Clothing, usually of a specific colour/design, and insignia, worn by members of the same military unit. In international armed conflicts, combatants 1 have an obligation to distinguish themselves from the civilian population and this can be achieved by wearing a uniform. Therefore, members of the armed forces engaged in or preparing an attack 2 without wearing a uniform and/or failing to carry their arms openly are not entitled to the status 3 of prisoner of war 4. The feigning of protected status by wearing the uniforms of the United Nations 5 or of a neutral 6 or other non-belligerent State is prohibited by IHL. A combatant attempting to gather information on the territory of the adverse party while in uniform shall not be considered a spy 7 (and will therefore benefit from prisoner of war status if captured).

See Combatants 1; Attack 2; Prisoners of war 4; Spies 7; Status 3; United Nations 5; Neutral State 6; Perfidy 8;

OUTLINE

Chapter 9, III. 3. b) - wearing of enemy uniforms 9

LEGAL SOURCE

HR, 23(f) 10
Obligation for combatants to distinguish themselves

GC III, 4(A) [13]

P I, 44(3) [14]

CIHL, 106 [15]

CASES

United States Military Court in Germany, Trial of Skorzeny and Others [16]

Bosnia and Herzegovina, Using Uniforms of Peacekeepers [17]

Iraq, Crimes by Militia Groups [18]

BIBLIOGRAPHIC RESOURCES

JOBST Valentine, “Is the Wearing of the Enemy’s Uniform a Violation of the Laws of War?”, in AJIL, Vol. 35/3, 1941, pp. 435-442

Wearing of uniforms of UN, neutral or other States not party to the conflict

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<td>PI, 37/1(d) [19] and 39/1 [11]</td>
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Necessity (or other distinction) for combatant or belligerent status

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<td>HR, 1 [22]</td>
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Spies

LEGALE SOURCES

HR, 29/2 [25]

PI, 39/3 [11] and 46/2 [28]

Source URL: https://casebook.icrc.org/glossary/uniform

Links
[1] https://casebook.icrc.org/glossary/combatants
[8] https://casebook.icrc.org/glossary/perfidy
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