

SUMMARY

THE INTERNATIONAL CRIMINAL COURT AND ITS SUBJECT-MATTER JURISDICTION WITH REGARD TO THE CRIME OF AGGRESSION

The current course of events concerning the crime of aggression and the search for its definition has undergone a remarkable shift during these days. In the light of the Revision Conference in Kampala, Uganda, whose declared aim was to evaluate the role and the up-to-date operation of the International Criminal Court as well as to find the definition of the crime of aggression and to set up the conditions to exercise the jurisdiction concerning the crime of aggression, the worldwide understanding of the conception of the crime of aggression has been significantly changed .

The aim of this paper is to familiarize the reader with the problems regarding the crime of aggression, to describe the evolution of its conception in the field of international law within the last few decades and to provide the reader with a brief outline of some problematic questions which arose from the negotiations of the definition among the states. Further, the thesis attempts to depict the development of the negotiations themselves and to focus on the main disagreements, which the states had to face.

The introductory chapter deals with some theoretical questions related to the international criminal justice. The chapter defines basic legal terms, such as the crime under international law and the international crime, stress is made on the distinction between the individual and the state responsibility for unlawful acts. Furthermore, the theoretical conception of the crime of aggression itself, which combines the elements of both the individual and the state responsibility, is discussed here.

Chapter Two concentrates on the historical evolution of the conception of the crime of aggression. The progress of the international criminal law as well as of the concept of the crime of aggression has been especially remarkable since the period after the Second World War. The paper illustrates the key milestones in the history of the crime of aggression and its conception. First, the practice of the International War Tribunal in Nürenberg is described, second, the General Assembly resolution from the year 1974,

which is considered to be the first compact attempt to define the crime of aggression, is mentioned in the study. This resolution further became the basis for the work of the International Law Commission on the Code of crimes against peace and security of mankind.

The next chapter examines, within the concept of the crime of aggression, the period of time when the International Criminal Court was established, the way to establishing it and mainly its foundation document – The Rome Statute. The thesis examines the political consequences and opinions of states within the international community with regard to the crime of aggression and its definition.

The two last chapters can be considered the core of the paper. Both of them look at the situation following the adoption of the Rome Statute and the establishment of the International Criminal Court. The first mentioned chapter focuses on the work of the Special Working Group on the Crime of Aggression, whose task was to prepare a draft definition of the crime of aggression as well as the conditions to exercise the jurisdiction with respect to this crime. The last chapter refers to the Revision Conference, which took place in the capital of Uganda, Kampala in spring 2010. The mission of the above mentioned Conference was, apart from other things, to adopt the amendments to the Rome Statute related to the crime of aggression.

This thesis aims to provide an actual view on the current situation concerning the crime of aggression in the light of the adopted documents within the Revision Conference and to consider the further possible development of its conception.