Clothing, usually of a specific colour/design, and insignia, worn by members of the same military unit. In international armed conflicts, combatants 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 without wearing a uniform and/or failing to carry their arms openly are not entitled to the status of prisoner of war. The feigning of protected status by wearing the uniforms of the United Nations or of a neutral 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 (and will therefore benefit from prisoner of war status if captured).

See Combatants; Attack; Prisoners of war; Spies; Status; United Nations; Neutral State; Perfidy;

OUTLINE

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

LEGAL SOURCE

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

GC III, 4(A) [13]

PI, 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

**LEGAL SOURCE**

PI, 37/1(d) [19] and 39/1 [11]

CIHL, 60 [20] and 63

[B1] CIHL, 63 [21]

CASES

Bosnia and Herzegovina, Using Uniforms of Peacekeepers [17]

Necessity (or other distinction) for combatant or belligerent status

**LEGAL SOURCES**

HR, 1 [22]

GCIII, 4/A(2) [13]
Spies

**LEGALE SOURCES**

HR, 29/2 [25]

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

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

Links

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