THE REGULATION OF AGGRESSION IN THE ROME STATUTE AND IN THE SLOVENIAN CRIMINAL LEGISLATION

SABINA ZGAGA

Faculty of Law, University of Ljubljana, Slovenia

Abstract in original language
KZ – 1 prinaša novo kaznivo dejanje agresije. Članek obravnava opredelitev tega kaznivega dejanja v KZ – 1 in mednarodnem kazenskem pravu, zlasti z vidika vprašanja, kdo je lahko storilec.

Key words in original language
Agresija, kaznivo dejanje, Rimski statut.

Abstract
The criminal act of aggression is a very hot topic in international criminal law. Also, the new Slovenian Criminal code regulates this criminal act in a new way. This paper focuses on the regulation of this criminal act in international and Slovenian criminal law, especially from the viewpoint of a potential perpetrator.

Key words
Agression, criminal act, Rome Statute.

The criminal act of aggression is a very hot topic in international criminal law. Also, the new Slovenian Criminal code regulates this criminal act in a new way. This paper focuses on the regulation of this criminal act in international and Slovenian criminal law, especially from the viewpoint of a potential perpetrator.

1. AGGRESSION IN SLOVENIAN CRIMINAL LEGISLATION

Slovenian criminal legislation has faced major changes. From 1994 until the 1st of November 2008 Slovenian Criminal Code (CC)[1] is in force. This CC does not regulate the criminal act of aggression, only the criminal act of inciting to aggressive war, which could be committed by anyone.[2]

From 1st November 2008 the new Criminal Code-1 (CC-1)[3] will be enforced in Slovenia. This new criminal code brings among other changes also a new criminal act of aggression, which is defined very generally and broadly. The incrimination namely states:

"Whoever commits an act of aggression, as defined in international criminal law, will be punished by minimum 15 years of imprisonment."[4]

---

[1] Official consolidated text, Ur. l. RS, 95/2004.

[2] Korošec, Damjan, in: Nationale Strafverfolgung völkerrechtlicher Verbrechen = National prosecution of international crimes. 3 (Eser, Sieber, Kreicker eds.), Berlin, Duncker & Humblot 2005.

[3] Ur. l. RS, 55/2008.

[4] Art. 103 of CC-1.

The introductory notes to the new CC-1 refer to the Rome statute and to the United Nations Charter (also the Charter). True, aggression is a crime, defined in the Rome statute and under the jurisdiction of the International Criminal Court (ICC),[5] but the ICC cannot execute its jurisdiction over this crime, until the crime itself and the preconditions for the execution of the jurisdiction are defined. This should happen at the revision conference, which needs to be convened in 2009, seven years after the enforcement of the statute. According to the Slovenian legislator, is aggression in Slovenian CC-1 defined according to the Charter. However, it should be emphasised, that the Charter does contain the prohibition of use of force and other provisions relating to aggression, breach of peace and threats to the peace,[6] but these provisions apply solely to state responsibility and not to individual criminal responsibility. Also, the Charter does not define, what constitutes an act of aggression, so it does not include any specific and detailed definition of the crime, even though the Slovenian CC-1 refers to it.

2. DEFINITION OF AGGRESSION IN CUSTOMARY INTERNATIONAL (CRIMINAL) LAW

As described above, one cannot find the definition of aggression neither in the Rome statute, neither in the Charter. This paper focuses on the possible definitions of aggression in other sources of international criminal law according to the article 38 of the Statute of International court of Justice.[7] This article of the statute refers to possible sources of international (criminal) law: international conventions, international customs and general principles of law. Let us first look at customary international criminal law. When international or internationalised criminal tribunals try to establish a rule as a customary international criminal law rule, they usually try to elaborate their thesis by naming case law and statutes of different international and internationalised tribunals from Nuremberg onwards.

The theory of international criminal law is united in its opinion that aggression or at least some acts of aggression constitute an international crime under customary international criminal law.[8] Unfortunately not even one of these authors has tried to deliberate this thesis by presenting the definition of aggression. As for the tribunals, the only ones, which have in their case law dealt with this crime, were International Military Tribunal in Nuremberg[9] and International Military Tribunal for the Far East after the Second World War. According to their statutes they had jurisdiction for crimes against peace.[10] The Nuremberg statute defined crimes against peace as planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing. The Tokyo

---

[5] Rome statute is a multilateral agreement, which is the basis for establishing International Criminal Court. It was signed in Rome on 17th July 1998 and was enforced on 1st July 2002. Other crimes under the jurisdiction of the ICC are: genocide, crimes against humanity and war crimes.

