



GLOBAL INSTITUTE FOR THE
PREVENTION OF AGGRESSION

STATEMENT ON RUSSIA'S INVASION OF UKRAINE: A CRIME OF AGGRESSION
The need to amend the crime of aggression's jurisdictional regime
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As emphatically affirmed by the United Nations General Assembly, the February 2022 invasion and ongoing use of force against Ukraine is a violation of Article 2(4) of the UN Charter amounting to an act of aggression. Such acts attract individual criminal responsibility under the definition of the crime of aggression contained in the Rome Statute of the International Criminal Court ('Rome Statute') and customary international law.

The egregious nature of Russia's violation of the prohibition of the use of force, and the devastating impact of the ongoing conflict, make it essential that those responsible for the crime of aggression face justice. The Global Institute for the Prevention of Aggression ('GIPA') stresses the need to ensure that the perpetrators are held to account for this crime, in addition to war crimes and crimes against humanity, which are the subject of an ongoing investigation by the International Criminal Court ('ICC').

In order to underscore the fundamental importance of the prohibition of the use of force, and their commitment to accountability, GIPA calls on all States to ratify the Rome Statute, as well as the crime of aggression amendments.

The ICC is itself currently unable to prosecute the crime of aggression being committed against Ukraine because of limitations placed on the exercise of the ICC's jurisdiction over the crime that do not apply to the other three Rome Statute crimes. This includes a jurisdictional carve out that prevents the ICC from exercising jurisdiction over a crime of aggression committed by the nationals or on the territory of States not party to the Rome Statute (which includes Russia and Belarus), in the absence of a UN Security Council referral.

Current events demonstrate the importance of sending a clear message to all would-be aggressors that manifest violations of the prohibition of the use of force will not be tolerated and thus the need to bring the ICC's jurisdiction over the crime of aggression more in line with the Court's jurisdiction over genocide, crimes against humanity and war crimes. GIPA therefore calls on States to review the aggression amendments as soon as possible, noting that a review of the amendments is required by the resolution under which the amendments were adopted.

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