



Preparatory Commission for the International Criminal Court

17 April 2002

Original: English

Working Group on the Crime of Aggression

New York

8-19 April 2002

1-12 July 2002

Proposal by the Netherlands concerning PCNICC/2002/WGCA/RT.1

Add the following at the end of paragraph 4:

Option 5: The Court may request the Security Council, acting on the vote of any nine members,¹ to seek an advisory opinion from the International Court of Justice, in accordance with Article 96 of the Charter and Article 65 of the Statute of the International Court, on the legal question of whether or not an act of aggression has been committed by the State concerned. The Court may proceed with the case if the International Court of Justice either:

(a) Gives an advisory opinion that an act of aggression has been committed by the State concerned; or

(b) Makes a finding in proceedings brought under Chapter II of its Statute that an act of aggression has been committed by the State concerned.

¹ This procedural precondition would have to be laid down in the Relationship Agreement between the Court and the United Nations.