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Protection of the Dead
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Note on the National Information Bureau*

The 1949 Geneva Conventions[1] foresee different processes to ensure that parties to an international armed conflict (IAC) account for enemy protected persons who find themselves in the party's hands in the most efficient and protective manner.[2] In order to achieve this, parties must ensure that information on the identity and situation of such persons in their hands is collected and transmitted so that it reaches the powers and countries concerned[3] and the families of those persons. To that end, parties are

* This note was prepared by the Legal Division of the International Committee of the Red Cross.

1 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, 75 UNTS 31 (entered into force 21 October 1950) (GC I); Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, 75 UNTS 85 (entered into force 21 October 1950) (GC II); Geneva Convention (III) relative to the Treatment of Prisoners of War of 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950) (GC III); Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950) (GC IV).

2 International Committee of the Red Cross (ICRC), *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts: Building a Culture of Compliance for IHL to Protect Humanity in Today's and Future Conflicts*, Geneva, September 2024 (ICRC Challenges Report 2024), p. 26. See also Heike Spieker, "Family Links and Transmission of Information", in Andrew Clapham, Paola Gaeta and Marco Sassòli (eds), *The 1949 Geneva Conventions: A Commentary*, Oxford University Press, Oxford, 2015, p. 1111, para. 63.

3 On the meaning of the term "powers concerned", see ICRC, *Commentary on the Third Geneva Convention: Convention (III) relative to the Treatment of Prisoners of War*, 2nd ed., Geneva, 2020 (ICRC Commentary on GC III), Art. 122, para. 4733. See also ICRC, *Commentary on the Fourth Geneva Convention: Convention*

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obliged to establish a National Information Bureau (NIB),[4] which will be responsible for processing all this information prior to transmission.

Obligations specific to NIBs[5] and the Central Tracing Agency (CTA)[6] of the International Committee of the Red Cross (ICRC) are part of a wider framework of international humanitarian law (IHL) rules that protect separated families and those who go missing or die in the context of armed conflicts.[7] Through these rules, the drafters of the Geneva Conventions envisaged multiple information pathways to prevent people from going missing and to ensure that families are informed as efficiently and quickly as possible about the fate and whereabouts of their loved ones. Importantly, at the centre of all these obligations is the right of families to know the fate of their relatives.[8]

This note provides a comprehensive overview of the NIB, outlining its tasks and functions as well as measures that States should take to enable the proper functioning of the Bureau upon the outbreak of an IAC.[9]

What is a National Information Bureau?

In a nutshell, an NIB is essentially a system or entity that is set up to collect, process and transmit information relating to persons in enemy hands in situations of armed

(IV) relative to the Protection of Civilian Persons in Time of War, 2nd ed., Geneva, 2025 (ICRC Commentary on GC IV), Art. 140.

4 GC III, Arts 122–123; GC IV, Arts 136, 140. Article 122 of GC III imposes the same obligation on neutral States receiving prisoners of war (PoWs) and persons entitled to PoW treatment. For a concise overview of the National Information Bureau (NIB) provisions, see ICRC, "Overview of the Legal Framework Governing National Information Bureaux", Geneva, April 2022, available at: https://shop.icrc.org/overview-of-the-legal-framework-governing-national-information-bureaux-pdf-en.html (all internet references were accessed in August 2025).

5 See e.g. GC III, Arts 122–123; GC IV, Arts 136, 140.

6 Together with the Family Links Network of National Red Cross and Red Crescent Societies (National Societies), the CTA has been at the heart of efforts to keep families together, reunite them and help them stay in touch, to prevent people from going missing, to search for the missing, to protect the dignity of the dead and to ensure that the rights and needs of families are addressed. Its mandate is rooted in the 1949 Geneva Conventions, their Additional Protocol I of 1997, and the Statutes of the International Red Cross and Red Crescent Movement. The CTA's mandate and role are also based on numerous resolutions of the International Conference of the Red Cross and Red Crescent. See Helen Obregón Gieseken and Ximena Londoño, "Looking for Answers: Accounting for the Separated, Missing and Dead in International Armed Conflicts", *Humanitarian Law and Policy Blog*, 11 April 2022, available at: https://blogs.icrc.org/law-and-policy/2022/04/11/separated-missing-dead-international-armed-conflicts/. See also the article by Helen Obregón Gieseken and Ximena Londoño in this issue of the *Review*: Helen Obregón Gieseken and Ximena Londoño, "Dignity in Death: International Humanitarian Law and the Protection of the Deceased in War", *International Review of the Red Cross*, Vol. 108, No. 929, 2025.

7 GC I, Arts 15–17, 20; GC II, Arts 18–20; GC III, Arts 17, 70–71, 120–121, 125–126; GC IV, Arts 16, 25–26, 106–107, 129–131, 136–143; Protocol Additional (I) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (API), 1125 UNTS 3, 8 June 1977 (entered into force 7 December 1978) (AP I), Arts 32–34, 74, 78(3); Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 1: *Rules*, Cambridge University Press, Cambridge, 2005 (ICRC Customary Law Study), Rules 105, 112–117, 123–126, available at: https://ihl-databases.icrc.org/en/customary-ihl/rules.

8 See AP I, Art. 32; ICRC Customary Law Study, above note 7, Rule 117. For further detail, see ICRC Challenges Report 2024, above note 2, p. 25.

9 See ICRC, above note 4.

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conflict. As stipulated in Geneva Convention III (GC III) and Geneva Convention IV (GC IV), parties to an IAC must establish an NIB upon the outbreak of such a conflict,[10] including in all cases of occupation.[11] Ideally, they would take certain measures in peacetime to allow the Bureau to be operational as soon as possible after the outbreak of an armed conflict.[12] In practice, in order to fulfil their required tasks, NIBs will also need to continue to operate for some time after the end of hostilities.

The purpose of the NIB is to enable States to account for persons in their hands who are protected under the Geneva Conventions by collecting, centralizing and transmitting information on these persons through the CTA and the Protecting Power, where relevant, and to ensure that this is done appropriately.[13] The NIB is also responsible for receiving and responding to enquiries about these protected persons.[14] Although the Geneva Conventions do not specify who can make an enquiry, these can be made by different individuals and entities, including the adverse party, the ICRC or its CTA, and family members.[15] The obligation to set up an NIB is also vested in any neutral State that may find or receive prisoners of war (PoWs), persons entitled to PoW treatment, wounded, sick, shipwrecked and deceased military personnel, or other protected persons in its territory.[16]

Persons covered by the provisions of the Geneva Conventions on the National Information Bureau

The Geneva Conventions' provisions on the NIB protect the different categories of persons outlined below.

