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**Preparatory Commission for the International
Criminal Court**

Working Group on the Crime of Aggression

New York

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Proposal submitted by Greece and Portugal

1. For the purposes of the present Statute, aggression means the use of armed force, including the initiation thereof, by an individual who is in a position of exercising control or directing the political or military action of a State, against the sovereignty, territorial integrity or political independence of a State in violation of the Charter of the United Nations.
2. The Court shall exercise its jurisdiction with regard to this crime subject to a determination by the Security Council, in accordance with article 39 of the Charter, that an act of aggression has been committed by the State concerned.
3. When a complaint related to the crime of aggression has been lodged, the Court shall first seek whether a determination has been made by the Security Council with regard to the alleged aggression by the State concerned and, if not, it will request, subject to the provisions of the Statute, the Security Council to proceed to such a determination.
4. If the Security Council does not make such a determination or does not make use of article 16 of the Statute within 12 months of the request, the Court shall proceed with the case in question.

