

Addressing Multinational Detention and Handling of Captured Persons During NATO International Armed Conflict

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Handling captured persons (CPER) is a critical aspect of multinational military operations, requiring a delicate balance between operational efficiency and adherence to international humanitarian law. However, the intricacies of modern warfare are hindered by complex reporting structures, inadequate information management systems, and a lack of clear legal frameworks for troop-contributing nations. The absence of clear international agreements on the humane handling of CPERs erodes the effectiveness of military operations and therefore undermines the effective and humane handling of CPERs. As the international community grapples with the complexities of modern conflict, addressing these challenges and developing practical solutions to ensure the humane treatment of CPERs is crucial. This article examines the handling of CPERs in multinational military operations and explores the measures necessary to overcome these challenges, including identifying and assigning specific roles and responsibilities, developing comprehensive information management systems, and establishing clear legal guidelines.

The importance of planning adequate detention and handling of captured personnel cannot be understated.

To maintain momentum and tempo, maneuver forces must be supported and policy considerations resolved prior to the first detainment of a captured person. Absent a resourced and supported multinational process, the risk of impact on operations and captured personnel causing an impediment to maneuver commanders is ever present.

CPER Handling in Past Conflicts

Operation Desert Storm exposed significant deficiencies in prewar planning regarding handling large CPER populations. Initial estimates drastically underestimated the number of Iraqi soldiers who would surrender. Due to the initial defensive nature, few prisoners were expected; however, after running estimates during offensive operations eclipsed one hundred thousand captured persons, commensurate prioritization of support requirements favored maneuver efforts.¹ Following the five-day offensive, almost seventy thousand prisoners were captured by the coalition of the United States, United Kingdom, and French forces and held in U.S. camps.² Processing CPERs for all four camps, covering captures from 24 February to 2 May 1991, required a significant effort. Applying modern



Iraqi POWs sit in a holding area surrounded by concertina wire 26 April 1991 near Basra, Iraq, during Operation Desert Storm. Initial estimates drastically underestimated the number of Iraqi soldiers who would surrender. (Photo by David Dismukes)

operational standards, a single military police (MP) company is capable of handling almost two thousand CPERs per day.³ The processing workload exceeded the capacity of MP forces in theater, necessitating improvisation. Additionally, overwhelmed logistical capabilities designed for a smaller-scale conflict created shortages in necessities like food, water, medical supplies, and shelter. The operational tempo of the offensive meant that units like the 800th MP Brigade, the only unit in the Army specialized in enemy prisoner of war operations, went without adequate support.

These shortcomings highlight a critical lesson for future multinational operations: a failure to anticipate CPER numbers accurately and proactively establish robust, scalable logistical networks will severely strain multinational resources, compromise operational tempo, and potentially undermine adherence to international humanitarian law. Many lessons from previous conflicts should have been learned and planners and higher headquarters should have accounted for the subject-matter expertise of the 800th MP Brigade to avert the unnecessary reactionary cycle.⁴ Failing to adequately include CPER requirements in campaign planning created unnecessary risk, which would have become worse if combat operations had become more protracted.⁵ In a multinational environment, where

responsibility for CPER handling may be multilateral among troop-contributing nations, clear predefined roles, standardized procedures, and robust communication protocols are paramount to avoid duplication of effort, ensure equitable burden sharing, and maintain a unified approach.

Drawing parallels from historical precedents, as illuminated in RAND's *The Battle Behind the Wire*, the challenges faced during Desert Storm weren't entirely novel. World War II witnessed an even more massive scale of CPER handling, revealing critical planning

gaps. Once again, prewar planning or lack thereof underestimated the amount and speed at which Allied soldiers would capture CPERs.⁶ RAND's analysis of World War II demonstrates how the rapid capture of Axis prisoners strained Allied resources, leading to overcrowded camps and difficulties in maintaining security and providing adequate care. The Korean War further underscored these issues. RAND highlights how both conflicts lacked sufficient emphasis in initial campaign planning and resourcing. These historical experiences, coupled with the Desert Storm example, reveal a recurring pattern: underestimation of prisoner numbers, insufficient logistical planning for sustained care, and a persistent tension between operational needs and adherence to international law. This pattern emphasizes the need for continuous refinement of realistic strategic and operational planning, incorporating realistic scenarios and prioritizing the development of adaptable, scalable systems for CPER management in any future multinational operation.