[6] See Chapter 7 of the Charter and article 2, paragraph 4.

[7] http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0 (10.9.2008).

[8] Cassese, Antonio: International Criminal Law, New York, Oxford University Press 2003, p. 113. Werle, Gerhard: Principles of International Criminal Law, The Hague, Aser Press 2005, p. 391. Cassese, Antonio: On Some Problematical Aspects of the Crime of Aggression, in: Leiden Journal of International Law 20 (2007), p. 841 – 849.

[9] Art. of the Statute of the International Military Tribunal (also Nuremberg Tribunal).

[10] Art. 5 of Statute of the International Military Tribunal for the Far East (also Tokyo Tribunal).

statute had a different definition of crimes against peace. If Nuremberg's definition still demanded the declared war, the Tokyo definition does not differentiate anymore between the declared and undeclared war. Consequently the Tokyo statute incriminated planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing. Both statutes however differentiate between aggressive war and war as a violation of international agreements.

According to the Control Council Law 10 the law from Nuremberg statute became internal German law that could be used by the military courts in the military zones in post Second World War Germany. All military courts in all military zones had jurisdiction for crimes against peace, but mostly the Americans made good use of this power.[11] Consequently the case law of the Nuremberg and Tokyo tribunals and the case law of the American military court in Germany more specifically defined crimes against peace.

But even though this case law made the definition of aggression clearer, the Nuremberg tribunal first had to address a bigger and even more controversial legal issue. The main objection of the defence was that the conviction of defendants for the crime of aggression contradicts the basic principle of legality. According to their argument the aggression had not been an international crime at the time of the trial. There had been conventions which banned aggression, but they refer to state responsibility and not to individual criminal responsibility. Basically, what they argued was that the leap from mere prohibition as a basis for state responsibility to international crime, for which an individual is criminally responsible, was not made. The court however decisively rejected the defence arguments. It stated that the statute itself makes the planning or waging of a war of aggression or a war in violation of international treaties a crime, so it is not necessary up to the tribunal to consider whether and to what extent aggressive war was a crime before the execution of the statute. The court basically says that it does not matter what happened and what was the state of law before the statute, because the incriminations in the statute correct any irregularities that supposedly existed before. I cannot agree with this statement, because from the viewpoint of the principle of legality the act needs to be defined as a crime at the time it was committed and not solely at the time of the trial. The court should focus more on elaborating that aggression was the crime at the time of commission of those acts.

Even the tribunal felt that it cannot leave this question unanswered because of the great importance of the question, so it expressed its view, in contradiction to its previous statement. It said that the ones, who "in defiance of treaties and assurances attacked neighbouring states without warning, must know that they are doing wrong" and it would be unjust if their wrong were allowed to go unpunished.[12] The tribunal referred to the positions the defendants occupied in the Government of Germany; according to these positions at least some of the defendants must have known of the treaties signed by Germany, which were outlawing recourse to war for the settlement of international disputes; they must have known that they were acting in defiance of all international law when in complete deliberation they carried out the designs of invasion and aggression. The tribunal put also much of the emphasis on the Kellog-Briand Pact, signed in 1928 by sixty-three nations, including Germany, Italy and Japan. The legal effect of this treaty according to the Tribunal was that the nations who signed

---

[11] Art. 2 of the Control Council Law 10.

[12] http://www.yale.edu/lawweb/avalon/imt/proc/judlawch.htm (10.9.2008).

the treaty or adhered to it condemned recourse to war for the future as an instrument of policy, and expressly renounced it. After the signing of the treaty, any nation resorting to war as an instrument of national policy automatically breaks the pact. In the opinion of the Tribunal, the solemn renunciation of war as an instrument of national policy automatically makes war illegal in international law and, what is even more important, automatically makes perpetrators of war individually criminally responsible.[13] The tribunal substantiated this statement with referring to Hague Conventions, the Versailles Treaty and also to the League of Nations statute, but I do not think that the tribunal has done a really good job with additional explaining, why the conviction for crimes against peace does not violate the basic principle of legality. Especially the Tribunal still has not reason well the leap from prohibition of war in international law (which is clear) to the crime against peace (which was certainly unclear at the time). Just because something is prohibited in international criminal law, it does not mean it necessarily bring along also the individual criminal responsibility. However, even though the Nuremberg tribunal had difficulties with defending its jurisdiction for crimes against peace, it has done a better job with defining the crime itself.

