

Resolution ICC-ASP/16/Res.5

Adopted at the 13th plenary meeting, on 14 December 2017, by consensus

ICC-ASP/16/Res.5

Activation of the jurisdiction of the Court over the crime of aggression

The Assembly of States Parties.

Recognizing the historic significance of the consensual decision at the Kampala Review Conference to adopt the amendments to the Rome Statute on the crime of aggression, and in this regard *recalling* resolution RC/Res.6,

Reaffirming the purposes and principles of the Charter of the United Nations.

Recalling its resolve to activate the Court's jurisdiction over the crime of aggression as early as possible, subject to a decision according to paragraphs 3 of article 15 *bis* and article 15 *ter*,

Noting with appreciation the report on the facilitation on the activation of the jurisdiction of the International Criminal Court over the crime of aggression,¹ which summarizes the views of States Parties,

Recalling paragraph 4 of article 15 *bis* and paragraph 5 of article 121,

Recalling also that in paragraph 1 of RC/Res.6 the Review Conference decided to adopt, in accordance with paragraph 2 of article 5 the amendments regarding the crime of aggression, which are subject to ratification or acceptance and shall enter into force in accordance with paragraph 5 of article 121; and noted that any State Party may lodge a declaration referred to in article 15 *bis* prior to ratification or acceptance of the amendments,

1. *Decides* to activate the Court's jurisdiction over the crime of aggression as of 17 July 2018;
2. *Confirms* that, in accordance with the Rome Statute, the amendments to the Statute regarding the crime of aggression adopted at the Kampala Review Conference enter into force for those States Parties which have accepted the amendments one year after the deposit of their instruments of ratification or acceptance and that in the case of a State referral or *proprio motu* investigation the Court shall not exercise its jurisdiction regarding a crime of aggression when committed by a national or on the territory of a State Party that has not ratified or accepted these amendments;
3. *Reaffirms* paragraph 1 of article 40 and paragraph 1 of article 119 of the Rome Statute in relation to the judicial independence of the judges of the Court;
4. *Renews* its call upon all States Parties which have not yet done so to ratify or accept the amendments to the Rome Statute on the crime of aggression.

¹ ICC-ASP/16/24.