

**Reference for a preliminary ruling from the Conseil d'État (Belgium) lodged on 7 June 2012 - Aboubacar Diakite v Commissaire général aux réfugiés et aux apatrides  
(Case C-285/12)**

*Language of the case: French*

**Referring court**  
Conseil d'État

**Parties to the main proceedings**

*Applicant:* Aboubacar Diakite

*Defendant:* Commissaire général aux réfugiés et aux apatrides

**Question referred**

Must Article 15(c) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees, or as persons who otherwise need international protection and the content of the protection granted, be interpreted as meaning that that provision offers protection only in a situation of 'internal armed conflict', as interpreted by international humanitarian law and, in particular, by reference to Common Article 3 of the four Geneva Conventions of 12 August 1949 (for the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field, for the Amelioration of the Conditions of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, on the Treatment of Prisoners of War, and on the Protection of Civilian Persons in Time of War, respectively)?

If the concept of 'internal armed conflict' referred to in Article 15(c) of Directive 2004/83 is to be given an interpretation independent of Common Article 3 of the four Geneva Conventions of 12 August 1949, what, in that case, are the criteria for determining whether such an 'internal armed conflict' exists?

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<sup>1</sup> - OJ 2004 L 304, p.12.