53rd session of the UN Human Rights Council

Resolution on casualty recording

Questionnaire on the impact of casualty recording in armed conflict and in the post-armed situation on the human rights of casualties and their families

**Description of casualty registration efforts in your country**

**How has casualty recording contributed or can it contribute to ending impunity for serious violations of international law, human rights and serious violations of international humanitarian law, including investigations into unlawful deaths and the search for missing persons?**

**How did casualty recording influence the raising of awareness and the protection of human rights in situations of armed conflict, i.e. in the time after the conflict where serious violations of human rights took place?**

**How did casualty recording affect the human rights of children, women, the elderly, persons with disabilities and persons belonging to national or ethnic, religious and linguistic minorities?**

**How has casualty recording affected areas such as the right to access to justice, the right to obtain an effective remedy and reparation, especially for casualties and their family members, the right to the truth, the right to life and other relevant human rights?**

**How has casualty recording affected prevention and how has it informed and improved local, national, regional or international responses to conflicts when they occur?**

Faced with a large number of casualties, dead, exiled, forcibly abducted, detained and missing persons, the Republic of Croatia conscientiously approached the issue of caring for its own citizens and already in 1991 institutionalized a framework in the face of more than 18,000 registered detained and missing persons, of whom 7,815 were found and released from captivity, while more than 4,000 people were forcibly taken from their homes and then repatriated through Bosnia and Herzegovina to the then free territory of the Republic of Croatia, and 5,224 bodies were exhumed from individual and mass, hidden graves found in all parts of the previously occupied territory of the Republic of Croatia. Thus, the direction for casualty recording was determined, which included three key standards:

* **Clear criteria for defining a casualty,**
* **Elaborate institutional framework that began to operate in a timely manner - already in the midst of the war, and**
* **Definition of the legal framework for the sake of legality.**

In June 1991, the Information and Research Department of the Ministry of Health of the Republic of Croatia was established, which operated within the Chief Medical Staff of the Ministry of Health. It had the task of daily updating the data on the wounded and dead through the system of computer and radio connections among the hospitals in the Republic of Croatia. The department played a key role in establishing a computer database of captured and missing persons and following their further fate. Consequently, and in accordance with the decision of the Government of the Republic of Croatia, the Department for Information and Research was tasked with launching and implementing three projects: "Suffering of the civilian population in the war against Croatia in 1991/92; Suffering of the civilian population in Vukovar; Death camps in Serbia".

In October 1991, the Government of the Republic of Croatia passed the *Decree on the Protection of the Casualties in the War for the Defence of the Republic of Croatia, and their Families*, which regulated the issue of casualties' family members, thus confirming the necessity of primarily protecting family members, which is still the basic assumption in resolving the issue of persons missing in the Independence War .

In accordance with the needs, in December 1991, the Republic of Croatia established two special bodies - the *Commission for Searching for Persons Gone Missing in Action in the War in the Republic of Croatia,* with the purpose of collecting and processing data on civilian and other casualties and missing persons from the areas involved in hostilities during the war, which defined cooperation with the International Committee of the Red Cross in searching for missing persons. In addition, the *Commission for the Treatment of Persons Captured in Armed Conflicts in the Republic of Croatia* was established, which carried out the repatriation and exchange of prisoners.

In May 1993, the two Commissions were merged into the *Commission for Detainees and Missing Persons* that, in cooperation with the International Committee of the Red Cross, was in charge of collecting and processing data on persons detained and gone missing in the territory of the Republic of Croatia during the Independence War. In addition, a Decree was issued on the establishment of the Office for War Casualties as a professional service to take care of the protection of war casualties and their families and the exercise of their rights and interests (Official Gazette of the Republic of Croatia 46/1993). The designation *casualties of war* included all persons killed and gone missing in the Independence War, their family members, military and civilian invalids, and persons who were in captivity or were repatriated/exchanged.

**Already at the very beginning of the aggression against the Republic of Croatia, it was assessed that recording (and related activities) could only be carried out properly through (institutional) interdepartmental cooperation**,which called for cooperation with the Ministries of Defence, Interior and Foreign Affairs, Justice and Health, and with the Croatian Red Cross. Cooperation with **humanitarian and international organizations** that were active in the territory of the Republic of Croatia during that period, namely the International Committee of the Red Cross (ICRC), the European Community Monitoring Mission, the Organization for European Security and Cooperation, the United Nations Commission on Human Rights and the International Criminal Court in The Hague. One of the important roles was also played by civil society associations that brought together family members of the casualties whose ante-mortem data additionally further supported the institutional casualty recording.

Bearing in mind that in recording casualties we are dealing with human drama, the Republic of Croatia recognized the unquestionable importance of reliable records of human losses in the Independence War. For this reason, the records that were made from 1991 until the liberation of the area in 1995, i.e. until the peaceful reintegration in 1998, were consolidated and within the scope of the scientific project of *Direct Demographic Losses of the Republic of Croatia in the Independence War* given to the **Croatian Independence War** **Memorial and Documentation Centre,** the public scientific institution and specialized archives for Independence War research.

