A combatant is hors de combat if

a. he is in the power of an adverse party;

b. he clearly expresses an intention to surrender; or

c. he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and is therefore incapable of defending himself.

Provided that in any of these cases he abstains from any hostile act and does not attempt to escape, he may not be made the object of attack.

A fundamental rule of international humanitarian law is that persons who are hors de combat must not be attacked and must be treated humanely.

CASE

- European Court of Human Rights, Kononov v. Latvia
- Sweden/Syria, Can Armed Groups Issue Judgments?
- Iraq, Crimes by Militia Groups

LEGAL SOURCE

HR, 23(c)
common 3 [9] (see ICRC updated Commentary [10])

PI, 41 [11]

CIHL, 47 [12]

Source URL: https://casebook.icrc.org/glossary/hors-de-combat

Links
[1] https://casebook.icrc.org/glossary/combatants
[12] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule47