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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

**Stefan Barriga, Claus Kreß**



## **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 [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

*The International Criminal Court and the Prosecution of Sitting Heads of State* Mattia Cacciatori, 2024-07-09 The practice of prosecuting sitting Heads of State SHoS by the International Criminal Court ICC represents a revolutionary and morally compelling pursuit of justice for those who commit the most heinous crimes known to humanity regardless of their status This book embarks on an exploration of the intricate political dynamics surrounding this complex practice delving into six pivotal cases where the ICC grappled with the idea of prosecuting SHoS These cases include Uganda Sudan Kenya Libya Syria and Russia encompassing all instances where the ICC directly targeted SHoS as well as two cases where the Court was unable or unwilling to act The investigation focuses on the multifaceted political complexities involved in initiating investigations against SHoS It also delves into the far reaching domestic and international consequences these prosecutions carried profoundly impacting both the host societies and the international arena

**The Emerging Practice of the International Criminal Court** Carsten Stahn, Göran Sluiter, 2009 The International Criminal Court is at a crossroads In 1998 the Court was still a fiction A decade later it has become operational and faces its first challenges as a judicial institution This volume examines this transition It analyses the first jurisprudence and policies of the Court It provides a systematic survey of the emerging law and practice in four main areas the relationship of the Court to domestic jurisdictions prosecutorial policy and practice the treatment of the Court's applicable law and the shaping of its procedure It revisits major themes such as jurisdiction complementarity cooperation prosecutorial discretion modes of liability pre trial trial and appeals procedure and the treatment of victims and witnesses as well as their criticisms It also explores some of challenges and potential avenues for future reform

**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     Rethinking the Crime of Aggression Stefanie Bock,Eckart Conze,2021-09-20 This book presents a selection of revised and updated papers presented in September 2018 at the International Conference Rethinking the Crime of Aggression International and Interdisciplinary Perspectives which was held in Marburg Germany and hosted by the International Research and Documentation Centre for War Crimes Trials ICWC In light of the activation of the jurisdiction of the International Criminal Court concerning the crime of aggression international experts from various disciplines such as law history the social sciences psychology and economics came together to enhance the understanding of this complex and challenging matter and thereby opened a cross disciplinary dialogue regarding aggressive war and the crime of aggression a dialogue that not only addresses the historical genesis of the current situation the content of the new aggression provisions their implementation in practice and their possible regulatory effects but also instigates perspectives for investigating future developments and issues Stefanie Bock is Professor of Criminal Law Criminal Procedure International Criminal Law and Comparative Law in the Department of Law at the Philipps University of Marburg in Germany and Co Director of the International Research and Documentation Centre for War Crimes Trials Eckart Conze is Professor of Modern and Contemporary History in the Department of History at the Philipps University of Marburg in Germany and Co Director of the International Research and Documentation Centre for War Crimes Trials     *The Jurisdiction of the International Criminal Court* Victor Tsilonis,2024-02-24 This book embarks on a comprehensive exploration of the jurisdiction of the International Criminal Court ICC and elucidates the three foundational aspects of its jurisdiction as laid out in the Rome Statute the preconditions for exercising jurisdiction Article 12 ICCRSt its substantive competence regarding core crimes Articles 5 8bis ICCRSt and the principle of complementarity Article 17 1 a ICCRSt This principle crucial to understanding the ICC s ultimate jurisdiction is invoked only when a State Party demonstrates an inability or unwillingness to genuinely undertake investigation or prosecution The book further probes the negative preconditions of the Court s jurisdiction in particular immunities Article 27 ICCRSt and exceptions through Security Council referrals Articles 13 b and 15 ICCRSt Intended for students scholars and practitioners alike this second edition offers invaluable insights into the ICC s jurisdiction making a notable contribution to the existing literature Importantly it also navigates emerging fields of international criminal law addressing topical and thought provoking subjects such as ecocide cyber warfare automated lethal weapons artificial intelligence and the legal complexities arising from the Russian invasion of Ukraine Winner of the Second International Science Prize 2024 of the Hans G nter Brauch Foundation for Peace and Ecology in the Anthropocene HGBS on the Theme Ecocide Impacts of Wars and or Climate Change on Food Security Since 1945     **The Legal Regime of the International Criminal Court** Jose Doria,Hans-Peter Gasser,M. Cherif Bassiouni,2009-06-24 This impressive and unique collection of essays covers important aspects of the legal regime of the International Criminal Court ICC The volume begins with an analysis of the historical development of the ICC the progressive development of international humanitarian and