1. Military personnel of the adverse party (Geneva Conventions I, II and III, and Additional Protocol I to the Geneva Conventions):

10 In NIACs, IHL provides fewer details on the processes that parties need to put in place to account for people falling into the hands of a party. In this regard, and although there is no obligation to establish an NIB in NIACs, parties to the conflict could conclude special agreements to record and transmit information on people deprived of their liberty in connection with the armed conflict, as well as to facilitate the search for missing people and the identification of the dead. See the below section on "Non-International Armed Conflicts", and for further details, see ICRC Challenges Report 2024, above note 2, p. 26; H. Obregón Gieseken and X. Londoño, "Dignity in Death", above note 6, section on "Accounting for the Dead in Non-International Armed Conflicts".

11 GC III, Art. 122; GC IV, Art. 136.

12 ICRC Commentary on GC III, above note 3, Art. 122, para. 4702.

13 GC III, Arts 122(3)–123; GC IV, Arts 137(1)–140. Originally, the Geneva Conventions foresaw the parallel transmission by the NIB to the CTA and the Protecting Power. However, given that the system of Protecting Powers has almost never been used, in practice the NIB transmits the information through the CTA ICRC Commentary on GC III, above note 3, Art. 122, para. 4732.

14 GC III, Art. 122; GC IV, Art. 136.

15 For further detail, see the below section on "Replying to Enquiries".

16 GC III, Art. 122(1). See also ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., Geneva, 2016 (ICRC Commentary on GC I), Art. 16, para. 1544; ICRC, *Commentary on the Second Geneva Convention: Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*, 2nd ed., Geneva, 2017 (ICRC Commentary on GC II), Art. 19, para. 1720.

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- PoWs and persons entitled to PoW treatment,[17] including those who die in custody, who are in the hands of the party to the conflict that is responsible for the NIB;[18]
- Wounded, sick, shipwrecked[19] or dead persons of the adverse party who fall into the hands of the party to the conflict that is responsible for the NIB.[20]

2. Protected persons, including civilians (Geneva Convention IV):

- "Protected persons" in the sense of GC IV[21] who are kept in custody for more than two weeks, who are interned or subjected to assigned residence by the party to the conflict or the Occupying Power responsible for the NIB;[22]
- Internees who died while being interned by the party to the conflict or the Occupying Power responsible for the NIB;[23]
- Children living in an occupied territory whose identity is in doubt.[24]

The categories listed above are those explicitly referenced in the Geneva Conventions when outlining the obligations of NIBs for parties to international armed conflicts. As described further below, however, there are other tasks that NIBs could be entrusted to perform in order to fulfil States' wider obligations on the separated, missing and dead in IACs, which could entail extending the remit of the Bureau beyond the categories of persons listed above.[25]

Tasks of the National Information Bureau under the Geneva Conventions

Under the Geneva Conventions, the NIB has four main tasks: receiving and collecting the information gathered by the national authorities of parties to an IAC,

17 Article 122 of GC III refers specifically to Article 4 of GC III. Logically, the obligations extend to persons covered by Article 5 of GC III and PoWs as defined in Articles 43 and 44 of AP I for States party to the Protocol.

18 GC III, Art. 122.

19 Similarly to what is referred to in above note 17, the obligations extend to persons as defined in Article 13 of GC I and GC II, and to the extent that these persons are military, in Articles 8, 43 and 44(8) of AP I for States party to the Protocol.

20 GC I, Articles 16–17; GC II, Art. 19; GC III, Art. 120. For an understanding of the meaning of "fall into enemy hands", see ICRC Commentary on GC I, above note 16, Art. 14, paras 8–11, and Art. 16, para. 1549.

21 See GC IV, Art. 4: protected persons under GC IV are those who "find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals". Nationals of neutral States and nationals of co-belligerent States are not regarded as protected persons in the home territory of a party to the conflict. However, nationals of neutral States who find themselves in a territory occupied by a party to a conflict are protected persons. Additionally, persons who, before the beginning of hostilities, were considered stateless persons or refugees are protected persons under Article 73 of AP I for States party to the Protocol. See also ICRC Commentary on GC IV, above note 3, Art. 4.

22 GC IV, Art. 136. See also ICRC Commentary on GC IV, above note 3, Art. 25, which clarifies that the obligation to record information provided in Article 138 of GC IV covers any type of detention.

23 GC IV, Art. 130. For more details on the basis for internment, see GC IV, Arts 42, 68, 78.

24 *Ibid.*, Art. 50.

25 See AP I, Arts 32–34; ICRC Customary Law Study, above note 7, Rules 116, 117.

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centralizing and transmitting it to the ICRC's CTA, receiving and responding to enquiries, and collecting and forwarding personal belongings. Each of these tasks is explained in more detail below.

Collecting and centralizing information

National authorities of parties to an IAC have an obligation to gather information related to the above-mentioned categories of persons.[26] National authorities include detaining authorities, hospitals, or medicolegal facilities, whether military or civilian. These authorities must gather the required information and share it with their NIB "within the shortest possible period".[27] The NIB thus relies on national authorities to carry out its tasks; it is responsible for receiving and centralizing – in one place – information for further transmission to the CTA.[28]

Similarly to above, the NIB must also centralize the information "within the shortest possible period".[29] The NIB can choose the method for doing so, including by using the most advanced technical and technological resources at its disposal so as to allow for rapid collection and transmission of information. As explained in the ICRC's updated commentary to Article 122 of GC III, "timely collection of such information by the competent authorities and its centralization by the [NIB] reduces the risk of persons going missing",[30] which is particularly relevant when PoWs and detainees have been transferred multiple times. This also includes taking all necessary steps in a timely manner, even in peacetime, to ensure that all relevant services and authorities, including those located outside the national territory of a party to the conflict, are prepared to collect and transmit information to their NIB from the outbreak of hostilities.[31] For instance, the authorities in charge of gathering the information and the NIB should have standard forms and standard operating procedures regulating the collection, processing, exchange and forwarding of this information. In this regard, national authorities and the NIB may opt for one joint case management system or separate, but interoperable, systems. In any case, authorities must ensure compliance with applicable legislation, including on data protection and the security and confidentiality of the information processed.[32]

Article 122 of GC III and Articles 136 and 138 of GC IV set out a list of information that the authorities are required to transmit to the NIB. While the type of information that must be collected varies slightly according to the category of persons in question, for all persons covered by the NIB provisions, the information to

26 GC III, Art. 122(2); GC IV, Art. 136(2).

27 GC III, Art. 122(2); GC IV, Art. 136(2).

28 GC III, Art. 122; GC IV, Arts 136, 138.

29 GC III, Art. 122(2); GC IV, Art. 136(2).

30 ICRC Commentary on GC III, above note 3, Art. 122, para. 4727.

31 For essential elements to ensure that the system in the Geneva Conventions operates effectively, see, notably, *ibid.*, Art. 122, para. 4747.