Scientific collaborators have set up a **new methodology for verifying the previous records in order to break down and analyse the data**. The process itself is lengthy and includes the analysis of primary sources (original archival material, while material of recollecting character may only serve as supporting and by no means a primary source, due to the subjectivity of the teller), coordination of the authorities in charge of data collection, such as the Ministry of the Interior, carrying out the verification of each individual casualty with the help of the Ministry for Croatian Veterans, as well as other agencies such as the National Bureau of Statistics, registry offices, etc. It should be noted that some data are missing in the list of casualties, and currently, they are being systematically verified and supplemented in coordination with other state bodies. **Accurate and verifiable, unambiguous records prevent additional trauma to family members as well as the manipulation of the number of casualties and historical circumstances due to otherwise preliminary and possibly incorrect data.**

As regards the search for missing persons, the records of the missing persons are based precisely on the **clearly defined international standards** of the ICRC, according to which the search for a missing person is initiated at the request of the searcher (mainly close family members). **Such requests include the creation of a file with all identification data, circumstances of the disappearance, witness statements and medical documentation**.

In accordance with the requirements thus fulfilled, the request is sent through interdepartmental cooperation to the authorities in charge for verification, and if the information contained in the request is confirmed, the person is entered in the official Register of persons gone missing and persons killed in the Independence War whose place of burial is not known (status as of 9 March 2023: 1,816 missing persons).

Consequently, there is no *ad hoc* casualty recording, rather every information is verified precisely in order to **ensure the completeness and "correctness" of the records** as the only way to exclude any possible manipulation of the number of casualties and thus of other interpretations of the events related to the casualties. It is important to note that the Republic of Croatia's conscientious approach to such treatment is defined by the **Law on Persons Gone Missing in the Independence War** (Official Gazette of the Republic of Croatia 70/19) that prescribes keeping records (as well as the entire process of searching for persons gone missing in the Independence War), whereas by-laws (regulations arising from the Law) prescribe the manner in which the records must be kept.

In addition to other key organizations, the Republic of Croatia continued cooperation with the ICRC even in the peacetime period as well. One of the number of projects is related to the casualty recording. Namely, the Ministry for Croatian Veterans, in cooperation with the ICRC, publishes the *Book of Persons Gone Missing in the Territory of the Republic of Croatia*, where they list the names of persons gone missing in the territory of the Republic of Croatia during the Homeland War. To date, the book has been published four times, with the intention of making it easier for family members of the missing persons to exercise their rights to learn the truth about the fate of their loved ones.

Furthermore, effective casualty recording **provides a clearer understanding of the vulnerability of different population groups**, and their quantitative presentation can particularly indicate the suffering of the groups specially protected under international humanitarian law (women, children, the elderly, minority groups in society) and guide activities to protect their human rights as the most vulnerable groups in society. In this sense, and considering the severity of war casualties in the Republic of Croatia, especially in 1991, the recording was carried out with the **aim of ensuring timely care** for the casualties and their family members, in order to fully protect their human rights endangered in the war.

Casualty records, which were made in the midst of the war, **directed professional services towards the implementation and coordination of the work related to the protection of war vistims and their family members**.

Today, the Republic of Croatia, on the basis of these records and the data derived from them, ensures comprehensive care for the victims within the existing institutional and legal frameworks that underwent periodical changes in accordance with new situations and needs.

Comprehensive care for **victims and their family members**, in particular groups specially protected by international humanitarian law (women, children, the elderly) implies the comprehensive protection of their human rights. Specifically, during the armed conflict, this care referred to the protection of human life itself and the provision of conditions with the aim of reducing the impact of the armed conflict on living conditions.

Once the armed conflict ended, this comprehensive care was focused on solving the consequences of the war, normalizing the living conditions of the victims and their family members.

Precisely for this reason, and with the goal of a just and timely protection, comprehensive casualty records are essential as a starting point for guiding certain professional services in the exact direction of ensuring fundamental human rights.

In addition to helping to more clearly understand the vulnerability and determine the needs of all groups of war casualties, recording Homeland War casualties also **helped to understand the dynamics of violence against them**. Thus, after the most gruesome events (such as the liquidation of the wounded from the Vukovar hospital, the massacres of civilians in Škabrnja and other temporarily occupied parts of the Republic of Croatia), casualty recording that started in the midst of the war in 1991 helped raise the awareness of the international community and engagement in political efforts to **reduce the escalation of armed aggression against the Republic of Croatia** (signing of the Sarajevo Armistice). Therefore, a systematic and comprehensive casualty recording can help recognize the dynamics of violence and the **necessary solutions to guarantee that the worst violations of human rights are not repeated**.

Casualty recording also brings **individual recognition, dignity and individual acknowledgment of each victim**. It is the individual recognition of each casualty that has at least a double effect. More than anything, it implies the individual assurance of the right to the truth about the individual experience of a severe violation of human rights as well as the assurance of a "memory". That being said, individual recognition of each casualty, through casualty recording, plays even today almost a crucial role regarding the issue of **prosecuting the perpetrators of war crimes**. In this sense, the systematic recording of casualties of the atrocities committed during the armed aggression against the Republic of Croatia helped to establish the link between the casualties and the critical events that were the subject of investigations into the perpetrators of war crimes.

Finally, the tentative results that we have today, and based on the criteria of territoriality (area of ​​the Republic of Croatia) and circumstances of suffering (suffering related to wartime circumstances), approximately 19,500 people were killed in the Republic of Croatia and absolutely all casualties were recorded, without discrimination on the basis of their ethnic origin. Since in the recent decades the nature of crises and warfare have changed, increasing the share of civilian casualties, it is estimated that 32% of the total number of casualties in the Republic of Croatia were civilians.

Consequently, guided by clear criteria similar to those established in 1991, casualty recording must be based on an institutional approach, a scientific methodology that includes the analysis of primary sources and multiple verifications with the competent authorities of the Republic of Croatia, so that every casualty is equally recorded without any discrimination.