Not all violations[1] 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[2] for States. Grave breaches must be prosecuted by High Contracting Parties on the basis of the principle of universal jurisdiction[3]. Together with other serious violations of IHL, grave breaches constitute war crimes[4].

See War Crime[5], Individual Criminal Responsibility[6]; Universal Jurisdiction[3]; Breach[7], Violations[1]; Genocide[8]; Crimes Against Humanity[9]; International Criminal Court[10]; ICTY[11]; ICTR[12]; International criminal law[13]; Individual criminal responsibility[6];
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]
ICTY, The Prosecutor v. Tadic (A. paras 79-84) [50]

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

ICTY, The Prosecutor v. Blaskic (A. paras 151-158) [52]

Colombia, Constitutionality of IHL Implementing Legislation [53]

United States, Military Commissions [54]

France, Dupaquier et al v. Munyeshyaka [55]

ICJ, DRC v. Belgium [56]

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]

ECCC, Detention Sites in Cambodia [61]


Further reading:


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

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