32 See *ibid.*, Art. 122, para. 4738; ICRC Commentary on GC IV, above note 3, Art. 136.

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be collected pertains to "particulars", or details,[33] about their identity, changes or updates to their situation, and information on the family members to be informed. The information sent to the NIB must enable the party and country concerned, which subsequently receives the information from the CTA, to quickly inform the person's family; it should be as accurate and complete as possible.[34]

The list of particulars that must be gathered is non-exhaustive. Parties can also collect additional information, which can be crucial to enabling identification and informing the family appropriately.

Information concerning PoWs and persons entitled to PoW treatment

The NIB must collect the identity details of PoWs[35] that can be obtained by the detaining authorities, for instance, through questioning PoWs or from capture cards.[36] PoWs are only required to provide certain information about themselves when questioned; even so, that information should constitute the bare minimum necessary for purposes of identification. In certain situations, there may be prisoners who, due to their physical or mental condition, are unable to state their identity. In such cases, they may be identified through their identity cards or their identity discs, by fellow prisoners, or through other methods (consistent with the requirements of Article 13 of GC III) such as the transmission of digital or analogue photographs or biometric identification procedures like fingerprints or retinal scanning.[37]

It is possible, however, that PoWs may refuse to provide any information. If they do so, they must in no way be subjected to physical or mental torture, nor to any other form of coercion, to secure information from them, and they also may not suffer any less favourable treatment (except privileges which they would have received because of their rank).[38] Obtaining information from PoWs requires a certain degree of cooperation of the PoW with the detaining authority, or in any case, compliance by all with the obligations on questioning PoWs found in Article 17 of GC III. It is of the utmost importance that detaining authorities, through IHL training, understand that while they are entitled to obtain certain basic information from PoWs,

33 In its ordinary meaning, the noun "particular" refers to a "detail". See "Particular", *Concise Oxford English Dictionary*, 12th ed., Oxford University Press, Oxford, 2011, p. 1044.

34 See ICRC Commentary on GC I, above note 16, Art. 16, para. 1541; ICRC Commentary on GC II, above note 16, Art. 19, para. 1731; ICRC Commentary on GC III, above note 3, Art. 122, para. 4727; ICRC Commentary on GC IV, above note 3, Art. 138.

35 Article 122(4) of GC III defines the type of particulars that the NIB is required to collect: surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the power on which the PoW depends, first name of the father and maiden name of the mother, name and address of the person to be informed, and the address to which correspondence for the prisoner may be sent.

36 Article 70 of GC III obliges the Detaining Power to permit PoWs to send a capture card to both their families and the CTA. Prompt communication following capture is essential to ensure that prisoners are accounted for and to prevent them from going missing or being subjected to enforced disappearance. See ICRC Commentary on GC III, above note 3, Art. 70, para. 3123.

37 *Ibid.*, Art. 17, para. 1833.

38 GC III, Art. 17(4).

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they are forbidden by law to use coercive methods. One measure that can be taken to support the functioning of the system is to ensure that all those who are liable to become PoWs are informed by their armed forces, before deployment, about the purpose for the collection of such information in case of capture. In this vein, they can be informed about the roles of the NIB and the CTA in ensuring that their families are kept informed. Taking such steps might help prevent any potential unnecessary reluctance on the part of PoWs to share personal identification information set out in Article 17 with the detaining authorities.[39]

The NIB must also collect information related to any change in the status or situation of PoWs that occurs while they are in the hands of the Detaining Power. This means that the detaining authorities must provide the NIB with information on any transfer, release, repatriation, admission to hospital or death,[40] as well as information on state of health.[41] As the relevant authorities already possess this kind of information, there can be no excuse for non-transmission, unlike for the collection of identity details, which are provided primarily by the PoW concerned and may thus not be in the possession of the detaining authorities. In addition, relevant authorities must regularly – every week, if possible – supply information regarding the state of health of seriously ill or seriously wounded PoWs to the NIB.[42]

If PoWs die in captivity, the detaining authorities must forward to the NIB the death certificate or certified lists showing their identity details and other circumstantial information such as the date and place of death, cause of death, place of burial, and all particulars necessary to identify their graves.[43]

Information concerning wounded, sick, shipwrecked or dead military personnel of the adverse party retrieved from areas of military operations, either on land or at sea

Parties to the conflict are required to collect any particulars that may assist in the identification of enemy wounded, sick, shipwrecked or dead[44] persons falling into their hands, and to forward this information to the NIB as soon as possible. The list of particulars that parties are required to collect is contained in Articles 16 of Geneva Convention I (GC I) and 19 of Geneva Convention II (GC II).[45]

39 ICRC Commentary on GC III, above note 3, Art. 122, para. 4780.

40 GC III, Art. 122(5); ICRC Commentary on GC III, above note 3, Art. 17, para. 4785.

41 For more on the collection of information related to persons' state of health, see the below section on "Information Regarding Admissions to Hospitals and the State of Health of Seriously Ill or Seriously Wounded PoWs or Internees".

42 GC III, Art. 122(6).

43 ICRC Commentary on GC III, above note 3, Arts 120, paras 4583–4584, and 122, para. 4783.

44 For more on accounting for the deceased in international armed conflicts, see H. Obregón Gieseken and X. Londoño, "Dignity in Death", above note 6.

