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

SECOND EDITION



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The International Criminal Court And The Crime Of Aggression

William A. Schabas



The International Criminal Court And The Crime Of Aggression:

The International Criminal Court and the Crime of Aggression Mauro Politi, 2017-09-29 The Rome Statute of the International Criminal Court entered into force in 2002 and the ICC will soon be fully operational Earlier in the ICC process an international conference was held in Trento to address a specific issue that is still unresolved in the post Rome negotiations the crime of aggression Article 5 of the ICC Statute includes aggression yet the Statute postpones the exercise of its jurisdiction over the crime of aggression until such time as further provisions have been prepared on the definition of this crime and on the related conditions for the Court's intervention This important volume collects the papers given by the participants at the Trento Conference The volume is divided into three parts the historical background of the crime of aggression the definition of the crime of aggression in light of proposals in the Preparatory Commission and various points of view on the relationship between the Court's competence in adjudicating cases of alleged crimes of aggression and the Security Council's competence [The Crime of Aggression under the Rome Statute of the International Criminal Court](#) Carrie McDougall, 2021-08-12 This edition provides a comprehensively updated guide to the crime of aggression under the Statute of the International Criminal Court **The International Criminal Court and the Crime of Aggression**, 2009

The Definition of the Crime of Aggression for the Purpose of the International Criminal Court Sergey Sayapin, 2018 The definition of the crime of aggression for the purpose of the Rome Statute of the International Criminal Court ICC remains a key issue of contemporary international criminal law The work accomplished to date by the Preparatory Commission for the ICC and the Special Working Group on the Crime of Aggression has resulted in promising draft amendments to the Rome Statute which defines the crime on the basis of relevant international law sources and suggests workable mechanisms of interaction between the Court and the United Nations Security Council This article examines the draft amendments in a critical way and recommends substantial and procedural improvements In particular the respective roles of the International Court of Justice and the United Nations General Assembly for the determination of acts of aggression are reconsidered and a more measurable definition of the crime of aggression is proposed It is suggested that the new rules of the Rome Statute if duly recognized should affect the practice of both the International Criminal Court and the Security Council as well as of other relevant principal organs of the United Nations such as the International Court of Justice **The Crime of Aggression** Claus Kreß, Stefan Barriga, 2016-10-27 The 2010 Kampala Amendments to the Rome Statute empowered the International Criminal Court to prosecute the supreme crime under international law the crime of aggression This landmark commentary provides the first analysis of the history theory legal interpretation and future of the crime of aggression As well as explaining the positions of the main actors in the negotiations the authoritative team of leading scholars and practitioners set out exactly how countries have themselves criminalized illegal war making in domestic law and practice In light of the anticipated activation of the Court's jurisdiction over this crime in 2017 this work offers over two volumes a comprehensive

legal analysis of how to understand the material and mental elements of the crime of aggression as defined at Kampala
 Alongside *The Travaux Préparatoires of the Crime of Aggression* Cambridge 2011 this commentary provides the definitive resource for anyone concerned with the illegal use of force **Individual Criminal Liability for the International Crime of Aggression** Gerhard Kemp, 2016 *The Crime of Aggression in International Criminal Law* Sergey Sayapin, 2014-01-10
 Since after the Second World War the crime of aggression is along with genocide crimes against humanity and war crimes a core crime under international law However despite a formal recognition of aggression as a matter of international criminal law and the reinforcement of the international legal regulation of the use of force by States numerous international armed conflicts occurred but no one was ever prosecuted for aggression since 1949 This book comprehensively analyses the historical development of the criminalisation of aggression scrutinises in a detailed manner the relevant jurisprudence of the Nuremberg and Tokyo Tribunals as well as of the Nuremberg follow up trials and makes proposals for a more successful prosecution for aggression in the future In identifying customary international law on the subject the volume draws upon a wealth of applicable sources of national criminal law and puts forward a useful classification of States legislative approaches towards the criminalisation of aggression at the national level It also offers a detailed analysis of the current international legal regulation of the use of force and of the Rome Statute's substantive and procedural provisions pertaining to the exercise of the International Criminal Court's jurisdiction with respect to the crime of aggression after 1 January 2017

The International Criminal Court and the Responsibility to Protect Stefano Marinelli, 2022-07-28 This book examines the parallel development and interaction between the International Criminal Court ICC and the doctrine of the Responsibility to Protect RtoP assessing this relationship over time and through case studies of Darfur Libya and Syria The similarities and connections between the doctrine and the Court have been highlighted by UN bodies the organs of the Court and scholars yet their relationship and common impact on international law have been less explored This book fills this gap in presenting an overview of how the development of RtoP and the ICC affect various branches of international law The research shows that while the doctrine and the Court experienced significant implementation problems in their first decades of life they nonetheless have the potential to contribute to the historical evolution of international law in combining their values of promoting international peace and protecting human rights This interdisciplinary study will be useful for scholars of international law and international relations It will also be beneficial to persons working for international organisations and for civil society organisations focused on the activity of the ICC and on the development of RtoP **The Travaux Préparatoires of the Crime of Aggression** Stefan Barriga, Claus Kreß, 2011-12-15 *The Travaux Préparatoires of the Crime of Aggression* contains a complete documentation of the fifteen years of negotiations which led up to the historic adoption of the amendments to the Rome Statute of the International Criminal Court at the 2010 Review Conference in Kampala Arranged chronologically it includes all relevant official Chairman's drafts non papers country proposals meeting reports and

summary records as well as selected unpublished materials and transcripts from the dramatic negotiations at the Review Conference Three introductory articles each written from the perspective of an insider put the Kampala compromise into context and explore the amendments on the crime of aggression their negotiation history and the intentions of the drafters

The International Criminal Court William A. Schabas, 2017-01-19 Established as one of the main sources for the study of the Rome Statute of the International Criminal Court this volume provides an article by article analysis of the Statute the detailed analysis draws upon relevant case law from the Court itself as well as from other international and national criminal tribunals academic commentary and related instruments such as the Elements of Crimes the Rules of Procedure and Evidence and the Relationship Agreement with the United Nations Each of the 128 articles is accompanied by an overview of the drafting history as well as a bibliography of academic literature relevant to the provision Written by a single author the Commentary avoids duplication and inconsistency providing a comprehensive presentation to assist those who must understand interpret and apply the complex provisions of the Rome Statute This volume has been well received in the academic community and has become a trusted reference for those who work at the Court even judges The fully updated second edition of The International Criminal Court incorporates new developments in the law including discussions of recent judicial activity and the amendments to the Rome Statute adopted at the Kampala conference

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