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4.3.2. Qualification of a person as a ‘civilian’

COMMON ANALYSIS
Last update: November 2024

Being a civilian is a prerequisite in order to be able to benefit from protection under Article 15(c) QD/QR. The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of Article 15(c) QD/QR to former combatants who have genuinely and permanently renounced armed activity.

Applications by persons from Iraq falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under Article 15(c) QD/QR. For example, members of:

- ISIL and associated groups;
- militant factions of ISIL remnants;
- other militant groups;
- ISF;
- PMF and other militia groups, including tribal militias;
- KRG forces;
- PKK.

See also the chapter 2. Actors of persecution or serious harm.

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.



Exclusion considerations may also apply

(see 7. Exclusion).

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