As the other international or internationalised tribunals is concerned, the ad hoc tribunals for the Former Yugoslavia and Rwanda and the mixed tribunals, which emerged in the last few years (Cambodia, Sierra Leone, East Timor) have had no jurisdiction over the crime of aggression. The only exception is the Statute of Iraqi Special Tribunal, but this is an internal and not an international tribunal. Nevertheless, it encompasses also the threat of war or the use of the armed forces of Iraq against an Arab country, defined as the abuse of position and the pursuit of policies that were about to lead to the threat of war or the use of the armed forces of Iraq against an Arab country, in accordance with Article 1 of Law Number 7 of 1958.[14] This criminal act is however not based on international law, but on the violation of Iraqi laws.[15]

3. OTHER POSSIBLE SOURCES OF THE DEFINITION OF AGGRESSION

Second source, where we could find the definition of the aggression is the Draft Code of Crimes against Peace and Security of Mankind. It regulates aggression but it, again, does not define it:

»An individual who, as leader or organizer, actively participates in or orders the planning, preparation, initiation or waging of aggression committed by a State shall be responsible for a crime of aggression.”[16]

The draft code is not even a binding legal act. It should serve as a model criminal code for the countries, if they decide to revise their criminal legislation.

The most exact definition of an aggression could be found in the General Assembly Resolution 3314 from the year 1974. This resolution firstly defines aggression with a general

---

[13] *Ibidem*.

[14] This incrimination is discriminatory, because it does not encompass also the aggression against non-arab state.

[15] Statute of Iraqi Special Tribunal, art. 14. It should be mentioned again that this tribunal is not a mixed or an international one, but an internal tribunal.

[16] Last draft from year 1996. *»An individual who, as leader or organizer, actively participates in or orders the planning, preparation, initiation or waging of aggression committed by a State shall be responsible for a crime of aggression.”* Art. 16 of the draft code.

clause, saying that an act of aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter. Then the article 3 of the resolution brings a non-exhaustive list of acts, which qualify as an act of aggression. These acts are also repeated in the latest draft of the Rome statute's definition of aggression. That is why this definition represents the solid basis for the future definition in the Rome statute. So it is very interesting that the drafters of the Slovenian CC-1 have not relied themselves upon that definition. This resolution is not even mentioned in the introduction to the CC-1. Although it should also be added that it remains disputed, whether this resolution really introduces individual criminal responsibility or state responsibility only. The resolution does namely include a provision, according to which aggression is an international crime against peace, but the next provision says that this resolution is a basis for international responsibility and not criminal. Also, the resolution does not include anymore the provision, according to which there is criminal responsibility for it.[17] Because the resolution brings only the state responsibility, it is very state centred and it does not refer to non-state entities. The other criticism of this definition is that it basically leaves up to the Security Council, which is a political body, to decide, whether an act represents act of aggression or no. Still, this definition is exact and broad enough and it represents a solid basis for the future definition in Rome statute and possibly also in the CC-1.[18]

Last, but not least we should check the definition or better the lack of it in the Rome statute. As already mentioned before, the ICC does have a jurisdiction over it, but cannot execute it, until the criminal act and the preconditions for the execution of jurisdiction are defined. As already mentioned, this should happen at the revision conference, which should be convened according to the Rome statute in 2009.[19] Consequently a special preparatory commission has been trying for a few years now to define this crime. Its last definition dates from May 2008.[20]

Slovenian CC-1 has implemented the special part of the Rome statute very carefully. Doing that CC-1 followed closely the incriminations of war crimes, crimes against humanity and genocide. With aggression they of course could not have done that, because there is no definition of aggression. But the authors of the CC-1 nevertheless kept in mind the work of the special preparatory commission. That is why the introductory notes to the CC-1 mention that in case of drafting a definition of aggression in the framework of Rome statute an amendment to the CC-1 regarding the aggression definition should be considered. Also, the Rome statute implemented the complementary jurisdiction of the ICC's. It is the member states' primary duty to prosecute the perpetrators. The ICC executes its jurisdiction only when the state with jurisdiction is not "able or willing".[21] That is why Slovenian "definition" of aggression in the CC-1 will de facto need to comply with the Rome statute's definition. And that is why it is my thesis that the definition of aggression, that our CC-1 refers to, can only be the one, drafted in the framework of the Rome statute.