Challenges in Handling CPERs in Multinational Military Operations

The guidance and responsibilities for handling CPERs in multinational military operations are not well defined or understood. Combatant commanders have



A Japanese POW is searched by Filipinos as U.S. soldiers look on 6 June 1945 in Luzon, Philippines. (Screenshot from the U.S. Army Signal Corps via the National Archives)

primary responsibility for the Department of Defense Detainee Program, and the Joint Force Command (JFC) leads the execution from point of capture to permanent detention facility.⁷ Theater CPER operations require multinational and U.S. agreements to function with existing resource constraints. Inconsistency within NATO's Allied Command Operations Directive 080-123, *Detention and Handling of Captured Persons during a NATO Operation*, shifts policy focus from JFC to the subordinate component commands. Within the multinational context, the responsibility to coordinate with troop-contributing nations (TCN) resides at the land component command.⁸ However, inconsistently, it also provides the maritime component command latitude to serve as the lead coordinator for detention at sea. Confusing delineation of responsibilities and a unifying office of primary responsibility (OPR) vacancy at the JFC risk disjointed direction and guidance within the component commands.

Myriad legal complexities will accentuate the inevitable delays and confusion within multinational

CPER operations. Regardless of the individual force's responsibility of care, custody, and control, the detaining power is responsible for the humane treatment of CPERs.⁹ Inside a fighting maneuver force in a multinational construct, detaining power requirements often degrade the combat power of maneuver forces with each TCN's legal responsibility under national and international laws. From land boundaries to multinational formations, national and international laws place constraints that inevitably delay the movement and processing of CPERs on the battlefield. Particularly, post-Article 5 invocation of international armed conflict, NATO assumes the role of mission command, a multinational combat force; however, it remains an international organization and, therefore, not subject to the Geneva Convention (GC).¹⁰ Since each TCN is responsible for its own CPERs under international law, redundant and sometimes overlapping combat power is necessary to execute CPER requirements by national and international law. Ultimately, the lack of clarity and overlapping responsibilities at

different echelons often leads to a paralysis of action, where key leaders, frustrated by the complexity and ambiguity, abandon efforts to address the issue altogether rather than navigating the challenges and developing effective solutions.

Generally, CPER planning is one of the last to be considered and least exercised when training for military operations. Policymakers and military planners tend to treat CPER operations as an afterthought, underestimating the overall depth and breadth of CPER requirements for large-scale combat operations (LSCO).¹¹ Consistent military training and exercises have significantly improved proficiency in conducting CPER operations—specifically regarding the care and control of detainees—at both the tactical and operational levels. Opportunities like Defender 2023, Avenger Triad 2024, Combat Support Training Exercise, Freedom Shield, Guardian Sphinx, Operation Justice Reach, Titan Warrior, and ongoing rotational mobilizations conducting detention operations have been instrumental in enhancing capabilities.¹² These provide practical experience and strengthen the ability to effectively operate within CPER frameworks across the spectrum of military engagements, from small unit actions to large-scale coordinated efforts. However, strategically, the lack of development of a legal framework from the diplomatic lever of national power leaves strategic military planners to notionally assume much of the custody challenges in a multinational setting. Transferring CPER between TCNs remains one of the most challenging, requiring unified effort and agreements between nations.

U.S. detention operations doctrine consistently rests the burden and efficiency of CPER operations on law and policy restrictions. The DOD highlights this constraint in the *DoD Detainee Program*, outlining the restriction of transfer from intergovernmental organizations, coalition forces, allied personnel, and foreign partners.¹³ Legally binding international agreements are necessary to create a shared understanding among detaining powers for CPER transfers, monitoring, and transparency.¹⁴ NATO, in conjunction with TCNs, should pursue agreements focused on multinational challenges during the competition stage. Pre-positioned agreements are not a luxury; they are necessary to aid in planning for future conflicts to avoid historical miscalculations.

