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“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

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

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

GCIII, 4(A) ^[17]

PI, 43 ^[11]

PI, 44/3 ^[18]

members of regular armed forces

GCIII, 4A/1 ^[17]

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

GCI, 13/3 ^[13] (see ICRC updated Commentary ^[14])

GCII, 13/3 ^[15] (see ICRC updated Commentary ^[16])

GCIII, 4A/3 ^[17]

PI, 43/1 ^[11]

members of irregular militia, volunteer corps belonging to a party to a conflict

GCIII, 4A/2 ^[17]

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])

GCIII, 4A/2 ^[17]

PI, 44/6 ^[18]

members of regular armed forces including militias and volunteer corps

PI, 43/1-2 ^[11]

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]

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])

Case Study, Armed Conflicts in the former Yugoslavia ^[23] (para 19 ^[24])

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

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

European Court of Human Rights, Kononov v. Latvia ^[28]

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

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

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ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 [para 117 ^[31]]

USA, *Jawad v. Gates* ^[32]

Germany, Aerial Drone Attack in Mir Ali/Pakistan ^[33]

Syria, Syrian rebels treat captured Filipino soldiers as 'guests' ^[34]

ICTY, *The Prosecutor v. Prlić et al.* ^[35]

US, Combatant Immunity and Recognition of belligerency ^[36]

Unprivileged combatants

See *Mercenaries* ^[37]

See *Spies* ^[38]

Unlawful combatants

See *Unlawful combatants* ^[9]

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