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]
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**LEGAL SOURCE**

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GCI, 2 [5] (see ICRC updated Commentary [6])

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

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International Law Commission, Articles on State Responsibility [Part A., Art 8 and Commentary [21]]


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United States, United States v. Noriega [Part B. II. A.] [29]

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Personal scope of application:

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ICTR, The Prosecutor v. Jean-Paul Akayesu [51] [Part A., para. 629 [52]; Part B., paras 425-446 [53]]

ICTY, The Prosecutor v. Mrksic and Sljivancanin [Part B., paras 71-74] [54]

Temporal scope of application:

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ICTY, The Prosecutor v. Boskoski [Paras 239-291] [57]
Geographical scope of application:

ICTR, The Prosecutor v. Jean-Paul Akayesu [Part A., para. 635] [59]

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

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Further reading

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