

The Crime of Aggression under the Rome Statute of the International Criminal Court

Abstract

This diploma thesis deals with the Crime of Aggression, one of the four crimes under international law prosecuted by the International Criminal Court. The definition of this crime was adopted at the Kampala Review Conference in 2010 and the jurisdiction of the International Criminal Court was activated in 2018. This is a significant milestone in the development of international criminal law, as it means a possibility of prosecuting state „leaders“ for acts of aggression against other states for the first time since the end of the Second World War.

The goal of this thesis is to provide a brief summary of the historical development of the Crime of Aggression, to analyse and to evaluate the newly adopted definition. The jurisdiction of the International Criminal Court over the Crime of Aggression will be also assessed. Last but not least, the paper elaborates on whether the Crime of Aggression has become a custom in international customary law.

The first chapter deals with the position of the Crime of Aggression in relation to other crimes under international law and the issue of terms and scheme of international criminal law. Chapter two describes the complex historical development of the Crime of Aggression. In the historical chapter, attention is paid mainly to the international military tribunals in Nuremberg and Tokyo, where crimes against peace, which are the forerunners of the Crime of Aggression, were formulated. This is followed by the third chapter, dealing with aggression as a custom in international customary law. The fourth chapter discusses in detail the elements of the Crime of Aggression, and then deals with the applicability of the Nuremberg and Tokyo judgments to the interpretation of the definition. The final chapter is devoted to the jurisdiction of the International Criminal Court. The beginning deals with the standard jurisdictional regimes of the International Criminal Court and then the special jurisdictional regime for the Crime of Aggression is discussed. The conclusion of the chapter addresses the complex issue of the Kampala amendments' entry into force.

Key words: Crime of Aggression, Rome Statute, International Criminal Court