Not all violations of the laws of war are sanctioned in the same manner. The Geneva Conventions and Additional Protocol I identify a limited set of violations – the grave breaches – which are particularly serious violations that give rise to specific obligations of repression for States. Grave breaches must be prosecuted by High Contracting Parties on the basis of the principle of universal jurisdiction. Together with other serious violations of IHL, grave breaches constitute war crimes.

See War Crime, Individual Criminal Responsibility; Universal Jurisdiction; Breach, Violations; Genocide; Crimes Against Humanity; International Criminal Court; ICTY; ICTR; International criminal law; Individual criminal responsibility;
definition and lists of offences

GCI, 50 [16] (see ICRC updated Commentary [17])

GCII, 51 [18] (see ICRC updated Commentary [19])

GCIII, 130 [20]

GCIV, 147 [21]

PI, 11/4 [22]

PI, 85 [23]

universal jurisdiction

GCI, 49 [24] (see ICRC updated Commentary [25])

GCII, 50 [26] (see ICRC updated Commentary [27])

GCIII, 129 [28]

GCIV, 146 [29]

PI, 85/1 [23]
The International Criminal Court (A. Art. 8) [30]

Germany, International Criminal Code [31] (Paras. 8-12 [32])

Canada, Crimes Against Humanity and War Crimes Act (Section 4) [33]

Belgium, Law on Universal Jurisdiction (A. Art. 136(c)) [34]

Ghana, National Legislation Concerning the Emblem [35]

US, War Crimes Act [36]

Hungary, War Crimes Resolution (V. 4 (b)) [37]

US Military Tribunal at Nuremberg, United States v. Alfried Krupp et al. [38]

Chile, Prosecution of Osvaldo Romo Mena [39]

Netherlands, In re Pilz [40]

Israel, Human Rights Committee’s Report on Beit Hanoun [41] (Paras. 49 [42], 68 [43] and 75 [44])

Case Study, Armed Conflicts in the former Yugoslavia [45] (17 [46], 27 [47] and 32 [48])

UN, Statute of the ICTY (B. and C. Arts 2 and 3) [49]


Further reading:


Source URL: https://casebook.icrc.org/glossary/grave-breaches

Links
[1] https://casebook.icrc.org/glossary/violations