45 Article 16 of GC I and Article 19 of GC II clarify the type of information that parties must record, concerning the person's individual identification (e.g., name, surname, date of birth), the circumstances in which they fell into the adverse party's hands (e.g., place of death), and details on the person's state (e.g., cause of death). As for other categories of persons, this list is illustrative. Examples of other information

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Information concerning "protected persons" who are kept in custody for more than two weeks, subjected to assigned residence, or interned

GC IV requires parties to the conflict to collect information related to the identity of protected persons (as defined in that Convention) in their hands and to provide it to the NIB. Such information can be obtained through questioning of protected persons or, in the case of internees, from internment cards.[46] The successful collection of identity details depends on the willingness of the protected persons to provide such information. The detaining authorities must use their best efforts to obtain this information and forward it to the NIB; it goes without saying, of course, that physical or moral coercion to this end is prohibited.[47]

The detaining authorities must also send the NIB information concerning any change in the status or situation of the protected persons.[48] This includes information related to transfers, releases, repatriations, escapes, hospital admissions, births and deaths.[49] As this information is known to the detaining authorities, there can be no excuse for not transmitting it to the NIB, which should ensure its receipt. In addition, the authorities must regularly supply the NIB with information on the state of health of seriously ill or seriously wounded internees – every week, if possible.[50]

Information concerning deceased (civilian) internees

The detaining authorities must transmit information regarding the death of internees to the NIB.[51] In addition, as soon as circumstances permit, and no later than the close of hostilities, the detaining authorities must forward lists of graves of deceased internees, including all details necessary for their identification, as well as the exact location of their graves, to the NIB.[52] Beyond the obligations of the Detaining Power to inform its NIB, the information concerning the death of internees must also be conveyed rapidly to the families concerned,[53] and arrangements must be made to facilitate the return of the human remains to their family so that they can bury their relative.[54] This could be particularly relevant, for instance, in cases where families

that parties can collect include body measurements and the names and addresses of family members. See ICRC Commentary on GC I, above note 16, Art. 16, para. 1559.

46 GC IV, Art. 106.

47 *Ibid.*, Art. 31.

48 For example, transfers, releases, repatriations, escapes, hospital admissions, births and deaths. *Ibid.*, Art. 136.

49 *Ibid.*, Art. 136(2).

50 *Ibid.*, Art. 138.

51 *Ibid.*, Art. 138. Article 129 of GC IV requires that an official record of death must be established, and a copy forwarded to the Protecting Power and the CTA.

52 *Ibid.*, Art. 130.

53 See ICRC Commentary on GC IV, above note 3, Art. 137.

54 See relevant obligations regarding the transmission of information to families and the return of human remains, including under AP I, Arts 32–34, and ICRC Customary Law Study, above note 7, Rules 116, 117, 123.

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are residing in occupied territory or where the deceased internee used to live with their family in the territory of the Detaining Power.

Information concerning children in occupied territory whose identity is in doubt

A special section of the NIB must be created by an Occupying Power to take all necessary steps to identify children in occupied territories whose identity is in doubt.[55] Identifying "children in situations of armed conflict, including occupation, is essential to ensuring that separated children can be reconnected with their families where possible".[56] The NIB should therefore collect and analyze all relevant data necessary for identification (including the child's name and surname, sex, place and date of birth, nationality, and parents' names and addresses), in consultation with the child and child protection agencies.[57] In accordance with Article 50(4) of GC IV, "[p]articulars of [the child's] parents or other near relatives should always be recorded if available".[58] This requirement is not exhaustive, however; other relevant information may also be taken into consideration as long as the information is recorded in the best interests of the child.

Information regarding admissions to hospitals and the state of health of seriously ill or seriously wounded PoWs and internees

As mentioned above, Article 122 of GC III and Article 140 of GC IV require the NIB to transmit information on admissions to hospitals and on the state of health of PoWs and internees who are seriously ill or seriously wounded. The following subsections provide additional detail on some of the relevant considerations for parties to IACs gathering and transmitting such information.

Admissions to hospitals

The phrase "admissions to hospitals" refers to cases where individuals require hospital care beyond what is available in a detention facility's medical centre (e.g., an infirmary). Specifically, hospitalization is necessary for those "suffering from serious diseases or whose condition requires special treatment, a surgical operation, or hospital care".[59] For instance, if adequate treatment is unavailable within the detention facility, the individual may need to be transferred to an external hospital or specialized medical facility. In cases such as these, the relevant authorities must send this information to the NIB, which must then transmit it to the ICRC's CTA. This

55 GC IV, Art. 50(4).

56 See ICRC Commentary on GC IV, above note 3, Art. 50.

57 See *ibid.*, Art. 50. See also GC IV, Art. 138. Further particulars, such as a photograph, biometric data, or blood group, may also help reduce the risk of mistakes.

58 GC IV, Art. 50(4).

59 GC II, Art. 30(2); GC IV, Art. 91(2).

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is also the case when the individual in question is discharged from the hospital or transferred back to a place of internment or detention.[60]

The state of health of the seriously ill or wounded

The requirement of providing information on the "state of health" of PoWs and internees who are seriously ill or wounded is informed by the meaning of "seriously wounded or seriously ill". In this regard, Articles 109 and 110 of GC III refer to cases in which a person would be considered seriously ill or seriously wounded.

In addition, the Model Agreement Concerning the Direct Repatriation and Accommodation in Neutral Countries of Wounded and Sick Prisoners Of War, annexed to GC III,[61] provides a list of what was understood in 1949 as serious injuries or illnesses justifying direct repatriation and accommodation in neutral countries. Overall, "in its ordinary meaning, an illness or wound is serious if it is significant or worrying in terms of danger or risk".[62] The rationale of the Model Agreement is that the interpretation of "serious" as "life-threatening or life-changing" remains applicable in today's environment, where, of course, medical care capabilities have evolved. In brief, the essence of what would be considered a "serious" wound or sickness, which would still be valid in today's environment, is its "life-threatening or life-changing"[63] character. This may include loss of limbs or appendages thereof (e.g., of a hand or a foot), sensory impairments like complete hearing loss or blindness, psychosocial impairments, or chronic injuries or diseases affecting vital organs like the heart, the lungs, the intestines, or the nervous system, especially where they require specialized ongoing care or drugs to prevent long-term complications.[64] Any such information concerning PoWs and internees must be shared with the NIB for onward transmission to the CTA, while being handled with strict confidentiality and possibly subject to other considerations based on medical ethics and data protection.[65] Sharing or disclosing such information may be permitted under recognized exceptions of medical confidentiality or other applicable privacy and personal data protection regulations; these exceptions include cases where the patient can consent, where disclosure is required by law, or where disclosure is justified in the public interest.[66]

60 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4790; ICRC Commentary on GC IV, above note 3, Art. 138.

