

**Conditions for the Exercise of Jurisdiction over the Crime of Aggression
in Accordance with Article 15bis of the Rome Statute**

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By	a state party that has accepted the amendments	a state party that has not accepted the amendments	a state party that has accepted the amendments and declared not to accept the ICC's jurisdiction	a state party that has not accepted the amendments and declared not to accept the ICC's jurisdiction	a non-state party
Against					
a state party that has accepted the amendments	YES (Art. 15bis (4) in accordance with Art. 12 (2))	YES (Art. 15bis (4) in accordance with Art. 12 (2))	NO (Art. 15bis (4))	NO (Art. 15bis (4))	NO (Art. 15bis (4), <i>a contrario</i>)
a state party that has not accepted the amendments	YES (Art. 15bis (4) in accordance with Art. 12 (2))	NO jurisdictional link under Art. 12 (2) in accordance with Art. 121 (5) first sentence	NO (Art. 15bis (4))	NO (Art. 15bis (4))	NO (Art. 15bis (4), <i>a contrario</i>)
a state party that has accepted the amendments and declared not to accept the ICC's jurisdiction	YES (Art. 15bis (4) in accordance with Art. 12 (2))	YES (Art. 15bis (4) in accordance with Art. 12 (2))	NO (Art. 15bis (4))	NO (Art. 15bis (4))	NO (Art. 15bis (4), <i>a contrario</i>)
a state party that has not accepted the amendments and declared not to accept the ICC's jurisdiction	YES (Art. 15bis (4) in accordance with Art. 12 (2))	NO jurisdictional link under Art. 12 (2) in accordance with Art. 121 (5) first sentence	NO (Art. 15bis (4))	NO (Art. 15bis (4))	NO (Art. 15bis (4), <i>a contrario</i>)
a non-state party	NO (Art. 15bis (5))	NO jurisdictional link under Art. 12 in accordance with Art. 121 (5) first sentence	NO (Art. 15bis (4))	NO (Art. 15bis (4))	NO (Art. 15bis (4), <i>a contrario</i>)

This chart is a revised version of the chart originally published in Astrid Reisinger Coracini, 'The International Criminal Court's Exercise of Jurisdiction Over the Crime of Aggression – at Last ... in Reach ... Over Some', *Göttingen Journal of International Law* 2/2 (August 2010) 745-89 (http://www.gojil.eu/issues/22/22_article_coracini.pdf); which had not included the category of 'a state party that has not accepted the amendments and declared not to accept the ICC's jurisdiction'.

Underlying principles:

-) The relationship arising from an act of aggression between a state party of the Rome Statute and a non-state party vis-à-vis the ICC is based on the idea of reciprocity. If the ICC cannot exercise its jurisdiction over a crime of aggression arising from an act of aggression by a non-state party, it shall equally not be able to exercise jurisdiction in cases, in which a non-state party is a victim of an act of aggression committed by a state party.

-) The relationship in cases arising from an act of aggression between two or more states parties of the Rome Statute is based upon the application of Art. 12 Rome Statute. At least one state party must provide the ICC with a jurisdictional link (Art. 12(2) Rome Statute) by having accepted the Kampala amendments on the crime of aggression. The opt-out declaration under Art. 15bis(4) Rome Statute only excludes jurisdiction over a crime of aggression arising from an act of aggression by the declaring state not against it.