International humanitarian law of non-international armed conflicts [1] contains no reference to combatants [2] or prisoners of war [3]. Rather, the term “fighters” is used by scholars and practitioners to refer to members of armed groups [4], often only if they perform a continuous fighting function [5]. For the purpose of conduct of hostilities [6], the term reflects a status-based equivalent of the notion of combatants in international armed conflicts [7]. “Fighters” may thus be targeted at all times, subject, according to some, to the principle of military necessity [8].

However, fighters do not have combatant immunity [9], and therefore, can be prosecuted for directly participating in hostilities [10].

Fighters who have fallen into the hands of the adversary are entitled to the same protection as civilians [11] (GC I-IV, Art. 3 [12]; P II, Art. 4 [13]).

See Armed groups [4]; Non-international armed conflict [1]; Combatants [2]; Direct Participation in Hostilities [10];

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