Oral Statement

UN Human Rights Council – 54th Regular Session, 11 September – 13 October 2023

Interactive dialogue on the report of the Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Every Casualty Worldwide (ECC) welcomes the report of the Special Rapporteur, which reiterates the legal duty of states to investigate potential gross violations of human rights and serious violations of international humanitarian law, including unlawful killings.

ECC takes this opportunity to highlight, however, that in situations of armed conflict it is often not clear that a violation may have taken place until and unless an initial investigation is conducted.

Members of the global Casualty Recorders Network have identified multiple occasions where states involved in armed conflict did not investigate fatal incidents because they claimed there was no evidence a potential violation had taken place, and therefore the duty to investigate was not triggered. Independent research conducted by civil society casualty recording organisations revealed evidence that violations had, in fact, occurred. These included instances where fatalities which the state believed to have been combatants were revealed to be civilians.

To remedy this lacuna, ECC encourages all states and other relevant actors engaged in situations of armed conflict to ensure basic details of every death are recorded promptly, comprehensively and transparently. These initial records are essential for identifying all deaths which may require further investigation under existing international law.

Is the Special Rapporteur aware of any state-led casualty recording initiatives which fulfil these requirements, and does he have further comments on this issue?

Thank you.