A “mercenary” is a person who takes a direct part in hostilities motivated essentially by the desire for private gain.

? A captured mercenary is not a prisoner of war [1].

Article 47 of Additional Protocol I spells out six cumulative conditions for a person to be a mercenary. The person must:

a. be specially recruited locally or abroad in order to fight in an armed conflict;
b. take a direct part in the hostilities;
c. be motivated to take part in the hostilities essentially by the desire for private gain and to be promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
d. not be a national of a Party to the conflict or a resident of territory controlled by a Party to the conflict;
e. not be a member of the armed forces of a Party to the conflict; and
f. not have been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

The 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries extends this definition to persons recruited for the purpose of participating in a concerted act of violence aimed at overthrowing a government or otherwise undermining the constitutional order of a State, or at undermining the territorial integrity of a State.
A national of a neutral State who enlists in the armed forces of a party to the conflict is not a mercenary.

See Private Military and Security Companies (PMSCs);
BIBLIOGRAPHIC RESOURCES

Suggested readings:


Further readings:


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

Links
[1] https://casebook.icrc.org/glossary/prisoners-war