

Crime of Aggression under the Rome Statute of ICC

Abstract

The thesis focuses on a description and critical analysis of the definition of the crime of aggression in the Rome Statute (RS), together with the conditions for the International Criminal Court (ICC) to exercise jurisdiction over this crime. The thesis takes into account the historical development of the prohibition of offensive war and the crime of aggression, the phases of the drafting of the definition for the RS, and recent developments leading to its activation and related complications. The activation of ICC jurisdiction over the crime of aggression, which took place on 17 July 2018 on the twentieth anniversary of the adoption of the Rome Statute, was the result of a long and complex political-legal process.

This thesis provides an overview of the historical context and the development of international law that led to the definition and activation of the crime of aggression. Key chapters focus on the establishment of the ICC, the search for and adoption of a definition of the crime of aggression, its activation and disputes related to the jurisdiction of the court, and the actual analysis of the mental elements and mens rea of the crime of aggression in the RS and its jurisdictional conditions. Emphasis is placed on legislative and policy aspects, as well as legal and interpretive issues related to the definition and jurisdictional conditions.

The thesis concludes that given the limited jurisdiction and political obstacles, it is unlikely that the ICC will be able to effectively prosecute crimes of aggression in the near future.