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Preparatory Commission for the International Criminal Court
Working Group on the Crime of Aggression
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Proposed text on the definition of the crime and act of aggression

Proposal submitted by the delegation of Colombia

Article 1. For the purposes of this Statute, a “crime of aggression” means an act committed by a person who:

- (a) Being in a position to exercise control over or direct effectively the political or military action of a State, intentionally orders or actively and knowingly participates in the planning, preparation, initiation or perpetration of an act of aggression;
- (b) Being in a position to contribute to or effectively cooperate in shaping in a fundamental manner political or military action by a State, actively participates by means of essential acts in the planning, preparation, initiation or perpetration of an act of aggression, knowing that the act of aggression in which he or she takes part constitutes or will constitute an act of aggression, provided that the act of aggression actually takes place or is executed.

Article 2. For the purposes of this Statute, an “act of aggression” means an act committed by a State as defined by United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974 which by its characteristics, gravity and scale amounts to a war of aggression or constitutes a manifest violation of the prohibition of acts against the territorial integrity or the political independence of another State recognized in the Charter of the United Nations.