---

[17] Ferencz, Benjamin: U. N. Consensus Definition of Aggresssion, in: The Journal of International Law and Economcs 10 (1975), p. 713 in 714.

[18] Art. 5/II f the Rome statute.

[19] *Ibidem*, art. 123.

[20] *Discussion Paper on the Crime of Aggression Proposed by the Chairman (revision June 2008)*. 14. May 2008. http://www.iccnow.org/documents/ICC-ASP-6-SWGCA-2_English.pdf (25.8.2008).

[21] Art. 17 of the Rome statute.

4. WHO CAN BE A POTENTIAL PERPERTRATOR OF AGGRESSION IN THE FUTURE PROVISION OF THE ROME STATUTE?

As already mentioned, the last draft of the definition of aggression dates from May 2008. This draft is based on the definition of the General Assembly Resolution 3314 and its non-exhaustive enumeration of acts of aggression. For the purpose of the statute, crime of aggression means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.[22]

In the second paragraph of the same article the draft specifically refers to the General Assembly Resolution, when it repeats the general clause and the enumeration of the acts of aggression from the resolution. So, the act of aggression means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, and the following acts qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

As seen, the drafters literally copied the acts from the General Assembly Resolution and also, the draft still does not include non-state entities. However, at this moment this definition represents the highest level of consensus between the state parties. It is of course not definite that exactly this definition shall be adopted, although the state parties have more problems with the preconditions for the execution of jurisdiction than with its definition, because the ICC's jurisdiction could infringe the Security Council's responsibility for the security and

[22] Future art. 8 bis, paragraph 1 of the Rome statute.

peace of the mankind. Nevertheless, if this definition is accepted, Slovenian CC-1 will need to implement it. I shall therefore focus on the question, who is a potential perpetrator of this crime, if this definition is implemented in Slovenian CC-1 and if Slovenian general part of the CC-1 is used.

From the viewpoint of a potential perpetrator it is even less important, whether exactly this definition is adopted, because even from the start, when the state parties could not agree on the definition of aggression, they all agreed, that aggression is a leadership crime.[23] The draft consequently defines the potential perpetrator in a following way:

"In respect of the crime of aggression, the provisions of this article shall apply only to persons in a position effectively to exercise control over or to direct the political or military action of a state."[24]

This definition of a potential perpetrator complies with the case law of the International Military Tribunal in Nuremberg. As known, 24 mayor war criminals were prosecuted at the main procedure at this tribunal. One cannot get many general rules on the potential perpetrator from its judgement, because the court based its decisions mainly on facts. We should keep in mind that the court convicted for crimes against peace a minister for foreign affairs, a commander of the navy, an ambassador, a minister on the occupied territories, commander of the air force, Führer's deputy, minister of interior and minister of economics; basically, the most important and influential people in the state. In each defendant's case the court examined his position in the state, meetings and conferences he had attended and his public behaviour.[25] When acquitting Streicher, the court said that he had not been a member of the closest Hitler's counsellors and had not been linked to the drafting of the policies that had lead to war.[26] As already mentioned, the court did not draw any general conclusions. What can be read, though, is a participation in the making of a policy as a precondition for a conviction.

On the other hand, the American military court in the American military zone in Germany developed another approach towards this question. This broader interpretation of a perpetrator of the crimes against peace is a consequence of a broader definition of participation in the Control Council law n. 10. Article 2, paragraph f defines the participation in the crime against peace in following way:

"a person is responsible for the crimes against peace if he held a high political, civil or military (including general staff) position in Germany or in one of its Allies, co-belligerents or satellites or held high position in the financial, industrial or economic life of any such country."[27]

---

[23] Cassese: On Some Problematical Aspects of the Crime of Aggression, p. 848. Ambos, p. 248. Werle, p. 397. Also *Coalition for the International Criminal Court;* http://www.iccnow.org/?mod=aggression (25.5.2008).

