A unilateral act whereby, by putting their hands up, throwing away their weapons, raising a white flag or in any other suitable fashion, isolated members of armed forces or members of a formation clearly express to the enemy during battle their intention to cease fighting. Surrender should not be confused with capitulation. Surrender is always unconditional, since it is not subject to a convention between the opposing parties. In international law, an isolated member of the armed forces or members of a formation who surrender are considered *hors de combat* and must not be made the object of attack. Feigning surrender is an act of *perfidy* and is therefore forbidden.
clear expression of intention to surrender renders persons hors de combat

HR, 23/c [6]

PI, 41/2b [7]

CIHL, 47/c [8]

misuse of flag

HR, 23/f [6]

PI, 37/1a [9]

CIHL, 58 [10]

Parachutists

PI, 42/2 [11]

DOCUMENT

HPCR, Manual on International Law Applicable to Air and Missile Warfare (Rules 125-131 [12])

CASES
United States, Surrendering in the Persian Gulf War

Israel, Blockade of Gaza and the Flotilla Incident

BIBLIOGRAPHIC RESOURCES


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

Links

[1] https://casebook.icrc.org/glossary/armed-forces
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