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A State that has chosen to be neutral either permanently or only in a particular international armed conflict <sup>[1]</sup>, or in certain cases in a non-international armed conflict <sup>[2]</sup>.

Neutrality does not imply ideological neutrality; it does not forbid a neutral State to show that it is well or ill-disposed towards another State, or impose on it the duty of restricting the expression of any such opinions by its own citizens or media.

Most of the written or customary rules governing the conduct towards each other of belligerents and neutrals have been in existence for a long time.

A neutral State may not openly participate in hostilities, nor (1) lend assistance to belligerents; (2) recruit troops for the belligerents or allow third parties to do so on its territory; (3) supply military equipment on any pretext whatsoever; (4) supply military intelligence. Apart from these prohibitions a neutral State retains the right to trade with all belligerent States.

A neutral State is not bound to prohibit (1) its nationals from taking service with any one of the belligerents; (2) the export by a private individual, or the transit, of military equipment; (3) the use by the belligerents of existing means of communication whether publicly or privately owned. If, however, it does impose prohibitions or restrictions of that kind, it must apply them to all belligerents.

If troops of a belligerent State enter neutral territory they must be disarmed, interned and subjected to the domestic law of the neutral State. Prisoners of war admitted to neutral territory must be left at liberty but may be placed in assigned residence.

A neutral State may on certain conditions allow wounded and sick persons and medical

personnel belonging to the belligerent forces to transit on its territory, and may accommodate them provided it respects the principle of impartiality. It must, however, take action to ensure that they do not again take part in military operations.

A national of a neutral State cannot avail himself of his neutrality if he commits hostile acts against a belligerent or if he commits acts in favour of a belligerent. If he voluntarily enlists in the ranks of the armed forces of a belligerent and is captured by the other party he must be treated as an enemy national and considered as a prisoner of war.

Nationals of a neutral State who are resident in occupied territory have the same legal status as the nationals of the occupied State.

See [Distinctive emblems](#) <sup>[3]</sup>; [Protecting Powers](#) <sup>[4]</sup>;

## LEGAL SOURCES

### rights and duties:

GCI, 4 <sup>[5]</sup> (see ICRC updated Commentary <sup>[6]</sup>) and 37 <sup>[7]</sup> (see ICRC updated Commentary <sup>[8]</sup>)

GCII, 5 <sup>[9]</sup> (see ICRC updated Commentary <sup>[10]</sup>) and 40 <sup>[11]</sup> (see ICRC updated Commentary <sup>[12]</sup>)

GCIII, 4/B2 <sup>[13]</sup>

PI, 31 <sup>[14]</sup>

## CASES

## BIBLIOGRAPHIC RESOURCES

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KUSSBACH Erich, “Le Protocole Additionnel I et les États neutres”, in *IRRC*, No. 725, September 1980, pp. 82-95.

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STEINER M., *Die Internierung von Armeeinghörigen kriegführender Mächte in neutralen Staaten, insbesondere in der Schweiz während des Weltkrieges 1939/45*, Ernst Lang, Zurich, 1947, 103 pp.

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## Links

[1] <https://casebook.icrc.org/glossary/international-armed-conflict>

[2] <https://casebook.icrc.org/glossary/non-international-armed-conflict>

[3] <https://casebook.icrc.org/glossary/distinctive-emblems>

[4] <https://casebook.icrc.org/glossary/protecting-powers>

[5]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=D4E25F810A819D42C12563CD0>

[6] [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=FEAE34AD230EE55BC1257F7D)

[databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=FEAE34AD230EE55BC1257F7D](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=FEAE34AD230EE55BC1257F7D)

[7]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=94CA0DAAF3030E71C12563CD0>

[8] [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=825B8938D01F98A1C1257F7A0)

[databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=825B8938D01F98A1C1257F7A0](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=825B8938D01F98A1C1257F7A0)

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<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=B5613835EB536EAF3C12563CD0>

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[11]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=7F109A534EE361B6C12563CD0>

[12] [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=A6BD0388D495330BC12581150)

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<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=2F681B08868538C2C12563CD0>

[14]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=BC88A5C59E4F2BEFC12563CD0>

[15] <https://casebook.icrc.org/case-study/afghanistan-soviet-prisoners-transferred-switzerland>