

Eurojust Paper: The Crime of Aggression in Domestic Laws



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News

On 19 October 2023, Eurojust published a [paper](#) providing a comparative overview of the way in which EU Member States, Genocide Network Observer States, and Ukraine have implemented the crime of aggression into their national laws. Against the background that the International Criminal Court (ICC) cannot exercise its jurisdiction over the crime of aggression allegedly committed by Russian nationals in Ukraine (since neither Russia nor Ukraine have ratified the respective statute), the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) was established in 2023 (→ [euclid 2/2023, 116](#)).

The paper asks how the crime of aggression is defined in national criminal codes, whether the majority of states have adopted the definition provided by Art. 8bis of the Rome Statute, and whether they exercise universal jurisdiction over this crime. The paper does not, however, address obstacles (such as immunities, sovereignty issues, and political legitimacy) that may arise when seeking to prosecute the crime of aggression at the domestic level. The first part of the paper gives an overview of the historical evolution of the crime of aggression under international law; the second part deals with the national criminal laws of EU Member States, Genocide Network Observer States, and Ukraine. It also takes a look at the English translations of domestic provisions defining the crime of aggression, highlighting common features and main differences.

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