

RELEASE IN PART B5

**From:** Koh, Harold Hongju <KohHH@state.gov>  
**Sent:** Saturday, June 12, 2010 11:32 AM  
**To:** H; Sullivan, Jacob J  
**Subject:** lcc review conference

Madame Secretary:  
On flight home from Kampala, which was exhausting [redacted] I am sending Info memo Monday, but whatever you hear, the big picture is this:

B5

- 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 [redacted]

[redacted]

[redacted]

[redacted]

I can elaborate Monday  
Best  
Harold  
Harold Hongju Koh  
The Legal Adviser  
U.S. Department of State  
Suite 6421  
2201 C St. NW  
Washington, DC 20520-6421  
202 647 9598 office