

ABSTRACT

The Rome Statute which came to existence in 1998 was a great step forward for international criminal law and its enforcement. Later, in 2002, the International Criminal Court was established in order to prosecute the most serious crimes according to the Statute – war crimes, genocide, crimes against humanity, and the crime of aggression. Only the first three mentioned were specified in the Statute, while the fourth one was not agreed upon, meaning that the ICC does not possess jurisdiction over this crime.

The aim of the Revision Conference in Kampala in 2010 was to incorporate the definition of the crime of aggression into the Rome Statute. Finally, the International Court had to gain jurisdiction over a crime of aggression. However the expectations were not fully met. The states agreed upon the definition which they specified in the Rome Statute; nevertheless the jurisdiction of the ICC has not yet been activated. This will probably happen in 2017 at the earliest if preconditions and triggering mechanisms are completed.

The purpose of the thesis *The Crime of Aggression and the International Criminal Court* is to examine the questions related to aggression. The thesis begins with the historical development of the concept and continues with the most relevant international law provisions connected to the crime of aggression. The historical background is concluded with a chapter devoted to a reflection of the amendments from the Review Conference.

The second part of the thesis concentrates on the concept of international responsibility of states, which was the main catalyst to write the thesis. It is common that authors of western literature look at aggression from the perspective of criminal law. The thesis analyzes the approach of conservative lawyers, who argue that because of theoretic and conceptual reasons, “aggression” cannot belong to the jurisdiction of the International Criminal Court. The essay therefore will attempt to prove that the International Criminal Court is not an institution which is entitled to investigate and prosecute aggression.