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A presumption consists of accepting that something is true in the absence of sufficient evidence to the contrary. IHL prescribes several presumptions to be made during armed conflicts. In international armed conflicts, persons having committed a belligerent act <sup>[1]</sup> and having fallen into the power of an adverse party must be presumed to be prisoners of war <sup>[2]</sup> until such time as their status <sup>[3]</sup> has been determined by a competent tribunal <sup>[4]</sup>. In all armed conflicts, persons must be presumed to be civilians <sup>[5]</sup> and objects normally dedicated to civilian purposes (such as places of worship, houses or schools) must be presumed to be civilian objects <sup>[6]</sup>. Moreover, anyone accused <sup>[7]</sup> of a criminal offence related to the armed conflict must be presumed innocent until proven guilty according to the law.

See [Direct participation in hostilities](#) <sup>[1]</sup>; [Combatants](#) <sup>[8]</sup>; [Status](#) <sup>[3]</sup>; [Tribunal](#) <sup>[4]</sup>; [Civilians](#) <sup>[5]</sup>; [Prisoners of war](#) <sup>[2]</sup>; [Accused](#) <sup>[7]</sup>; [Civilian objects](#) <sup>[6]</sup>;

## of combatant and POW status

### OUTLINE

Chapter 6, II. 1. Presumption of combatant and prisoner-of-war status <sup>[9]</sup>

Chapter 9, II. 12. Presumptions <sup>[10]</sup>

## LEGAL SOURCE

GCIII, 5 <sup>[11]</sup>

PI, 45/1-2

<sup>[12]</sup>

### Presumption of civilian object

P I, 52(3) <sup>[13]</sup>

CIHL, Rule 10 <sup>[14]</sup>

### Presumption of innocence

P I, 75(4)(d) <sup>[15]</sup>

P II, 6(2)(d) <sup>[16]</sup>

CIHL, Rule 100 <sup>[17]</sup>

## CASES

Malaysia, Public Prosecutor v. Oie Hee Koi <sup>[18]</sup>

Malaysia, Osman v. Prosecutor <sup>[19]</sup>

United States, Screening of Detainees in Vietnam <sup>[20]</sup>

United States, The Schlesinger Report <sup>[21]</sup>

ICTY, The Prosecutor v. Mrksic and Sljivancanin (Part A., Para. 207) <sup>[22]</sup>

United States, Status and Treatment of Detainees Held in Guantanamo Naval Base <sup>[23]</sup>

United States, Hamdan v. Rumsfeld <sup>[24]</sup>

United States, United States v. Marilyn Buck (Part IV.5) <sup>[25]</sup>

European Court of Human Rights, Kononov v. Latvia <sup>[26]</sup>

Eastern Ukraine: Disputed POW Status <sup>[27]</sup>

## of civilian character or status

### OUTLINE

Chapter 9, II. 12. Presumptions <sup>[10]</sup>

### LEGAL SOURCE

PI <sup>[28]</sup>, 50/1 <sup>[29]</sup> and 52/3 <sup>[30]</sup>

### DOCUMENT

France, Accession to Protocol I (Part B., Para. 9) <sup>[31]</sup>

## CASES

Belgium, Public Prosecutor v. G.W. <sup>[32]</sup>

United States/United Kingdom, Report on the Conduct of the Persian Gulf War <sup>[33]</sup>

Human Rights Committee, Guerrero v. Colombia <sup>[34]</sup>

Afghanistan, Drug Dealers as Legitimate Targets <sup>[35]</sup>

ECHR, Khatsiyeva v. Russia <sup>[36]</sup> (Paras. 21 <sup>[37]</sup>, 132-139 <sup>[38]</sup>)

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[22] [https://casebook.icrc.org/case-study/icty-prosecutor-v-mrksic-and-sljivancanin#part\\_a\\_para\\_207](https://casebook.icrc.org/case-study/icty-prosecutor-v-mrksic-and-sljivancanin#part_a_para_207)

[23] <https://casebook.icrc.org/case-study/united-states-status-and-treatment-detainees-held-guantanamo-naval-base>

[24] <https://casebook.icrc.org/case-study/united-states-hamdan-v-rumsfeld>

[25] [https://casebook.icrc.org/case-study/united-states-united-states-v-marilyn-buck#part\\_iv\\_5](https://casebook.icrc.org/case-study/united-states-united-states-v-marilyn-buck#part_iv_5)

[26] <https://casebook.icrc.org/case-study/european-court-human-rights-kononov-v-latvia>

[27] <https://casebook.icrc.org/case-study/eastern-ukraine-disputed-pow-status>

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[31] [https://casebook.icrc.org/case-study/france-accession-protocol-i#part\\_b\\_para\\_8](https://casebook.icrc.org/case-study/france-accession-protocol-i#part_b_para_8)

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[38] [https://casebook.icrc.org/case-study/echr-khatsiyeva-v-russia#para\\_132](https://casebook.icrc.org/case-study/echr-khatsiyeva-v-russia#para_132)