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**Preparatory Commission for the International
Criminal Court**

Working Group on the Crime of Aggression

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**Proposal submitted by Colombia on the definition of the
crime of aggression and on conditions for the exercise of the
jurisdiction of the Court with regard to this crime**

1. Definition of the crime of aggression

For the purposes of the present Statute, aggression means the planning, preparing, ordering, initiating or executing of an armed attack, carried out through the illegitimate use of force, against the territorial integrity, sovereignty or political independence of a State by one or more persons who are in a position of exercising control or directing the political or military action of a State.

2. Conditions for the exercise of the jurisdiction of the Court with regard to the crime of aggression

1. The Court, in exercise of its jurisdiction with regard to the crime of aggression, shall take duly into account the special responsibility of the Security Council under Chapter VII of the Charter of the United Nations.

2. If a situation in which a crime of aggression appears to have been committed is referred to the Prosecutor or he initiates an investigation in respect of a crime of aggression in accordance with article 13 of the Statute, and a prior determination has been made by the Security Council under Article 39 of the Charter of the United Nations, the Court shall decide on the admissibility of the case, in accordance with articles 17 and 18.

3. If a situation in which a crime of aggression appears to have been committed is referred to the Prosecutor in accordance with article 13 (a) of the Statute, or if the Prosecutor initiates an investigation in respect of such a crime in accordance with article 13 (c), without a prior determination having been made by the Security Council, the Court shall decide on its jurisdiction in accordance with article 19.

In the exercise of this function, the Court may request all the information it requires of States, international organizations or the Security Council.

4. If the Security Council, in accordance with article 13 (b), refers a situation to the Court in which a crime of aggression appears to have been committed, it shall be understood that the Security Council has made the determination provided for in Article 39 of the Charter of the United Nations and that the Court may exercise its jurisdiction.

5. The provisions of the present article shall be without prejudice to the provisions of article 19.
