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])

GCI, 130 [20]

GCI, 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])

GCI, 129 [28]

GCI, 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