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]

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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])

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UN, Statute of the ICTY (B. and C. Arts 2 and 3) [49]
ICTY, The Prosecutor v. Tadic (A. paras 79-84) [50]

ICTY, The Prosecutor v. Rajic (para 8) [51]

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Colombia, Constitutionality of IHL Implementing Legislation [53]

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France, Dupaquier et al v. Munyeshyaka [55]

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Afghanistan, Separate Hospital Treatment for Men and Women (B. para 12) [57]

Spain, Universal Jurisdiction over Grave Breaches of the Geneva Conventions [58]

Central African Republic, Coup d’Etat [59]

32nd International Conference of the Red Cross and Red Crescent, Sexual and gender-based violence: joint action on prevention and response [60]

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Suggested reading:

FLECK Dieter, “Shortcomings of the Grave Breaches Regime”, in *Journal of International Criminal Justice*


Further reading:


2009, pp. 789-809.


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

Links
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