61 See GC III, Annex I, "Model Agreement Concerning Direct Repatriation and Accommodation in Neutral Countries of Wounded and Sick Prisoners of War" (Model Agreement).

62 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4789.

63 See *ibid*., Art. 138. Guidance on what were considered serious illnesses and wounds in 1945 can be gathered from Arts 109–110 of GC III, and its Annex I, regarding the repatriation of seriously wounded or sick prisoners of war.

64 For further guidance, see Model Agreement, above note 61, which should be appraised in light of the contemporary environment.

65 See ICRC Commentary on GC III, above note 3, Art. 122, paras 4791–4792.

66 See ICRC Commentary on GC I, above note 16, Art. 16, para. 1578.

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Information on an individual's health status is inherently medical and highly sensitive. In this context, health-related information, including details of hospital admissions, should be "collected by duly qualified staff in full respect for applicable standards of medical ethics".[67] This means that such information should be provided by a doctor or, in the absence of a doctor, by another suitably qualified health professional. That said,

> is it not the role of the National Information Bureau to collect a detailed diagnosis but rather to collect information that will allow the Central Tracing Agency, the Power concerned and most importantly the families to know the reason why a person was admitted to hospital and, through regular updates, whether their condition has improved or worsened.[68]

Forwarding information to the ICRC's Central Tracing Agency for onward transmission to the power or countries concerned

After collecting and centralizing the information received from national authorities in charge of protected persons, the NIB must "immediately" and "by the most rapid means" transmit it to the parties to the conflict or countries concerned, through the CTA, in order for them to inform the families.[69] There should be an agreed means of forwarding information between a State's NIB and the CTA that ensures the security of this information.

In the case of PoWs, the NIB, through the CTA, transmits the information to the "powers concerned".[70] According to the ICRC Commentary on GC III,[71] "the meaning of the expression 'Powers concerned' is clarified in Article 123, which specifies that the Central Tracing Agency is to transmit the information received from the [NIB] to the Power on which the prisoner depends".[72] In the case of protected persons under GC IV, including civilians, it is sent to their country of origin and/or residence.[73] Although the CTA does not have an obligation under the Geneva

67 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4792. The Commentary also specifies that "[w]hen circumstances permit, the persons concerned should be informed of the reasons why this information is being collected and transmitted to the [NIB]. Access to this information by staff must be restricted to ensure confidentiality, and clear standard operating procedures adopted to specify, among other things, what type of information should be collected, retained and/or deleted."

68 See ICRC Commentary on GC IV, above note 3, Art. 138.

69 GC III, Arts 122(3)–(4), 123; GC IV, Arts 137, 140.

70 See above note 3.

71 See ICRC Commentary on GC III, above note 3, Art. 123, paras 4832–4835.

72 This means the party to the conflict to which the individual is attached. This is usually the same as the person's State of nationality, though in certain cases, a person may be fighting for a State of which they are not a national. This information is particularly important in the case of a conflict that involves several parties, so that the correct party, and in turn the families, are duly informed. *Ibid.*, Art. 122, para. 4781.

73 See ICRC Commentary on GC IV, above note 3, Art. 140.

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Conventions to transmit the information to the families, it has done so in practice for strictly humanitarian purposes.[74]

Under GC IV, the NIB and the CTA need to consider concerns expressed by protected persons and any related requests not to share information about their situation with the party or country concerned, especially when these are due to fear that the information might be used against them or their families.[75] If information might be detrimental to the person concerned or their family, the NIB must not transmit it to the party or country concerned, but it must still be transmitted to the CTA.[76] In relation to the exception of transmission provided for under Article 137(2) of GC IV, the detaining authorities must notify the CTA of "circumstances" in which the transmission of information would be deemed detrimental to the person concerned or their family. Detaining authorities are therefore required to collect such concerns and send them to the NIB, so that they can be conveyed to the CTA. Although the exception to the NIB's transmission obligation is not mentioned in GC III, the ICRC Commentary on Article 122 notes that "the absolute character of the obligation has to be reconciled with protection against the transmission of information that might be detrimental to the individual concerned and/or their family".[77] In these cases, the NIB must still transmit the information to the CTA, which can decide not to transmit it upon being notified of the circumstances by the NIB. In addition, the CTA may itself choose to suspend the transmission of information for protection purposes, in which case it may still transmit it directly to the family concerned if it considers that it can do so without prejudice to anyone.[78]

To ensure transmission "by the most rapid means", the authorities, based on their technological capacities, must try to use the most up-to-date methods of communication available, but should also consider the reliability and integrity of these methods. To give effect to this obligation, the CTA must, in turn, transmit the information "as rapidly as possible" to the powers concerned.[79]

The Geneva Conventions do not specify the authorities or bodies in receiving countries that must obtain information from the CTA. Accordingly, each State has the discretion to designate a specific entity responsible for the secure and effective reception and transmission of this information to families. In practice, National Red Cross and Red Crescent Societies (National Societies) can be tasked to perform functions related to receiving information from the CTA and transmitting it to the families of their compatriots who are in enemy hands. For members of the armed forces, information could also be sent to the department within their armed forces that is in charge of personnel, which should be in a position to inform families.

74 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4733; ICRC Commentary on GC IV, above note 3, Art. 140.

75 GC IV, Arts 137(2), 140(2).

76 *Ibid.*, Art. 137(2).

77 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4737.

78 See *ibid.*, Art. 122, para. 4841.

79 See *ibid.*, Art. 122, paras 4743–4746.

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The NIB's functions of collecting and centralizing information, together with transmitting information through the CTA to the adverse party or country concerned, are "early action" measures. As such, NIBs play a key role in ensuring that persons who are in enemy hands are accounted for, and in preventing them from going missing. These measures are ultimately aimed at ensuring that families of such persons are informed of their fate and whereabouts. By acting as the neutral intermediary between the parties to the conflict, the CTA functions as a safe repository of information by keeping track of protected persons in the hands of all parties to an IAC. This also contributes to efforts to search for persons separated from their families, and for those who are missing or dead.[80]

Replying to enquiries

The NIB must also respond to all enquiries that it receives regarding protected persons.[81] In its ordinary meaning, "enquiry" refers to the act of asking for information.[82] In this regard, the NIB receives requests for information on protected persons and searches for that information in order to respond to such requests.

