“Combatant” describes those persons with a right to directly participate in hostilities between States.

The following persons are combatants in an international armed conflict [1]:

a. Members of the armed forces [2], except medical personnel [3] and religious personnel [4].

b. Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
   1. they are commanded by a person responsible for his subordinates;
   2. they wear a fixed distinctive sign recognizable at a distance;
   3. they carry their arms openly; and
   4. they conduct their operations in accordance with the laws and customs of war.

c. Members of the regular armed forces who profess allegiance to a government or authority not recognized by the other Party to the conflict.

d. Participants in a levée en masse [5].

Combatants are required to distinguish themselves from the civilian population [6] while they are engaged in an attack [7] or in a military operation preparatory to an attack [7].

A combatant who fails to distinguish himself while he is engaged in an attack [7] or in a
military operation preparatory to an attack [7] loses his combatant status if he is captured, which means he does not have prisoner of war status [8] and can be tried for an act of war. However, he is to be given protections equivalent in all respects to those provided to prisoners of war [8] under the third Geneva Convention. Notably, in international armed conflicts governed by Additional Protocol I, a combatant distinguishes himself sufficiently if he carries his arms openly:

a. during each military engagement; and
b. during such time as he is visible to the adversary while engaged in a military deployment preceding the launching of an attack [7] in which he is to participate.

A combatant who falls into the power of an adverse party to the conflict is a prisoner of war [8].

See also Unlawful combatants [9], Detention [10]

DEFINITION

PI, 43/2 [11]

Members of armed forces

OUTLINE

Chapter 6, I. Who is a combatant? [12]

LEGAL SOURCES

conditions
members of regular armed forces

members of armed forces to group professing allegiance to non-recognised government, or authorities

members of irregular militia, volunteer corps belonging to a party to a conflict
members of organised armed groups or units responsible to a party to a conflict

members of organised resistance groups

members of regular armed forces including militias and volunteer corps

levée en masse See levée en masse
# DOCUMENT

France, Accession to Protocol I (B. para. 7) [19]

# CASES

Malaysia, Osman v. Prosecutor [20]

Israel, Military Prosecutor v. Kassem and Others [21]

Sudan, Report of the UN Commission of Enquiry on Darfur [22] (A. para. 422 [22])

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US, Status and Treatment of Detainees Held in Guantanamo Naval Base [27]

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U.S., Lethal Operations against Al-Qa’ida Leaders [29]

Syria, Press conference with French President Francois Hollande and Russian President Vladimir Putin
ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 [para 117]

USA, Jawad v. Gates

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ICTY, The Prosecutor v. Prlić et al.

US, Combatant Immunity and Recognition of belligerency

Unprivileged combatants
See Mercenaries
See Spies

Unlawful combatants
See Unlawful combatants

BIBLIOGRAPHIC RESOURCES

Suggested readings:


Further readings:


*Source URL:* https://casebook.icrc.org/glossary/combatants

*Links*

[1] https://casebook.icrc.org/glossary/international-armed-conflict
[8] https://casebook.icrc.org/glossary/prisoners-war