

Název diplomové práce v anglickém jazyce, abstrakt v anglickém jazyce a 3 klíčová slova v anglickém jazyce

Název práce v anglickém jazyce: The Crime of Aggression in International Criminal Law

Klíčová slova: Crime of Aggression, Rome Statute, Ukraine.

Abstract

The crime of aggression is one of the most serious crimes under international law. It is committed by one who, from a position of power in a State, carries out (or plans, prepares or initiates) an act of aggression, i.e. uses force in violation of public international law, against another State. Compared to other crimes under international law, it is thus very specific because (a) it can only be committed by the top officials of states, and (b) it must be linked to the existence of an act of aggression, which is a question of public international law, not individual international criminal law.

This thesis focuses on the classification of the crime of aggression in international criminal law, its historical development, legal framework and current procedural applicability, with a focus on the current situation in Ukraine. The aim of the thesis is to analyse how the crime of aggression has developed in the context of international law up to its enshrinement in the jurisdiction of the International Criminal Court. The history of the crime of aggression dates back to the post-World War I period, when it was first formulated in the context of international law and continues until its final definition and inclusion in the Rome Statute of the International Criminal Court. This thesis examines in detail the legal qualification of the crime of aggression, focusing on the procedural rules for determining jurisdiction and the conditions for prosecuting perpetrators for committing the crime of aggression. The last part of the thesis builds on the previous theoretical chapters and discusses the mechanisms available to the international community to prosecute the crime of aggression in relation to the aggression of the Russian Federation in Ukraine, which began in early 2022 and continues to this day.

In the specific case of the situation in Ukraine, it is concluded, as predicted, that the International Criminal Court, as the only permanent international judicial institution that generally has subject matter jurisdiction to prosecute the crime of aggression, does not have sufficient jurisdictional reach to prosecute representatives of the Russian Federation specifically for committing the crime of aggression. Therefore, there is currently a broad academic and political debate within the international community revolving around the question of whether an ad hoc international criminal tribunal can be established to bring Russian

perpetrators to justice, or what other mechanisms international criminal law offers. This paper presents the various mechanisms for prosecuting the crime of aggression and presents the reasons for and against the establishment of each mechanism.