“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

PI, 43/1 [11]

members of organised resistance groups

GCI, 13/2 [13] (see ICRC updated Commentary [14])

GCII, 13/2 [15] (see ICRC updated Commentary [16])

GCI, 13/6 [13] (see ICRC updated Commentary [14])

GCII, 13/6 [15] (see ICRC updated Commentary [16])

members of regular armed forces including militias and volunteer corps

PI, 44/6 [18]

levée en masse See levée en masse [5]

GCI, 13/6 [13] (see ICRC updated Commentary [14])

GCII, 13/6 [15] (see ICRC updated Commentary [16])
GCIII, 4A6  [17]

PI, 44/6  [18]

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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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Germany, Government Reply on the Kurdistan Conflict  [25] (para 8  [26])

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

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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]

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Syria, Syrian rebels treat captured Filipino soldiers as 'guests'

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