The term “unlawful combatant” is used to refer to an individual who belongs to an armed group [1], in a context where either the individual or the group do not fulfil the conditions for combatant status [2]. The term was employed by the administration of President George W. Bush of the United States in its ‘global war on terror [3]’ to describe persons who are, in its view, neither combatants [4] nor civilians [5] but belong to a third category of persons who can be attacked at any time and can be detained indefinitely [6] without trial. It is also sometimes used as a synonym for “unprivileged belligerent [7]”.

See Unprivileged belligerent [7]; War on terror [3]; Combatants [4]; Civilians [5]; Detention [8]; Internment [6]; Terrorism and terrorists [9];
United States, Closure of Guantanamo Detention Facilities [12]

United States, Treatment and Interrogation in Detention [13]

**CASES**

ICRC, The Challenges of Contemporary Armed Conflicts (Part B.) [14]

Israel, The Targeted Killings Case (Paras. 24-40) [15]

Israel, Detention of Unlawful Combatants [16]

United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [17]

United States, President’s Military Order [18]

United States, Hamdan v. Rumsfeld [19]

United States, Military Commissions [20]

United States, Habeas Corpus for Guantanamo Detainees [21]

United States, The Obama Administration’s Internment Standards [22]

General Assembly, The use of drones in counter-terrorism operations [23]
U.S., Lethal Operations against Al-Qa’ida Leaders [24]

United States, Jurisprudence Related to the Bombing of the U.S.S. Cole [25]

USA, Guantánamo, End of "Active Hostilities" in Afghanistan [26]

USA, Jawad v. Gates [27]

BIBLIOGRAPHIC RESOURCES

Suggested readings:


PARKER Tom, “The Proportionality Principle in the War on Terror”, in Hague Yearbook of International Law.


RONA Gabor, “An Appraisal of US Practice Relating to ‘Enemy Combatants’”,


TIGROUDJA Hélène, “Quel(s) droit(s) applicable(s) à la ‘guerre au terrorisme’ ?”, in AFDI, Vol. 48, 2002, pp. 81-102.