[24] Future art. 25 bis, paragraph 3.

[25] Judgement of the International Military Tribunal, chapter on Göring; http://www.yale.edu/lawweb/avalon/imt/proc/judcont.htm (25.8.2008).

[26] *Ibidem*, chapter on Streicher.

[27] Art. 2.

As a consequence of this, the military court dealt with two new types of perpetrators: industrials and state officials of a third allied state. When dealing with industrials, the court stated that anyone from political, military or industrial sphere of life, who participated in making or executing of the policy and was aware of that, could be convicted of crimes against peace.[28] Regarding the prosecution of state officials of third allied state, the court announced that it is not enough to participate in it and being aware of it. The perpetrator needs to have a certain position or power in the state hierarchy, from which he can shape or influence the policy. The court explicitly stated:

"There first must be actual knowledge that an aggressive war is intended and that if launched it will be an aggressive war. But mere knowledge is not sufficient to make participation even by high-ranking military officers in the war criminal. It requires in addition that the possessor of such knowledge, after he acquires it shall be in a position to shape or influence the policy that brings about its initiation or its continuance after initiation, either by furthering, or by hindering or preventing it. If he then does the former, he becomes criminally responsible; if he does the latter to the extent of his ability, then his action shows the lack of criminal intent with respect to such policy."[29]

It seems that the special preparatory commission has taken a narrower approach than the American military in its case law. In general, the theory of international criminal law supports a view of aggression as a leadership crime. Nevertheless, there are suggestions, according to which a potential perpetrator should be defined a little broader. Cassese suggests including not only the leaders of the states, but also the leaders of non state entities. As with the crime of aggression we do not speak anymore of state responsibility, but individual criminal responsibility, he sees no obstacles.[30] Heller on the other hand argues that the present definition excludes the prosecution of industrials and other private economic subjects and makes it difficult to prosecute state officials of an allied state. That is why the drafters should take the "shape of influence the policy" standard.[31]

5. PARTICIPATION IN AGGRESSION ACCORDING TO CC 1

Again, if the present draft is adopted and implemented into the Rome statute, Slovenian legislator needs to implement it into the CC-1. This way the crime of aggression from the article 103 of CC-1 becomes true delictum proprium. It can be perpetrated only by someone, who is in a position effectively to exercise control over or to direct the political or military action of a state.

Also, according to the latest draft, there are two possibilities regarding the application of future article 25/3 bis, which will define a leader.[32] According to the first possibility, the leadership requirement will be required for all forms of participation from the article 25 of the Rome statute. According to the second possibility, it should be exactly defined, for which

---

[28] Cases of *Farben* and *Krupp.*

[29] Cases *High Command* and *Ministries.* Heller, Kevin Jon: Retreat from Nuremberg: the Leadership Requirement in the Crime of Aggresssion, in: The European Journal of International Law 18 (2007).

[30] Cassese: On Some Problematical Aspects of the Crime of Aggression, p. 848.

[31] Heller, p. 489.

[32] Draft definition, p. 5.

forms of participation this characteristic would be applied. But for now, it is not yet defined, for which.[33]

So this brings the question, what kind of characteristics do an aider, an abettor, an indirect perpetrator and a co-perpetrator need to have according to the general part of CC-1? An aider and an abettor do not need to have a special characteristic, required for the perpetrator. On the other hand, the co-perpetrator and an indirect perpetrator need to have a characteristic of a person, who is in a position effectively to exercise control over or to direct the political or military action of a State.[34]

If the drafters of the definition for the Rome statute accept the requirement of a special characteristic for all forms of participation, the regulation in the Rome statute will be narrower than Slovenian, which will require special characteristic only for perpetrator, indirect perpetrator and co-perpetrator. Consequently Slovenian legislation will not be in contradiction to and will comply with the international one. If however the drafters accept the requirement only for certain forms of participation, it all comes down to the question, for which forms the characteristic will be required.