Information Management and Logistical Support

Due to experience and logistical capabilities, the United States has traditionally maintained an outsized role in CPER operations. Tracking and sharing CPER information are a detaining power requirement that varies between TCNs. Article 122, “National Information Bureaux,” of GC III outlines the requirement that upon the outbreak of conflict, parties of conflict must establish a national information bureau (NIB) for prisoners of war.¹⁵ NATO identifies Detainee Information Management System (DIMS) as a shared database for all TCNs.¹⁶ However, incompatibility between TCN NIB systems (such as the U.S. Detainee Reporting System) risks redundancy. Since the establishment and reporting of detainee information is a national requirement, not a NATO obligation, a gap exists for a unified information collection and reporting system.¹⁷ Relegating TCNs to coordinate and create procedures for data transfer from NIBs to DIMS without a standard system of record unnecessarily complicates CPER accountability. Each TCN may implement and execute its national requirements differently to the Central Tracing Agency (CTA) of the International Committee of the Red Cross (ICRC).¹⁸ An agreed-upon and pre-positioned database between TCN NIBs and NATO would assist NATO commanders and TCNs in synchronizing and deconflicting accurate accounting of CPERs.

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Lt. Gen. Jody J. Daniels, chief of Army Reserve and commanding general, speaks to soldiers from the 200th Military Police Command and the Republic of Korea Army during Freedom Shield 2024 at Camp Humphreys, Republic of Korea, 12 March 2024. The exercise provided an opportunity for the 200th MPs to exercise detention operations. (Photo by Master Sgt. Justin P. Morelli, U.S. Army Reserve)

Since World War II, underestimating CPER capture rates during conflict has been a repeated mistake, especially in LSCO.¹⁹ NATO maintains a coalition-based fighting force; occasionally, multiple TCNs make up a tactical formation. Without a unified database and reporting requirements, NATO commanders and TCNs risk inconsistent data and data points. Different information reporting results in difficulties in monitoring CPER status, maintaining accurate records, and ensuring proper treatment according to international law. Compounding this challenge is estimated CPER capture rates. Most capture-rate models lack the sophistication to independently project TCN capture rates in a multinational tactical force. For nations without a robust ability to expand as rates surpass modeling, significant logistical and legal hurdles place TCN legal compliance at risk.

The likelihood of an overwhelming CPER population in a full-scale international armed conflict poses significant challenges for logistical support, including

medical, engineering, and detention operations. The projected number of CPERs in LSCO may rapidly exceed the capacity of individual TCNs, requiring a substantial allocation of military personnel that could impact a TCN's combat capability.²⁰

Furthermore, providing adequate medical care, food, water, and sanitation facilities to a large CPER population strains logistical resources of TCNs. Engineer support, including constructing and maintaining detention facilities, is challenging and requires significant resources and personnel. JFC must begin planning logistical challenges and stage resources in the competition phase of operations.²¹ To mitigate these consequences, the construction of a multinational detention facility during competition is a potential solution that will become viable only with decisive action during competition. Allowing the centralization of CPERs and detention operations in specific areas would make supervision easier and facilitate sharing resources and responsibilities among TCNs through legally binding international agreements.²²



An interrogator and interpreter conduct an interview with a detainee role-player 29 January 2024 during Guardian Sphinx, a multinational interrogation and detention operations exercise, in Drawsko Pomorskie, Poland. (Photo by Maj. Ryan Miller)

The Need for Clear Legal Guidelines in CPER Handling

Insufficient or unclear legal guidelines often hinder handling captured personnel in multinational environments. The absence of a robust legal framework can lead to inconsistent treatment, potential human rights abuses, and noncompliance with international humanitarian law. In the context of NATO operations, GC III provides a framework for the treatment of prisoners of war, but its application in multinational environments is complex.

