

# **An Analytic model for explaining the legal personality of armed non-state groups under International Humanitarian Law: Study of the Shiite and Al-Qaeda affiliated groups in Iraq and Syria**

**Bahram Eynolahi Masoum**

Ph.D Candidate in International Relations, University of Tehran, Tehran, Iran.

bahram.einolahy@ut.ac.ir

**Yousef Molaei**

Assistant Professor of International Relations, University of Tehran, Tehran, Iran.

ymolaei@ut.ac.ir

## **Abstract**

In the States only conception states have absolute legal personality and this matter is valid during the stability of traditional International Law in which the legal personality of non-state actors is secondary and derivative at best. Nevertheless, by transition in the Westphalian order and appearing or becoming self-conscious the non-state actors, the problem of contradiction of their existence and legal subjectivity was appeared and if not unsolved, it has been defined depend on the legal personality of states. Among them, the matter of legal personality of armed non-state groups, may because their mostly anti-state nature, is more discussable than the other actors. The legal personality of these groups is considerable under International Humanitarian Law, more than the other legal fields. However, there are some written literatures in this field, the strength of the current research is being inter-disciplinary and induct the legal personality of armed groups under IHL, by starting from the International Relations' entrance. The current research focuses on the Shiite and Al-Qaeda affiliated armed groups in Iraq and Syria. In this regards, empirical and interpretative method will imply to explain interpret the legal personality of armed non-state groups. It is expectable that the out-put of this method, in synergy with the inter-disciplinary approach, will be innovation and originality of the achievement on the legal personality of armed non-state groups under IHL.

**Keywords:** *International Humanitarian Law, Legal Personality, Overall Control Criteria, Non-international Armed Conflict, Non-state Armed Groups*