International humanitarian law of non-international armed conflicts contains no reference to combatants or prisoners of war. Rather, the term “fighters” is used by scholars and practitioners to refer to members of armed groups, often only if they perform a continuous fighting function. For the purpose of conduct of hostilities, the term reflects a status-based equivalent of the notion of combatants in international armed conflicts. “Fighters” may thus be targeted at all times, subject, according to some, to the principle of military necessity.

However, fighters do not have combatant immunity, and therefore, can be prosecuted for directly participating in hostilities.

Fighters who have fallen into the hands of the adversary are entitled to the same protection as civilians (GC I-IV, Art. 3; P II, Art. 4).

See Armed groups; Non-international armed conflict; Combatants; Direct Participation in Hostilities;

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