



Published on *How does law protect in war?* - Online casebook (<https://casebook.icrc.org>)

Home > Protected persons

The following persons are protected by international humanitarian law:

- a. wounded, sick and shipwrecked ^[1] members of the armed forces who have ceased to take part in the hostilities;
- b. prisoners of war ^[2];
- c. civilian persons who because of a conflict or occupation are in the power of a Party whose nationality they do not possess;
- d. medical ^[3] and religious personnel ^[4];
- e. parlementaires ^[5];
- f. civil defence personnel ^[6];
- g. personnel assigned to the protection of cultural property ^[7].

“Protected persons” in this website refers to persons who are protected under the fourth Geneva Convention.

The basic definition of protected persons under the fourth Geneva Convention is the following:

"Protected persons ^[8]" are civilians who find themselves in the hands of a party to the conflict of which they are not nationals.

The fourth Convention excludes the nationals of some States from the category of protected persons, because presumably their State of origin can protect them through the ordinary diplomatic means that apply in times of peace and continue to apply during an armed conflict:

- a. First, in the own territory of a party to the conflict, the category of protected persons excludes nationals of a co-belligerent (allied) or neutral State as long as the State of nationality maintains normal diplomatic representation with the State in whose hands they are in.
- b. Second, in occupied territory, the category of protected persons excludes only nationals of a co-belligerent (allied) State provided that the State of nationality maintains normal diplomatic representation with the Occupying Power. The nationals of neutral states remain protected persons in occupied territory.

OUTLINE

Chapter 2, III. 2. a) aa) the concept of “protected persons” ^[9]

LEGAL SOURCE

GC I, Art. 13 ^[10] (see ICRC updated Commentary ^[11])

GC II, Art. 13 ^[12] (see ICRC updated Commentary ^[13])

GC III, Art. 4 ^[14]

GC IV, Art. 4 ^[15]

CASES

Netherlands, *In re Pilz* ^[16]

Case Study, Armed Conflicts in the former Yugoslavia ^[17] (2 ^[18], 9 ^[19], and 15 ^[20])

Former Yugoslavia, Special Agreements Between the Parties to the Conflicts ^[21]

ICTY, The Prosecutor v. Tadic ^[22] (Part A., Para. 81 ^[23]; Part C., Paras 163-169 ^[24])

ICTY, The Prosecutor v. Rajic (Part A., Paras. 34-37) ^[25]

ICTY, The Prosecutor v. Blaskic (Part A., Paras. 127-146) ^[26]

Switzerland, Military Tribunal of Division 1, Acquittal of G. ^[27]

Case Study, Armed Conflicts in the Great Lakes Region (Part III.) ^[28]

Colombia, Constitutionality of IHL Implementing Legislation ^[29] (Paras. D.3.3.1.-5.4.3. ^[30], Para. E.1 ^[31])

United States, Trial of John Phillip Walker Lindh ^[32]

Georgia/Russia: Tbilisi Nervously Eyes Russia's Border Barricade of South Ossetia ^[33]

Israel, Blockade of Gaza and the Flotilla Incident ^[34]

Afghanistan, Attack on Kunduz Trauma Centre ^[35]

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 ^[36] (Paras. 88-90 ^[37])

USA, Al-Shimari v. CACI Premier Technology, Inc. [38]

USA, Guantánamo, End of "Active Hostilities" in Afghanistan [39]

Iraq: Situation of Internally Displaced Persons [40]

Italy, Use of force against ambulances in Iraq [41]

ECJ, Aboubacar Diakité v. Commissaire général aux réfugiés et aux apatrides [42]

Germany, Aerial Drone Attack in Mir Ali/Pakistan [43]

United States of America, Military Commissions Trial Judiciary, Guantanamo Bay, Cuba: United States of America v. Khalid Shaikh Mohammad et al. [44]

Syria, Syrian rebels treat captured Filipino soldiers as 'guests' [45]

South Sudan, Attack in Malakal UN Protection Site [46]

Central African Republic/Democratic Republic of Congo/Uganda, LRA attacks [47]

Central African Republic, Coup d'Etat [48]

ICTY, The Prosecutor v. Prlić et al. [49]

BIBLIOGRAPHIC RESOURCES

SASSÒLI Marco & OLSON Laura M., "The Decision of the ICTY Appeals Chamber in the Tadic Case: New Horizons for International Humanitarian and

- [20] https://casebook.icrc.org/case-study/case-study-armed-conflicts-former-yugoslavia#para_15
- [21] <https://casebook.icrc.org/case-study/former-yugoslavia-special-agreements-between-parties-conflicts>
- [22] <https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic>
- [23] https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic#part_a_para_81
- [24] https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic#part_c_para_163
- [25] https://casebook.icrc.org/case-study/icty-prosecutor-v-rajic#part_a_para_34
- [26] https://casebook.icrc.org/case-study/icty-prosecutor-v-blaskic#part_a_para_127
- [27] <https://casebook.icrc.org/case-study/switzerland-military-tribunal-division-1-acquittal-g>
- [28] https://casebook.icrc.org/case-study/case-study-armed-conflicts-great-lakes-region-1994-2005#congo_part3
- [29] <https://casebook.icrc.org/case-study/colombia-constitutionality-ihl-implementing-legislation>
- [30] https://casebook.icrc.org/case-study/colombia-constitutionality-ihl-implementing-legislation#part_d_3_3_1
- [31] https://casebook.icrc.org/case-study/colombia-constitutionality-ihl-implementing-legislation#para_e_1
- [32] <https://casebook.icrc.org/case-study/united-states-trial-john-phillip-walker-lindh>
- [33] <https://casebook.icrc.org/case-study/georgiarussia-tbilisi-nervously-eyes-russias-border-barricade-south-ossetia>
- [34] <https://casebook.icrc.org/case-study/israel-blockade-gaza-and-flotilla-incident-0>
- [35] <https://casebook.icrc.org/case-study/afghanistan-attack-kunduz-trauma-centre>
- [36] <https://casebook.icrc.org/case-study/icrc-international-humanitarian-law-and-challenges-contemporary-armed-conflicts-2015>
- [37] <https://casebook.icrc.org/case-study/icrc-international-humanitarian-law-and-challenges-contemporary-armed-conflicts-2015#challenges-2015-para88>
- [38] <https://casebook.icrc.org/case-study/usa-al-shimari-v-caci-premier-technology-inc>
- [39] <https://casebook.icrc.org/case-study/usa-guantanamo-end-active-hostilities-afghanistan>
- [40] <https://casebook.icrc.org/case-study/iraq-situation-internally-displaced-persons>
- [41] <https://casebook.icrc.org/case-study/italy-use-force-against-ambulances-iraq>
- [42] <https://casebook.icrc.org/case-study/ecj-aboubacar-diakite-v-commissaire-general-aux-refugies-et-aux-apatrides>
- [43] <https://casebook.icrc.org/case-study/germany-aerial-drone-attack-mir-alipakistan>
- [44] <https://casebook.icrc.org/case-study/united-states-america-military-commissions-trial-judiciary-guantanamo-bay-cuba-united>
- [45] <https://casebook.icrc.org/case-study/syria-syrian-rebels-treat-captured-filipino-soldiers-guests>
- [46] <https://casebook.icrc.org/case-study/south-sudan-attack-malakal-un-protection-site>
- [47] <https://casebook.icrc.org/case-study/central-african-republicdemocratic-republic-congouganda-lra-attacks>
- [48] <https://casebook.icrc.org/case-study/central-african-republic-coup-detat-0>
- [49] <https://casebook.icrc.org/case-study/icty-prosecutor-v-prlic-et-al>