



ICRC

What are "serious violations of international humanitarian law"? Explanatory Note

"Serious violations of international humanitarian law" are "war crimes." The two terms are today interchangeable. They can take place in international or non-international armed conflicts.

Violations are serious, and are war crimes, if they **endanger protected persons** (e.g. civilians, prisoners of war, the wounded and sick) **or objects** (e.g. civilian objects or infrastructure) or if they **breach important values**.

The majority of war crimes involve death, injury, destruction or unlawful taking of property.

Acts can amount to war crimes because they breach important universal values, even without physically endangering persons or objects directly. These include, for example, abusing dead bodies and recruiting children under 15 years of age into the armed forces.

Serious violations of international humanitarian law are:

- grave breaches¹ as specified under the four Geneva Conventions of 1949 (Articles 50, 51, 130, 147 of Conventions I, II, III and IV respectively) (see Annex 1),
- grave breaches² as specified under Additional Protocol I of 1977 (Articles 11 and 85) (see Annex 1),
- war crimes as specified under Article 8 of the Rome Statute of the International Criminal Court³ (see Annex 2),
- other war crimes in international and non-international armed conflicts in customary international humanitarian law⁴ (see Annex 3).

¹ Grave breaches as specified under the four Geneva Conventions of 1949 are applicable in international armed conflicts. All States are party to the four Geneva Conventions.

² Grave breaches as specified under the first Additional Protocol of 1977 are applicable in international armed conflicts. 172 States are party to the first Additional Protocol.

³ War crimes as specified under the Rome Statute are applicable in international and non-international armed conflicts. 122 are party to the Rome Statute.

⁴ All parties to all armed conflicts are bound by customary international humanitarian law.