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The Evolution of the Crime of Aggression in International Criminal Law

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Abstract

The crime of aggression occupies a distinctive place within international criminal law as one of the most serious violations affecting international peace and security. Its development has been marked by significant legal and political challenges, reflecting the difficulties associated with defining and prosecuting acts of aggression at the international level. This paper examines the evolution of the crime of aggression from its origins in the aftermath of the Second World War to its contemporary regulation within the framework of international criminal justice. Particular attention is paid to the contributions of the Nuremberg Trials, where aggressive war was recognized as a crime under international law, establishing the foundation for subsequent legal developments.

The study analyzes the gradual codification of the concept of aggression through international instruments, including the work of the United Nations and the adoption of the definition of aggression by the United Nations General Assembly. It further explores the incorporation of the crime of aggression into the International Criminal Court framework through the Kampala Amendments, which clarified the conditions under which individuals may be held criminally responsible for acts of aggression.

The paper also addresses contemporary challenges related to jurisdiction, state sovereignty, political considerations, and the enforcement of international criminal law. Recent international tensions and armed conflicts have renewed debates concerning the effectiveness of existing legal mechanisms in preventing and sanctioning acts of aggression. The analysis demonstrates that, despite important advancements, the prosecution of the crime of aggression remains one of the most complex areas of international criminal law. Strengthening international cooperation and ensuring consistent application of legal standards are essential for enhancing accountability and maintaining international peace and security.



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