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Combatant immunity bars the prosecution of combatants ^[1] for mere participation in hostilities ^[2]. Thus, they are immune from prosecution ^[3] for murder and destruction of property committed as part of an armed conflict ^[4], unless such acts constitute war crimes ^[5].

Also, nationals of the Occupying Power who, before the outbreak of hostilities ^[6], have sought refuge in the territory of the occupied State enjoy, in principle, immunity from prosecution. This immunity does not cover offences committed after the outbreak of hostilities and extraditable offences under common law committed before the outbreak of hostilities.

International immunities under general international law may also bar the domestic prosecution of State officials or representatives of international organizations. However, there is a growing trend towards recognizing an exception to such immunity in case of international crimes, including war crimes ^[5].

See [Combatants](#) ^[1]; [Individual criminal responsibility](#); ^[3]

OUTLINE

[Chapter 13, X. 4. cc\) link with international immunities](#) ^[7]

CASES

The International Criminal Court ^[8] (Part A., Arts 27 ^[9] and 98 ^[10])

Belgium, Law on Universal Jurisdiction ^[11] (Part B., Art. 1(a) ^[12] and Part C. ^[13])

Sudan, Arrest Warrant for Omar Al-Bashir ^[14]

ICJ, Democratic Republic of the Congo v. Belgium ^[15]

Sierra Leone, Special Court Ruling on Immunity for Taylor ^[16]

Switzerland, The Immunity of General Nezzar ^[17]

US, Combatant Immunity and Recognition of belligerency ^[18]

BIBLIOGRAPHIC RESOURCES

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