6. CONCLUSION

In the future the definition in the framework of the Rome statute should be followed closely and attentively. When the definition is adopted, it should be carefully implemented into the CC-1, so that rule of law is respected. What about in the between time? Since the introductory notes to the CC-1 refer to the Charter and it does not include the definition of aggression, I think that until the implementation of the Rome statute's definition of aggression in the CC-1 the criminal act of article 103 from Slovenian CC-1 represents pure and scholarly case of lex incerta. The definition of aggression is at the moment included only in the General Assembly Resolution 3314 and even there it is disputable, whether it is a definition of a criminal act or not. Even if it represented a criminal definition, the Slovenian CC-1 does not refer to this resolution. In any case should Slovenian legislator insert the definition of aggression in the CC-1 and not simply refer to the international (criminal) law, where the definition of aggression is a hot topic and where the definition is now being written.

As a conclusion I would like to add that there is a borderline in the military and political hierarchy, under which individuals cannot be convicted of aggression, but it is difficult to define. This was already noted by the American military court in one of its judgements:

"No matter how absolute his authority, Hitler alone could not formulate a policy of aggressive war and alone implement that policy by preparing, planning, and waging such a war. Somewhere between the Dictator and Supreme Commander of the Military Forces of the nation and the common soldier is the boundary between the criminal and the excusable participation in the waging of an aggressive war by an individual engaged in it."[35]

Literature:

- Cassese, Antonio: International Criminal Law, New York, Oxford University Press 2003.

---

[33] *Ibidem*, note 6.

[34] Novoselec, Petar: Opći dio kaznenog prava, Zagreb 2004, p. 182.

[35] Judgement in the case of *High Command*, p. 67; http://www.ess.uwe.ac.uk/WCC/ghctrial6.htm (25.8.2008).

- Cassese, Antonio: On Some Problematical Aspects of the Crime of Aggression, in: Leiden Journal of International Law 20 (2007).
- Charter of the United Nations http://www.un.org/aboutun/charter/ (10.9.2008).
- Control Council Law 10 http://www.yale.edu/lawweb/avalon/imt/imt10.htm (10.9.2008).
- Criminal Code of the Republic of Slovenia (official consolidated text), Ur. l. RS, 95/2004.
- Criminal Code of the Republic of Slovenia-1, Ur. l. RS, 55/2008 and 66/2008.
- Discussion Paper on the Crime of Aggression Proposed by the Chairman (revision June 2008). 14. May 2008. http://www.iccnow.org/documents/ICC-ASP-6-SWGCA-2_English.pdf (25.8.2008).
- Draft Code of Crimes against Peace and Security of Mankind http://untreaty.un.org/ilc/texts/instruments/English/draft%20articles/7_4_1996.pdf (10.9.2008).
- Ferencz, Benjamin: U. N. Consensus Definition of Aggresssion, in: The Journal of International Law and Economcs 10 (1975).
- General Assembly Resolution 3314 (1974) http://www.un.org/documents/ga/res/29/ares29.htm (10.9.2008).
- Heller, Kevin Jon: Retreat from Nuremberg: the Leadership Requirement in the Crime of Aggresssion, in: The European Journal of International Law 18 (2007).
- Judgement of the International Military Tribunal http://www.yale.edu/lawweb/avalon/imt/proc/judcont.htm (25.8.2008).
- Novoselec, Petar: Opći dio kaznenog prava, Zagreb 2004.
- Rome statute of the International Criminal Court http://www.un.org/law/icc/index.html (10.9.2008).
- Statute of Iraqi Special Tribunal http://www.hrcr.org/hottopics/statute/ (10.9.2008).
- Statute of the International Court of Justice http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0 (10.9.2008).
- Statute of the International Military Tribunal for the Far East http://www.yale.edu/lawweb/avalon/decade/decade.htm (10.9.2008).
- Statute of the International Military Tribunal. http://www.icwc.de/fileadmin/media/IMTC_en.pdf (10.9.2008).

- Werle, Gerhard: Principles of International Criminal Law, The Hague, Aser Press 2005.
- Korošec, D. in: Nationale Strafverfolgung völkerrechtlicher Verbrechen = National prosecution of international crimes. 3 (Eser, Sieber, Kreicker eds.), Berlin, Duncker & Humblot 2005.

Contact – email
sabina.zgaga@pf.uni-lj.si