GC III Article 12 allows for the transfer of detainees between countries, but only if a binding international agreement permits the transfer and the transferring power retains the obligation to ensure compliance with the Geneva Convention.²³ Multinational CPER operations hinge on the interpretation of “custody.” From the point of capture to the long-term detention facility, detaining power responsibility toward CPER custody is tested. Similarly, custody is the central challenge to managing a multinational detention facility, and it is unclear whether logistics, processing, and interrogation functions can be centralized. Without

realistic legal parameters capable of execution post-Article 5, NATO risks failure due to inability to contend with international and national constraints. The ability to transport CPER from point of capture to long-term detention facility without unnecessary hurdles due to multinational construct must be reexamined.

Recommendations

Establishing a universal NATO TCN reporting requirement and information management system would ensure compliance with international law and facilitates effective coordination among TCN and component commands. This would enable the creation of a centralized database that can nest the TCN NIB and component commands, providing a single, unified platform for reporting and information sharing. The system must require standardized reports on CPER for details on detention, interrogation, transfer, and incidents or allegations of mistreatment. This standardization would enable the TCN to maintain a comprehensive and accurate record of all captured personnel, facilitating monitoring compliance with international law and the identification of potential issues or areas for improvement. The

system would also allow the TCN to provide timely and accurate information to international organizations and authorities such as the ICRC (through the CTA) and provide metrics to instruct policies and procedures for managing captured personnel.

Each TCN and NATO must develop legally binding international agreements to establish clear responsibilities and protocols for managing captured personnel in a multinational context. Agreements must address complex issues surrounding the transfer of captured personnel between nations, including handovers, transportation, and processing procedures. Creating a multinational facility for the detention and processing of captured personnel would also require careful consideration, with agreements outlining the roles, responsibilities, and rights of each participating nation. Furthermore, the agreements must address the challenges of transnational border crossings within the joint operational area and provisions for ensuring the continuity of detention and interrogation procedures, protecting human rights, and preventing mistreatment.

The JFC headquarters should consider altering ACO Directive 080-123 to include the designation or creation of a dedicated OPR at JFC headquarters for CPER handling. This office would be the central authority for publishing guidelines, standard operating procedures, mission command guidance and direction on CPER management for all NATO forces. OPRs provide clear and concise instructions to component commands such as the land component command and maritime component command. A single authority would better facilitate coordination and communication among the various components, reducing the risk of confusion or misinterpretation of policies and procedures and enabling the JFC to effectively support the component commands and the ICRC.

A tabletop exercise focused on viability of a multinational detention facility should be scheduled to facilitate decision-making among TCNs, with specific focus on CPER planning leading up to and upon invocation of Article 5. This exercise would bring together

key stakeholders to simulate crisis scenarios, allowing identification of potential gaps in planning. It would also provide a platform to discuss and frame the legal guidelines for international agreements that may be triggered post-Article 5 invocation. By doing so, the TCN can ensure that member nations are adequately prepared to respond to a collective-defense scenario while ensuring compliance with relevant international laws and agreements.

Conclusion

The effective and humane handling of captured personnel in multinational military operations is hindered by a lack of clarity in reporting structures, inadequate information management systems, and a severe lack of clear legal frameworks. These challenges undermine operational efficiency and risk noncompliance with international humanitarian law. To address these issues, it is essential to establish clear roles and responsibilities, develop comprehensive information management systems, and create legally binding international agreements. Recommendations include establishing a universal reporting requirement and information management system, developing legally binding international agreements, and creating a dedicated JFC OPR.

By implementing these measures, multinational forces can enhance operational efficiency, uphold international humanitarian law, and ensure the humane treatment of captured personnel. Policymakers, military planners, and international organizations must work together to address these challenges and ensure that the handling of captured personnel is conducted in a manner that is consistent with international law and respects the rights of all parties involved. Ultimately, the effective management of CPERs in multinational military operations requires a coordinated and collaborative effort among all stakeholders. By working together to address the challenges outlined above, we can ensure that CPERs are treated with dignity and respect and that international humanitarian law is upheld. ■

Notes

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