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See [War crimes](#) ^[1], [Grave breaches](#) ^[2], [Individual criminal responsibility](#) ^[3];

Based on the notion that certain crimes are so grave that they affect the international community as a whole, the principle of universal jurisdiction, which entitles a State to prosecute offenders even in the absence of any link between the crime committed and the prosecuting state, is one means of facilitating and securing the repression of such crimes. The rationale of universal jurisdiction is to avoid impunity and to prevent those who committed serious crimes from finding a safe haven in third countries. Indeed, universal jurisdiction enables all states to fulfill their duty to prosecute and punish the perpetrators of war crimes. In order to make this principle effective, States are required to establish universal jurisdiction for war crimes in their national legislation.

OUTLINE

Chapter 13, X. 4. a) the universal obligation to repress grave breaches ^[4]

LEGAL SOURCE

GCI, 49 ^[5] (see ICRC updated Commentary ^[6])

GCII, 50 ^[7] (see ICRC updated Commentary ^[8])

GCIII, 129 ^[9]

GCIV, 146 ^[10]

PI, 85/1 ^[11]

CIHL, 157 ^[12]-158 ^[13]

CASES

UN, Secretary-General's Reports on the Protection of Civilians in Armed Conflict ^[14]

Switzerland, Military Penal Code ^[15]

Germany, International Criminal Code ^[16]

Canada, Crimes Against Humanity and War Crimes Act (Sections 6-8) ^[17]

Belgium, Law on Universal Jurisdiction ^[18] (Part B. ^[19], Arts 10.1(a) ^[20] and 12(a) ^[21] and Part C. ^[22])

United States, War Crimes Act ^[23]

Canada, Ramirez v. Canada ^[24] (Para. 11 ^[25])

Sudan, Report of the UN Commission of Enquiry on Darfur ^[26] (Paras. 613-615

^[27]

)

Sudan, Arrest Warrant for Omar Al-Bashir (Part A.) [28]

Canada, Sivakumar v. Canada [29]

Case Study, Armed Conflicts in the former Yugoslavia (17) [30]

Bosnia and Herzegovina, Release of Prisoners of War and Tracing Missing Persons After the End of Hostilities [31]

Switzerland, Military Tribunal of Division 1, Acquittal of G. [32]

Switzerland, The Niyonteze Case [33]

ICJ, Democratic Republic of the Congo v. Belgium (individual and dissenting opinions) [34]

Switzerland, The Immunity of General Nezzar [35]

Spain, Universal Jurisdiction over Grave Breaches of the Geneva Conventions [36]

Belgium, Prosecution of Terrorist Crimes in the context of Armed Conflict [37]

Germany, Aerial Drone Attack in Mir Ali/Pakistan [38]

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[12] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule157

[13] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule158

[14] <https://casebook.icrc.org/case-study/un-secretary-generals-reports-protection-civilians-armed-conflict>

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[16] <https://casebook.icrc.org/case-study/germany-international-criminal-code>

[17] https://casebook.icrc.org/case-study/canada-crimes-against-humanity-and-war-crimes-act#section_6

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[21] https://casebook.icrc.org/case-study/belgium-law-universal-jurisdiction#art_12a

[22] https://casebook.icrc.org/case-study/belgium-law-universal-jurisdiction#part_c

[23] <https://casebook.icrc.org/case-study/united-states-war-crimes-act>

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