

ABSTRACT

Title of the dissertation: The Rome Statute's Crime of Aggression following the Kampala Review Conference

The definition of crime of aggression was adopted in 2010 to fill the gap in article 5 (2) of the Rome Statute of the International Criminal Court ("ICC"). Complicated discussions preceding the adoption have identified many problematic aspects within the definition, including the relationship between the ICC and the UN Security Council ("SC") – whether the SC would be the only body capable to commence proceedings for the crime of aggression or not; further including the legal status of humanitarian intervention for the purposes of its criminalization under the Rome Statute; position of a perpetrator of the crime – should only leaders be considered perpetrators or should "lower" state officials be included; how should the amendment enter into force – under article 121 (4) or 121 (5) of the Rome Statute; etc. Many of these questions have not been answered by the adopted definition in a satisfactory way and so while the international community was celebrating the success of the adoption of the "supreme crime's" definition, many (including the author of this dissertation) have been seriously disappointed by the short-comings of the adopted text.

Scholars continue to better understand the definition's text and implications and, five years following its adoption, it becomes clearer every day that for the definition to be an effective tool of deterring the crimes of aggression, it needs to be revised.