international criminal law by the ad hoc Tribunals and the work of mixed national international jurisdictions The legal and institutional basis of the ICC is then dealt with in detail including the organs of the ICC war crimes crimes against humanity and crimes of aggression modes of liability before the ICC and defences before the ICC Part III focuses on the court at work including its procedural rules criminal proceedings at the ICC penalties and appeal and revision procedures Part IV deals with the relationship of the ICC with states and international organizations The contributors are established scholars in the field of international criminal and humanitarian law many of whom are practitioners in the various tribunals *The Law and Practice of the International Criminal Court* Carsten Stahn, 2015-05-28 Some parts of this publication are open access available under the terms of a CC BY NC ND 4.0 International licence Chapters 2 4 10 47 and 49 are offered as a free PDF download from OUP and selected open access locations The International Criminal Court is a controversial and important body within international law one that is significantly growing in importance particularly as other international criminal tribunals close down After a decade of Court practice this book takes stock of the activities of the International Criminal Court identifying the key issues in need of re thinking or potential reform It provides a systematic and in depth thematic account of the law and practice of the Court including its changes context the challenges it faces and its overall contribution to international criminal law The book is written by over forty leading practitioners and scholars from both inside and outside the Court They provide an unparalleled insight into the Court as an institution its jurisprudence the impact of its activities and its future development The work addresses the ways in which the practice of the International Criminal Court has emerged and identifies ways in which this practice could be refined or improved in future cases The book is organised along six key themes i the context of International Criminal Court investigations and prosecutions ii the relationship of the Court to domestic jurisdictions iii prosecutorial policy and practice iv the applicable law v fairness and expeditiousness of proceedings and vi its impact and lessons learned It shows the ways in which the Court has offered fresh perspectives on the theorization and conception of crimes charges and individual criminal responsibility It examines the procedural framework of the Court including the functioning of different stages of proceedings The Court's decisions have significant repercussions on domestic law criminal theory and the law of other international courts and tribunals In this context the book assesses the extent to which specific approaches and assumptions both positive and negative regarding the potential impact of the Court are in need of re thinking This book will be essential reading for practitioners scholars and students of international criminal law

**The International Criminal Court - An International Criminal World Court?** Sarah Babiak, 2018-05-31 This book provides an analysis of whether the International Criminal Court can be regarded as an International Criminal World Court capable of exercising its jurisdiction upon every individual despite the fact that not every State is a Party to the Rome Statute The analysis is based on a twin pillar system which consists of a judicial and an enforcement pillar The judicial pillar is based on the most disputed articles of the Rome Statute its goal is to determine the potential scope of the Court's strength through

the application of its jurisdiction regime The enforcement pillar provides an analysis of the cooperation and judicial assistance mechanism pursuant to the Rome Statute s provisions and its practical implementation through States practices The results of the analysis and the lack of an effective enforcement mechanism demonstrate that the ICC cannot in fact be considered a criminal world court In conclusion possible solutions are presented in order to improve the enforcement pillar of the Court so that the tremendous strength of the ICC s judicial pillar and with it the exercise of worldwide jurisdiction can be effectively implemented

**An Introduction to International Criminal Law and Procedure** Robert Cryer,Håkan Friman,Darryl Robinson,Elizabeth Wilmschurst,2007-06-14 International criminal law has developed considerably in the last decade and a half resulting in a complex and re invigorated discipline This has impacted directly on the popularity of the study of the subject particularly on postgraduate law degrees This textbook serves these courses by providing an introduction to the principles of international criminal law and processes Written by four international lawyers with experience of teaching international criminal law it is accessible yet sophisticated in its approach It covers substantive international criminal law the institutions designed to enforce it and their procedures and the international law applicable to domestic prosecutions of international crimes It will be essential reading for students and teachers of international criminal law In addition practitioners and researchers in the field and in related fields such as criminal law students of international law and international relations will find this introduction invaluable

**The Jurisdiction of the International Criminal Court over Nationals of Non-States Parties** Monique Cormier,2020-08-20 This book provides a systematic and comprehensive analysis of the ICC s jurisdiction over nationals of non States Parties It is within the context of developments at the Court in recent years that this work addresses the overarching question On what legal basis is the ICC authorised to exercise jurisdiction over nationals of non States Parties Engaging with ICC jurisprudence and building upon arguments developed in legal scholarship this book explores the theory of delegated jurisdiction and critically examines the idea that the Court might alternatively be exercising jurisdiction inherent to the international community It argues that delegation of territorial jurisdiction and implied consent by virtue of UN membership provide a legal basis to allow the ICC to exercise jurisdiction over nationals of non States Parties in almost all situations envisaged by the Rome Statute

**Interpreting Crimes in the Rome Statute of the International Criminal Court** Leena Grover,2014-10-16 The Rome Statute of the International Criminal Court defines more than ninety crimes that fall within the Court s jurisdiction genocide other crimes against humanity war crimes and aggression How these crimes are interpreted contributes to findings of individual criminal liability and moreover affects the perceived legitimacy of the Court And yet to date there is no agreed upon approach to interpreting these definitions This book offers practitioners and scholars a guiding principle arguments and aids necessary for the interpretation of international crimes Leena Grover surveys the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda before presenting a model of interpretive reasoning that integrates the guidance



within the Rome Statute into articles 31-33 of the Vienna Convention on the Law of Treaties 1969

## **The International Criminal Court And The Crime Of Aggression** Book Review: Unveiling the Power of Words

In some sort of driven by information and connectivity, the power of words has be more evident than ever. They have the capability to inspire, provoke, and ignite change. Such could be the essence of the book **The International Criminal Court And The Crime Of Aggression**, a literary masterpiece that delves deep in to the significance of words and their effect on our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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