



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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关于俄罗斯侵略乌克兰的声明：侵略罪管辖制度需加以修订

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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.

正如联合国大会所坚定确认的那样，2022年2月对乌克兰的侵略和持续使用武力是对《联合国宪章》第2条第4款的违反，是一种侵略行为。根据《国际刑事法院罗马规约》界定的侵略罪和习惯国际法，这种行为引起个人刑事责任。

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').

俄罗斯违反禁止使用武力的恶劣性质以及持续冲突带来的毁灭性影响，对那些为侵略罪负责的人绳之以法是至关重要的。防止侵略全球研究院（GIPA）强调有必要保证让犯罪者对该罪行以及战争罪和危害人类罪承担责任，这正是国际刑事法院（ICC）一直在进行调查的主题。

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.

为了强调禁止使用武力的根本重要性，以及对问责的承诺，GIPA 呼吁所有国家批准罗马规约和侵略罪修正案。

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.

目前 ICC 自身不能起诉对乌克兰的侵略罪，原因是 ICC 对侵略罪行使管辖权是受到限制的，但这些限制对罗马规约的其他三种罪行并不适用。这些限制包括，如果联合国安全理事会不提交，ICC 对于罗马规约非缔约国的国民所犯的或在非缔约国领土上所犯的侵略罪不能行使管辖权。

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.

当前的事件表明，向所有潜在的侵略者发出明确信息是非常重要的，这就是：明显违反禁止使用武力的行为是不能容忍的，因此有必要允许 ICC 像其对灭种罪、危害人类罪和战争罪那样，对侵略罪享也有管辖权。为此，GIPA 呼吁所有国家尽快审议侵略罪修正案，同时注意到通过该修正案的决议要求对该修正案进行审议。

Kjell Anderson

Stefan Barriga

Michael Bazylar

David Donat-Cattin

Roger Clark

Hans Corell

David M. Crane

Benjamin B. Ferencz

Donald M. Ferencz

Richard J. Goldstone

Gregory S. Gordon

Christopher Kip Hale

Rainer Huhle

Robert Manson

Hope Elizabeth May

Timothy McCormack

Carrie McDougall

Michael A Newton

William R. Pace

Astrid Reisinger-Coracini

Deborah Ruiz-Verduzco

Leila Sadat

Sergey Sayapin

William A. Schabas

Michael P. Scharf

David J. Scheffer

Jennifer Trahan

Manuel J. Ventura

Pål Wrange