The Geneva Conventions do not specify who is entitled to submit an enquiry, suggesting a desire for openness that allows different entities and individuals to do so. This is particularly significant given that one of the primary objectives of the NIB is to ensure that families are informed about the fate and whereabouts of their relatives. In this vein, enquiries could be submitted through various envisaged channels by, for instance, the party to which a person belongs or their country of nationality or residence, the CTA, or National Societies.[83]

When establishing NIBs, States must consider the enquiry function and establish criteria for receiving and responding to such enquiries. It is the obligation of the NIB to respond to all requests for information that it receives; however, it should not do so if this would be against the will of the protected person or if it would be detrimental to them or their family. This does not apply to requests made by the CTA,[84] which is authorized to receive all the information that it needs to carry out its humanitarian tasks. As it is a purely humanitarian body concerned exclusively

80 Council of Delegates of the International Red Cross and Red Crescent Movement, Res. 6, 2021; Monique Katz, "The Central Tracing Agency of the ICRC", *International Review of the Red Cross*, Vol. 17, No. 199, 1977; Olivier Dubois, Katharine Marshall and Siobhan Sparkes McNamara, "New Technologies and New Policies: The ICRC's Evolving Approach to Working with Separated Families", *International Review of the Red Cross*, Vol. 94, No. 888, 2012; ICRC, *Restoring Family Links: Strategy for the International Red Cross and Red Crescent Movement 2020–2025*, December 2020 (in October 2024, the Council of Delegates adopted Res. CD/24/R6, which formally extended the Restoring Family Links Strategy 2020–2025 through to 2030). See also H. Obregón Gieseken and X. Londoño, "Dignity in Death", above note 6.

81 GC III, Art. 122; GC IV, Art. 137.

82 See "Enquiry", *Concise Oxford English Dictionary*, above note 33, p. 474.

83 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4754; ICRC Commentary on GC IV, above note 13, Art. 137.

84 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4754; ICRC Commentary on GC IV, above note 3, Art. 137.

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with the fate and whereabouts of protected persons, transmission to the CTA is never considered detrimental to such persons.

If the NIB does not already possess the information necessary to respond to a request, it must conduct its own enquiries (i.e., search for information) as soon as circumstances permit, and at the latest from the end of active hostilities, to obtain it.[85] This is an obligation of means; the NIB needs to take all possible steps to get the required information, including engaging with all relevant sources and authorities.

Although there is no standard method for conducting enquiries, the ICRC recommends that NIBs observe several good practices.[86] For instance, the Bureau should establish clear protocols to ensure that all information concerning an individual is compiled into a single file with a unique identifier. This file should include the original enquiry and any relevant materials, such as family correspondence, media articles, photographs, returned mail, official responses, records of alleged sightings of a person by someone, contact information of the enquirer, and relevant updates. Every detail, action taken, and outcome must be documented in the file.[87] Lastly, "a request for information should not be closed until the applicant has received an adequate response to the enquiry".[88]

Collecting and forwarding personal belongings

The NIB is also responsible for collecting all personal valuables left by protected persons, which the parties have an obligation to gather, and forwarding them – either directly or through the CTA – to the relevant parties.[89] Protected persons covered by this function include deceased military personnel of the adverse party retrieved on the battlefield, and PoWs or protected persons, including civilians, who have been released or repatriated, have escaped, or have died in custody.

"Personal valuables" refers to all items belonging to the protected person that are of any commercial worth or sentimental value to the protected person or, in case of death, to their families. Such items include money and documents of importance to families, particularly last wills. In addition, for deceased military personnel of the adverse party collected on the battlefield, the NIB must forward one half of the double identity disc as well as other "unidentified articles" that are considered as "personal effects" of the dead.[90]

85 Tristan Ferraro and Maria Teresa Dutli, "Looking for Answers: Accounting for the Separated, Missing and Dead in International Armed Conflicts", *Humanitarian Law and Policy Blog*, 11 April 2022, available at: https://blogs.icrc.org/law-and-policy/2022/04/11/separated-missing-dead-international-armed-conflicts/.

86 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4756–4761; ICRC Commentary on GC IV, above note 3, Art. 137.

87 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4759.

88 See *ibid.*, Art. 122, para. 4761.

89 GC I, Art. 16(4); GC II, Art. 19(3); GC III, Arts 119, 122(9); GC IV, Art. 139; ICRC Customary Law Study, above note 7, Rule 114.

90 GC I, Art. 16(4); GC II, Art. 19(3).

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The NIB must send the personal effects in sealed packets, accompanied by statements giving clear and complete details of the identity of the person to whom they belonged and a complete list of the contents of the parcel.[91]

Additional potential tasks of the National Information Bureau

States may decide to assign to their NIB other tasks, including some specified in the Geneva Conventions, yet not explicitly assigned to NIBs, aimed at ensuring that individuals can remain in contact with the outside world. Importantly, if a State decides to assign other tasks to its NIB, this cannot be to the detriment of its required functions.[92] Additional tasks can be divided into two broad categories outlined below.

Tasks on behalf of those persons covered by the Geneva Conventions' NIB provisions and of other categories of persons protected under IHL in enemy hands

Provisions of the Geneva Conventions outline additional obligations concerning the protected persons of the adverse party who are already covered by NIBs under the Geneva Conventions – both PoWs and civilians – without specifying the avenues to be used to fulfil such obligations. These provisions set out tasks that are similar to those given to the NIB and which could be carried out by it.[93] They include:

- forwarding other information and documents on protected persons that the State must transmit to the CTA (e.g., capture or internment cards,[94] duplicates of medical certificates,[95] statements for compensation claims,[96] legal documents such as powers of attorney or wills,[97] official death records of civilian internees);[98]
- forwarding correspondence of protected persons;[99] and
- transmitting information to the ICRC on legal proceedings or administrative measures against protected persons.[100]

91 As transmission may happen via postal services, the NIB and CTA must be exempt from postal, transport and, so far as possible, telegraphic charges. Detailed records of receipt and dispatch of all personal valuables should be kept. See GC III, Arts 74, 124; GC IV, Arts 110, 141.

92 See ICRC, above note 4, p. 3.

93 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4774.

