Inquiry. These risk factors include social trauma caused by the failure to adequately address past instances of violence, and biased accounts or denials of serious human rights violations.³⁴

Inadequate or non-existent casualty records hamper judicial processes concerning missing persons and lead to revictimization of survivors and witnesses. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence highlighted his astonishment at the number of crimes and massacres in El Salvador that had still not been

³⁰ Human Rights Council, Conference room paper, *Supplementary information to the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar since 1 February 2021*, [A/HRC/48/CRP.2](#) (21 September 2021).

³¹ United Nations, General Assembly, *Situation of Human Rights in Colombia: Report of the High Commissioner for Human Rights*, [A/HRC/46/76](#) (17 March 2021).

³² *Ibid.*

³³ United Nations, General Assembly, *Report of the Commission of Inquiry on Burundi*, [A/HRC/45/32](#) (13 August 2020).

³⁴ *Ibid.*, Annex IV.

mapped, recorded or documented.³⁵ He recommended that all the massacres that had occurred in the country should be immediately recorded and documented, for use in judicial proceedings and for the preservation of historical memory.

The Special Rapporteur also emphasised that investigation and documentation processes that take place during conflicts are very valuable because they involve the collection of evidence and testimonies that will subsequently prove to be highly important for accountability initiatives.³⁶ Casualty recording is a pertinent example of this type of time-sensitive documentation process.

It is also important to recognise that accountability processes, including criminal proceedings, are not always survivors' priority. The Special Rapporteur on freedom of religion or belief noted that some minority communities in Iraq believe that effective reconciliation must prioritize truth-finding, searches for the missing (including exhumation of mass graves) and memorialization of the dead and disappeared over criminal justice proceedings.³⁷ Comprehensive, accurate and publicly available casualty records should be a component of these efforts.

6. Conclusions and recommendations

In the chaotic and quickly changing circumstances presented by armed conflict, evidence of fatal incidents can quickly be destroyed and witnesses dispersed. This greatly increases the number of persons who will become missing. Attacks on healthcare facilities and providers can also damage essential forensic services, further undermining states' capacity to identify and account for the deceased in conflict.

To mitigate against these challenges, states must be proactive in gathering, recording, and sharing information on casualties as soon as the situation allows and for as long as is necessary. If authorities do not begin to gather information on fatalities until persons are formally reported missing, and/or institutions and structures are established to manage the search for missing persons, the challenges are greatly increased as key information may already have been lost.

We urge states and parties to armed conflict to:

- Collect all casualties of armed conflict from the area of hostilities or areas under the party's control, as appropriate, as soon as circumstances permit;
- Take all reasonable steps to identify the deceased, determine the circumstances of death, and record this information systematically using a standardised approach;

³⁵ United Nations, General Assembly, *Visit to El Salvador: Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*, [A/HRC/45/45/Add.2](#) (9 July 2020).

³⁶ United Nations, General Assembly, *Memorialization processes in the context of serious violations of human rights and international humanitarian law: the fifth pillar of transitional justice: Report of the Special Rapporteur on promotion of truth, justice, reparation and guarantees of non-recurrence*, [A/HRC/45/45](#) (9 July 2020).

³⁷ Human Rights Council, advance unedited version, *Rights of persons belonging to religious or belief minorities in situations of conflict or insecurity: Report of the Special Rapporteur on freedom of religion or belief*, [A/HRC/49/44](#) (2 March 2022).

- Avoid targeting healthcare and related facilities, which often house essential forensic infrastructure and practitioners;
- To the greatest extent possible, through appropriate channels, provide relatives of the deceased with all relevant information they have on the fact and circumstances of their death; and
- With due consideration for the security and wishes of survivors, make information on casualties available promptly and publicly in the language(s) of the affected communities.

These steps should be taken automatically as soon as states or non-state parties to armed conflict become aware of a fatal incident, regardless of whether a person has been reported as missing or not. Identification, documentation and acknowledgement of the deceased should never be delayed pending the establishment of specific policies, institutions or structures to manage the search for missing persons. Information should be recorded on all casualties, including both civilians and military personnel, without adverse distinction.

International organisations and states not party to conflict can support these efforts by:

- Calling for and supporting the establishment of effective, independent, and adequately resourced mechanisms to conduct thorough, prompt, impartial and effective documentation of casualties of armed conflict;
- Cooperating with each other, civil society organisations, and other concerned actors working in this area, to establish and implement standardised approaches to casualty recording including the collection, protection and management of data;
- Supporting the work of independent, civil society led casualty recording organisations, and facilitating the sharing of best practices; and
- Reiterating the obligations of all parties to armed conflict to fully implement their obligations and commitments concerning missing persons and casualty recording under relevant international law.