



Published on *How does law protect in war? - Online casebook* (<https://casebook.icrc.org>)

Home > Fighters

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

[28]

Iraq, Crimes by Militia Groups [29]

Central African Republic, No Class: When Armed Groups Use Schools [30]

BIBLIOGRAPHIC RESOURCES

KLEFFNER Jann K., “From “Belligerents” to “Fighters” and Civilians Directly Participating in Hostilities: on the Principle of Distinction in Non-International Armed Conflicts One Hundred Years After the Second Hague Peace Conference”, in *NetherlandsInternational Law Review*, Vol. 54, No. 2, 2007, pp. 315-336.

KLEFFNER Jann K., “The Notions of Civilians and Fighters in Non-International Armed Conflicts”, in BERUTO Gian Luca (ed.), *The Conduct of Hostilities: Revisiting the Law of Armed Conflict: 100 Years After the 1907 Hague Conventions and 30 Years After the 1977 Additional Protocols: Current Problems of International Humanitarian Law, Sanremo, 6-8 September 2007: Proceedings*, Milano, Nagard, 2008, pp. 69-78.

SOLF Waldemar A., “The Status of Combatants in Non international Armed Conflicts Under Domestic Law and Transnational Practice”, in *American University Law Review*, Vol. 33/1, 1983, pp. 53-65.

Source URL: <https://casebook.icrc.org/glossary/fighters>

Links

[1] <https://casebook.icrc.org/glossary/non-international-armed-conflict>

[2] <https://casebook.icrc.org/glossary/combatants>

[3] <https://casebook.icrc.org/glossary/prisoners-war>

- [4] <https://casebook.icrc.org/glossary/armed-groups>
- [5] <https://casebook.icrc.org/glossary/continuous-fighting-function>
- [6] <https://casebook.icrc.org/casebook/doc/glossary/conduct-hostilities.htm>
- [7] <https://casebook.icrc.org/glossary/international-armed-conflict>
- [8] <https://casebook.icrc.org/glossary/military-necessity>
- [9] <https://casebook.icrc.org/glossary/immunities>
- [10] <https://casebook.icrc.org/glossary/direct-participation-hostilities>
- [11] <https://casebook.icrc.org/glossary/civilians>
- [12]
- <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=BAA341028EBFF1E8C12563CD>
- [13]
- <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=F9CBD575D47CA6C8C12563CD>
- [14] <https://casebook.icrc.org/case-study/icrc-international-humanitarian-law-and-challenges-contemporary-armed-conflicts-2015#challenges-2015-para84>
- [15] <https://casebook.icrc.org/case-study/icrc-international-humanitarian-law-and-challenges-contemporary-armed-conflicts-2015#challenges-2015-para91>
- [16] <https://casebook.icrc.org/case-study/icrc-international-humanitarian-law-and-challenges-contemporary-armed-conflicts-2015#challenges-2015-para92>
- [17] <https://casebook.icrc.org/case-study/mali-accountability-destruction-cultural-heritage>
- [18] <https://casebook.icrc.org/case-study/united-kingdom-case-serdar-mohammed-court-appeal-and-supreme-court-judgments>
- [19] <https://casebook.icrc.org/case-study/el-salvador-supreme-court-judgment-unconstitutionality-amnesty-law>
- [20] <https://casebook.icrc.org/case-study/usa-jawad-v-gates>
- [21] <https://casebook.icrc.org/case-study/syria-report-un-commission-inquiry-march-2017>
- [22] <https://casebook.icrc.org/case-study/syria-battle-aleppo>
- [23] <https://casebook.icrc.org/case-study/icc-confirmation-charges-against-lra-leader>
- [24] <https://casebook.icrc.org/case-study/colombia-peace-agreement>
- [25] <https://casebook.icrc.org/case-study/international-criminal-court-trial-judgment-case-prosecutor-v-jean-pierre-bemba-gombo>
- [26] <https://casebook.icrc.org/case-study/iraq-battle-mosul>
- [27] <https://casebook.icrc.org/case-study/eastern-ukraine-ohchr-report-situation-november-2016-february-2017>
- [28] <https://casebook.icrc.org/case-study/un-working-group-use-mercenaries-preliminary-findings-mission-ukraine>
- [29] <https://casebook.icrc.org/case-study/iraq-crimes-militia-groups>
- [30] <https://casebook.icrc.org/case-study/central-african-republic-no-class-when-armed-groups-use-schools>