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];

CASES

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 [paras 84-87 [14], 91 [15], 92 [16]]
Mali, Accountability for the Destruction of Cultural Heritage [17]

United Kingdom, The Case of Serdar Mohammed (Court of Appeal and Supreme Court Judgments) [18]

El Salvador, Supreme Court Judgment on the Constitutionality of the Amnesty Law [19]

USA, Jawad v. Gates [20]

Syria, Report by UN Commission of Inquiry (March 2017) [21]

Syria, the Battle for Aleppo [22]

ICC, Confirmation of Charges against LRA Leaders [23]

Colombia Peace Agreement [24]

International Criminal Court, Trial Judgment in the Case of the Prosecutor V. Jean-Pierre Bemba Gombo [25]

Iraq, The Battle for Mosul [26]

Eastern Ukraine, OHCHR Report on the Situation: November 2016 - February 2017 [27]

UN, Working Group on the use of Mercenaries: Preliminary Findings of Mission to Ukraine
Iraq, Crimes by Militia Groups

Central African Republic, No Class: When Armed Groups Use Schools

BIBLIOGRAPHIC RESOURCES


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