IHL contains specific legal provisions and criteria determining situations to which it applies, as well as the extent of the personal, temporal and geographical scopes of application. To determine whether IHL applies to any given situation, an objective assessment has to be conducted in line with those legal provisions and criteria, based on facts on the ground in the circumstances prevailing at the time.

### OUTLINE

- Chapter 2. III. 1. Situations of application [1]
- Chapter 2. III. 2. Personal scope of application [2]
- Chapter 2. III. 3. Temporal scope of application [3]

### LEGAL SOURCE

Application of the Conventions and Protocols
GCI, 2 [5] (see ICRC updated Commentary [6])

GCI, 5 [7] (see ICRC updated Commentary [8])

GCII, 2 [9] (see ICRC updated Commentary [10])

GCII, 4 [11] (see ICRC updated Commentary [12])

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Situations of application:
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Belgium and Brazil, Explanations of Vote on Protocol II [Part B.] [28]

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United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [30] [Part I [31] and Part II [32]]

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United Kingdom, The Case of Serdar Mohammed (Court of Appeal and Supreme Court Judgments) [60]

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