94 GC III, Art. 70; GC IV, Art. 106.

95 GC III, Arts 30(4), 54(2); GC IV, Art. 91(4).

96 GC III, Art. 68(2).

97 GC III, Art. 77(1); GC IV, Art. 113(1).

98 GC IV, Arts 129, 130, 136.

99 GC III, Art. 71; GC IV, Arts 107, 110(2).

100 GC III, Arts 104, 107; GC IV, Arts 71(2), 74(2).

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Additional Protocol I (AP I) also contains obligations concerning tasks similar to those of the NIB, but extends them beyond protected persons covered by the Geneva Conventions to additional categories of persons from other States. These tasks, on behalf of individuals not already covered by the functions of the NIB, include:

- transmitting information on missing persons (going beyond PoWs and protected civilians, on whose behalf it is an obligation to do so);[101] and
- registering categories of persons specifically mentioned in AP I.[102] This includes, for instance, civilians in the territory of a party to the conflict or in occupied territory who have died (outside of detention) because of hostilities or occupation.[103] It also includes children being evacuated.[104]

Tasks on behalf of own nationals in enemy hands

The second category of tasks that a State could assign to its NIB concerns its own nationals who are in the hands of the adverse party. With respect to these persons, some States may decide to designate their NIB as a focal point for their families if they consider that there is an advantage to be gained by doing so, including from a resource and equipment perspective. For instance, the NIB could be designated by the State as the entity responsible for receiving information from the CTA on its own nationals, in order to forward the information directly to the families concerned.

Establishment and organization of the National Information Bureau

The Geneva Conventions do not provide any detail on the entity or service that should establish and run the NIB, its structure, or how it should operate. All these matters are left to the discretion of national authorities. The only structural requirement is that the NIB must include a dedicated section for children in occupied territories whose identity is in doubt.[105]

While the establishment of a specific separate structure called a "National Information Bureau" may not always be necessary, States must have clear procedures in place so that a designated relevant State entity can carry out the NIB's required functions. Furthermore, States must provide their NIBs with the necessary accommodation, equipment and staff to function efficiently.[106]

101 AP I, Art. 33.

102 *Ibid.*, Art. 33.

103 *Ibid.*, Art. 33. See also the explanation of Rule 117 of the ICRC Customary Law Study, above note 7, which notes that as part of the obligation to account for missing persons, each party to the conflict has a duty to keep records of deceased persons, without specifying that this is only for military personnel.

104 AP I, Art. 78.

105 A. Clapham, P. Gaeta and M. Sassòli (eds), above note 2, p. 1110, para. 60. See also ICRC Commentary on GC IV, above note 3, Art. 50(4).

106 GC III, Art. 122(1).

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Although the Geneva Conventions require the NIB to be set up "upon the outbreak of a conflict"[107] and "in all cases of occupation",[108] investing in preparedness during peacetime is essential to ensure compliance.[109] This includes adapting domestic legal and operational frameworks and ensuring effective coordination among all actors involved in the chain of transmission of information, issuing clear instructions, establishing channels of communication between the authorities in charge of protected persons and the NIB, and vesting the NIB with the necessary authority to receive and request information and to transmit it to the CTA. These steps need to be integrated into the operational planning of detention operations and the management of the dead, in order to ensure clarity and compliance with obligations from the outset.[110]

For instance, clear rules and specific operating procedures should be in place indicating when and how information on protected persons must be collected and sent to the NIB. Moreover, ensuring coordination with the CTA is essential, and comprehensive training for all relevant personnel is critical. Coalition warfare in an IAC also requires a certain level of coordination between allies and partners – for instance, when multinational forces capture enemy combatants. In this regard, it is essential to ensure that the NIB's information transmission system is compatible with the systems and processes of partners, allies and the CTA.[111]

Given the critical role that they play in restoring and maintaining family links, some National Societies have been involved in establishing and organizing NIBs, and some States have entrusted them with fulfilling these functions.[112] Although doing so remains a possibility, States bear the ultimate responsibility under international law for the proper functioning of their NIBs. Thus, the NIB should always maintain a link with its national authorities, which must be able to maintain control over the Bureau's functions.

107 *Ibid.*, Art. 122(1).

108 *Ibid.*, Art. 122(1).

109 IHL Challenges Report 2024, above note 2, pp. 21, 26.

110 *Ibid.*, p. 26. See also Isabelle Gallino and Sylvain Vité, "Complying with IHL in Large-Scale Conflicts: Key Preparedness Measures", *Humanitarian Law and Policy Blog*, 3 April 2025, available at: https://blogs.icrc.org/law-and-policy/2025/04/03/complying-with-ihl-in-large-scale-conflicts-key-preparedness-measures/; Isabelle Gallino and Sylvain Vité, "Complying with IHL in Large-Scale Conflicts: Detention Operations in International Armed Conflicts", *Humanitarian Law and Policy Blog*, 15 May 2025, available at: https://blogs.icrc.org/law-and-policy/2025/05/15/complying-with-ihl-in-large-scale-conflicts-detention-operations-in-international-armed-conflicts/.

111 Abby Zeith and Lakmini Seneviratne, *Reducing the Human Cost of Large-Scale Military Operations*, SSRN, 2025, p. 23.

112 For instance, Germany and Sweden. See Gesetz über das Deutsche Rote Kreuz und andere freiwillige Hilfsgesellschaften im Sinne der Genfer Rotkreuz-Abkommen, *Bundesgesetzblatt* I, No. 56, p. 2346, 5 December 2008 (entered into force 11 December 2008), available at: https://tinyurl.com/bddu6b69; German Red Cross, "National Information Bureau", available at: www.drk-suchdienst.de/en/aid-worldwide/national-information-bureau; Forordning (1996:1475) om skyldighet att lämna upplysningar m.m. rörande krigsfångar och andra skyddade personer, *Svensk författningssamling*, 17 December 1996 (as amended by *SFS* 2020:1282), available at: https://tinyurl.com/edumhj7b.

