## RELEASE IN PART B5

B5

| From:   | Koh, Harold Hongju <kohhh@state.gov></kohhh@state.gov> |
|---|--|
| Sent:   | Saturday, June 12, 2010 11:32 AM                       |
| To:   | H; Sullivan, Jacob J                                   |
| Subject:  | Icc review conference                                  |
| <b>545</b> ,544   |  |
|   |  |
| Madame Secretary:   |  |
| On flight home from Kampala, which was exhausting I am sending Info memo  |  |
| Monday, but whatever you hear, the big picture is this:   |  |
| To become operational, any crimes of aggression   |  |
| 1 must still be affirmatively revoted by two thirds votes of states parties   |  |
| 2 no earlier than 2017  |  |
| 3 there will be another review conf probably before this goes into effect 4of the two ways of referring crime one goes  |  |
| through an exclusive sc trigger;  |  |
| 5 the other branch has  |  |
| A a prior sc filter *and*   |  |
| B an ex post sc red light plus  |  |
| C requires full vote of 9 judges of pretrial division and D nonconsenting aggressor states can opt out and E prosecutor |  |
| must have reasonable basis for investigation under definition which F has now been significantly narrowed               |  |
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| l can elaborate Monday  |  |
| Best  |  |
| Harold  |  |
| Harold Hongju Koh   |  |
| The Legal Adviser   |  |

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