



# General Assembly

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## Human Rights Council

### Fifty-first session

12 September–7 October 2022

Agenda item 4

**Human rights situations that require the Council's attention**

### **Written statement\* submitted by Every Casualty Worldwide, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 August 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

## **Upholding the right to life by recognising every person in death : The role of the Council in ensuring all casualties are recorded.**

Every Casualty Counts welcomes resolution 50/11 on Importance of casualty recording for the promotion and protection of human rights, adopted by this Council at its previous session. This resolution recognised the importance of casualty recording for upholding fundamental human rights, including in particular the Right to Life.

Thorough, accurate and highly detailed records of casualties have been produced by civil society actors in many conflicts and situations of gross human rights violations. The Book of Lost Lives includes details of every fatality of the Northern Ireland conflict. The Documentation Centre of Cambodia database contains biographical details of more than 28,000 victims of the Khmer Rouge. The Books of the Dead document casualties from all sides of the 1990s wars in the Balkans, and contain details of the life and death of hundreds of thousands of individuals. Yad Vashem has compiled the names and biographies of almost 5 million individual victims of the Nazi Holocaust. This visceral need to identify and acknowledge those killed in armed conflict, and in other situations of gross human rights violations, appears to be universal across time and place.

Through its resolutions and the entities it has mandated, this Council has also supported and contributed to the identification and documentation of casualties of armed conflict.

In resolution S-28/1, the Council mandated a commission of inquiry to investigate human rights violations arising in the context of large-scale civilian protests in Gaza beginning in March 2018. The Commission individually identified each of the 189 persons killed during the period under investigation and included details on 64 of these in its final report.

The UN Human Rights Monitoring Mission in Ukraine, which has received the endorsement of this Council in several resolutions, has documented individual civilian casualties since it was established in 2014. It continues to produce detailed monthly reports on casualties, including information on the age, sex and cause of death of individual victims.

In resolutions 46/22 and 49/27 the Council requested that OHCHR report on the extent of civilian casualties resulting from ten years of conflict in the Syrian Arab Republic. This resulted in reports which compiled the names and individual circumstances of death of hundreds of thousands of victims.

These examples demonstrate that even in the most challenging circumstances, where deaths number in the hundreds of thousands and violence is ongoing, it is possible to collect, verify and preserve detailed information on individual victims. Regrettably, however, these examples are exceptions to the rule. In the majority of situations of concern on its agenda, the Council has not requested or mandated a specific casualty recording role for existing or newly created entities. This means there is no active international support or encouragement for the documentation of casualties. This is particularly problematic in those situations where the state concerned is unwilling or unable to make efforts to document casualties itself, or support civil society to do so.

This disparity in the efforts made to identify victims of armed violence undermines respect for the equal value and dignity of every human being. Some deaths should not matter less than others.

It also fosters impunity, denies survivors access to justice and creates obstacles for accessing their economic and social rights, increases the suffering of the bereaved, facilitates genocide denial and hate speech, and creates barriers to peacebuilding and reconciliation.

High Commissioner Bachelet herself has repeatedly highlighted the importance of casualty recording as ‘key to the effective realization of a range of fundamental human rights - to know the truth, to seek accountability, and to pursue effective remedies. It can also facilitate survivors’ access to education, healthcare and property.’<sup>(1)</sup> She has also stressed that it directly complements efforts to account for missing people.

Every Casualty Counts urges the Council to uphold the equal dignity and value of every human person, in death as well as in life. To do this, the Council must encourage and assist all states to record casualties in situations of armed conflict or gross human rights violations. Where states remain unwilling or unable to do so consistently and transparently, the Council must encourage and enable other entities to take on this role effectively. This might be through existing mechanisms and offices, newly created mandates, or capacity building and support for civil society actors.

Investigating, documenting and acknowledging casualties falls within states’ obligations to investigate all possible violations of the right to life, including in situations of armed conflict. These obligations are non-derogable. They are not superseded by the applicability of international humanitarian law, but run in parallel to it.

To address these issues, Every Casualty Counts encourages the Council to take the following measures:

1. Ensure all entities mandated by the Council under Item 4 are authorised and resourced to undertake casualty recording, where the situation of concern is an armed conflict, gross human rights violations or other context of mass fatalities.
2. Provide technical support and capacity building as required to states affected by armed conflict or violence, to develop national casualty recording policies, procedures and infrastructure.
3. Hold to account states which do not uphold their relevant obligations under international human rights law to account for all persons missing or deceased in armed conflict within their territory, in areas under their control, or as a result of actions by the state’s military forces or other agents.
4. Recognise civil society casualty recorders as human rights defenders, providing them with support and protection as needed.

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