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The NIB processes personal information in the exercise of its functions, and in doing so, it must comply with applicable data protection rules. The principles of privacy and data protection contained in numerous national, regional and applicable international instruments aim to ensure that personal information is processed and protected appropriately and that individuals' rights are safeguarded, including during crises.[113] Where such rules apply, the processing of personal information on protected persons by the NIB should be consistent with the principles of lawfulness, fairness, and transparency of processing, purpose specification, data minimization,[114] data accuracy, storage limitation and data security. In relation to the principle of lawfulness, several legal bases may be appropriate depending on the applicable data protection legislation.[115] To ensure compliance with a legal obligation, NIB-related articles in the Geneva Conventions may already provide the most appropriate basis for the processing of personal information. Personal information may also be collected and forwarded by the NIB to the CTA on the legal basis that such processing is carried out on "important grounds of public interest"[116] and, in

113 See Council of Europe, Modernised Convention for the Protection of Individuals about the Processing of Personal Data, 2018 (Convention 108+), Arts 4–13; UNGA Res. 45/95, 14 December 1990; 33rd International Conference of the Red Cross and Red Crescent, Res. 4, "Restoring Family Links while Respecting Privacy, Including as It Relates to Personal Data Protection", 2019 (RFL Resolution). See also Organisation for Economic Co-operation and Development, *OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data*, 1980 (amended 2013), Annex, paras 7–14; Economic Community of West African States (ECOWAS), Supplementary Act A/SA.1/01/10 on Personal Data Protection, 16 February 2010 (ECOWAS Data Protection Act), Chaps V, VI; African Union Convention on Cyber Security and Personal Data Protection, 27 June 2014 (Malabo Convention), Sections III, IV; Asia-Pacific Economic Cooperation, *APEC Privacy Framework*, 2015, Part III; Organization of American States (OAS), *Principles on Privacy and Personal Data Protection*, 2015 (OAS Principles); European Union, Regulation (EU) 2016/679 of the European Parliament and of the Council on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data (General Data Protection Regulation), 27 April 2016 (EU GDPR), Arts 5–11 (Principles).

114 According to this principle, personal data should be limited to that which is adequate, relevant and not excessive in relation to the purposes of the processing. See, for example, 31st Global Privacy Assembly, "Resolution Concerning the Strengthening of the International Cooperation in the Field of Data and Privacy Protection", Madrid, 4–6 November 2009, available at: https://globalprivacyassembly.com/wp-content/uploads/2015/02/Resolution-on-the-strengthening-of-the-International-Cooperation-in-the-field-of-data-and-privacy-protection.pdf; 45th Global Privacy Assembly, "Achieving Global Data Protection Standards: Principles to Ensure High Levels of Data Protection and Privacy Worldwide", October 2023, available at: https://globalprivacyassembly.com/wp-content/uploads/2023/10/3.-Resolution-Achieving-global-DP-standards.pdf.

115 See RFL Resolution, above note 113; International Red Cross and Red Crescent Movement Family Links Network, *Code of Conduct on Data Protection*, 2024, Art. 2.2.3; Convention 108+, above note 113, Explanatory Report, paras 46–47; ECOWAS Data Protection Act, above note 113, Chap. V, Art. 23; Malabo Convention, above note 113, Art. 13(b); OAS Principles, above note 13, Principle 1; EU GDPR, Art. 6(1)(e). See also ICRC Commentary on GC IV, above note 3, Art. 137.

116 Certain national data protection laws regulate the transmission of personal information to third countries and international organizations and apply restrictions and conditions to such transfers. Whether or not transfers from an NIB to the CTA come within the scope of such legislation, as a matter of international law, the provisions of a State's internal law may not be invoked as a justification for failure of that State to perform its obligations under a treaty under Article 27 of the 1969 Vienna Convention on the Law of Treaties. In no case, then, can domestic laws on the protection of personal information justify an impediment to the effective implementation of the international obligations to transmit information set out in the Geneva Conventions. See, furthermore, RFL Resolution, above note 113, para. 9, which underlines the

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addition, "in the vital interest of the prisoner (the data subject) or of another person to ensure that the data subject does not go missing".[117] Importantly, in all cases, transmission of information to the CTA must be made possible. Domestic laws and regulations need to be interpreted in such a way as to ensure that the authorities both fulfil the obligations set out in the Geneva Conventions as regards the protection of those covered by the NIB provisions (to inform their families and prevent protected persons from going missing) and comply with more recent instruments on privacy and data processing and protection.[118]

Non-international armed conflicts

In regard to non-international armed conflicts (NIACs), IHL also contains obligations related to the recording and transmission of information on separated family members, missing persons and the dead.[119] However, it remains silent on the type of processes that parties to such conflicts should implement to account for persons, including the dead, and there is no obligation to establish an NIB. In NIACs, where a neutral intermediary may be needed to transmit information between the parties, different measures could be implemented. Such measures may include concluding special agreements, as foreseen under Article 3 common to the four Geneva Conventions, on recording and transmission of information on persons deprived of their liberty, as well as on facilitation of the search for those missing and the identification of the dead.[120] In this context, some of the functions and tasks of the NIB, such as collecting and centralizing information on the identity and status of people falling into the hands of a party to the conflict, responding to enquiries on those persons, or sharing information about detainees with a neutral intermediary like the ICRC, could serve as a reference for parties to NIACs when establishing processes for exchanging information.

need to keep the processing and transfer of personal data for restoring family links as unrestricted as possible; EU GDPR, Art. 49(1)(d), allowing derogations where "the transfer is necessary for important reasons of public interest", and Recital 112, recognizing that "[a]ny transfer to an international humanitarian organisation of personal data of a data subject who is physically or legally incapable of giving consent, with a view to accomplishing a task incumbent under the Geneva Conventions or to complying with international humanitarian law applicable in armed conflicts, could be considered to be necessary for an important reason of public interest or because it is in the vital interest of the data subject"; and the similar provision on humanitarian organizations found in the OAS Principles, above note 113, Principle 11, p. 75.

117 See ICRC Commentary on GC III, above note 3, Art. 122, para. 4741.

118 ICRC Commentary on GC III, above note 3, Art. 122, para. 4741; ICRC Commentary on GC IV, above note 3, Art. 140.

119 ICRC Customary Law Study, above note 7, Rules 116, 117. Moreover, human rights law continues to apply in NIACs and may provide complementary protection. For a detailed overview of the ICRC's approach to the relationship between IHL and international human rights law, see ICRC Commentary on GC III, above note 3, Introduction, paras 99–105; ICRC Commentary on GC IV, above note 3. See also A. Clapham, P. Gaeta and M. Sassòli (eds), above note 2, p. 1115, para. 76; H. Obregón Gieseken and X. Londoño, "Dignity in Death", above note 6.

120 See IHL Challenges Report 2024, above note 2, p. 26. See also H. Obregón Gieseken and X. Londoño, "Dignity in Death", above note 6, sections on "Accounting for the Dead in Non-International Armed Conflicts" and "IHL in Non-International Armed Conflicts on Return".

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