Under Article 3 common to the Geneva Conventions of 12 August 1949, non-international armed conflicts are armed conflicts \[1\] in which one or more non-State armed groups are involved. Depending on the situation, hostilities may occur between governmental armed forces and non-State armed groups \[2\] or between such groups only. As the four Geneva Conventions have universally been ratified now, the requirement that the armed conflict must occur "in the territory of one of the High Contracting Parties" has lost its importance in practice. Indeed, any armed conflict between governmental armed forces \[3\] and armed groups \[2\] or between such groups cannot but take place on the territory of one of the Parties to the Convention.

Furthermore, two requirements are necessary for such situations to be classified as non international armed conflicts:

- The hostilities must reach a minimum level of intensity. This may be the case, for example, when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents, instead of mere police forces.

- Non-governmental groups involved in the conflict must be considered as "parties to the conflict", meaning that they possess organized armed forces. This means for example that these forces have to be under a certain command structure and have the capacity to sustain military operations.
Additional Protocol II to the Geneva Convention of 12 August 1949 develops and supplements common Article 3 without modifying its existing conditions of application, by introducing a requirement of territorial control. It provides that non-governmental parties must exercise such territorial control "as to enable them to carry out sustained and concerted military operations and to implement this Protocol". Additional Protocol II expressly applies only to armed conflicts between State armed forces and dissident armed forces or other organised armed groups. Contrary to common Article 3, the Protocol does not apply to armed conflicts occurring only between non-State armed groups.

See also Application [4]; Armed conflict [1]; International armed conflict [5]; Classification of conflict [6];

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United Kingdom, The Case of Serdar Mohammed (High Court Judgment) [22]

ECHR, Al-Jedda v. UK [23]

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Philippines, Armed Group Undertakes to Respect Children [25]

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Syria, Press conference with French President Francois Hollande and Russian President Vladimir Putin [32]

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 [33] (Paras. 27 [34], 36-41 [35], 55 [36], 103-105 [37])

Libya, Report of the Office of the UN High Commissioner for Human Rights (2014/15) [38]

Health Care in Pakistan’s Tribal Areas [39]

Yemen, Potential Existence and Effects of Naval Blockade [40]

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United Kingdom, The Case of Serdar Mohammed (Court of Appeal and Supreme Court Judgments) [42]

El Salvador, Supreme Court Judgment on the Unconstitutionality of the Amnesty Law
United States, Jurisprudence Related to the Bombing of the U.S.S. Cole


Syria, Report by UN Commission of Inquiry (March 2017)

Afghanistan, Bombing of a Civilian Truck

Italy, Use of force against ambulances in Iraq

Syria, the Battle for Aleppo

Iraq/Syria/UK, Drone Operations against ISIS

ICC, Confirmation of Charges against LRA Leader

International Criminal Court, Trial Judgment in the Case of the Prosecutor V. Jean-Pierre Bemba Gombo

Iraq, The Battle for Mosul

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

Germany, Aerial Drone Attack in Mir Ali/Pakistan

Eastern Ukraine, OHCHR Report on the Situation: November 2016 - February 2017
United States of America, Military Commissions Trial Judiciary, Guantanamo Bay, Cuba: United States of America v. Khalid Shaikh Mohammad et al. [57]

Syria, Syrian rebels treat captured Filipino soldiers as 'guests' [58]

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South Sudan, The Nuer “White Armies” [68]

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