



Attorney General's Office

Attorney General's Office
20 Victoria Street
London
SW1H 0NF

T 020 7271 2492
F 020 7271 2453

www.gov.uk/ago

Christopher Lamb
By email only
15 May 2017

Dear Mr Lamb,

Freedom of Information requests

Our refs: FOI|54|17 and FOI|60|17

Thank you for your emails of 10th and 14th April, which set out the following Freedom of Information requests relating to the crime of aggression:

10th April 2017:

"...I seek;

- i) confirmation that the UK's obligations, as a signatory state of the Statute of Rome (International Criminal Court), with respect to the Kampala Amendments for prosecuting acts of state aggression, which come into force in 2017, has strongly informed any recent legal advice having a bearing upon the initiation of military force – whether unilateral or in coalition with other state powers – against another sovereign state;*
- ii) disclosure of the latest legal assessments of how the UK would be affected, as a signatory of the Statute of Rome, under the Kampala Amendments, if its government decided to initiate military force, or join with other powers initiating military force, against another sovereign state outwith the conditions laid down by the above mentioned Amendments which determine the lawfulness or legality of such military force;*
- iii) Disclosure of any recent legal advice recommending the use of the Kampala Amendments' opt out clause (Article 15) with respect to the exercise of military force which bears the risk of prosecution in the International Criminal Court as 'aggression'.*

14th April 2017:

"...I seek...disclosure of all information relating to advice being prepared or submitted to government by the Attorney General's Office concerning any duty or expectation that the UK- as a signatory party to the Statute of Rome- should incorporate 'aggression', as defined by the Kampala Amendments, into UK domestic law, accompanying other war crimes incorporated in such a way. I am also interested in whether this potential advice discusses the issue of incorporating the legal concept of aggression for prosecution retrospectively."

We have considered the terms of these letters, and this response deals with both of your requests. We consider that certain provisions of section 35 are likely to apply to these requests. We may rely on additional exemptions if we consider it appropriate to do so.

By virtue of section 10(3) of the Freedom of Information Act 2000, where public authorities have to consider the balance of the public interest in relation to a request for information, they must respond within such time as is reasonable in the circumstances. Section 35 is a qualified exemption, and we must consider very carefully the balance of the public interest in deciding whether or not we can confirm or deny whether we hold the information you seek, and, in the event that we do hold information relevant to your request, whether or not that information can be released.

In order to give proper consideration to these issues, we require to extend the time period for providing you with a substantive response to your requests. The purpose of this letter is to notify you of this and to manage your expectations as to when you will receive a full response. We will aim to finalise the response and have it with you within the next twenty working days, in accordance with the ICO guidance on this subject. If a response can be issued before then, we will do so.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter (i.e. two months from the date on this letter) and should be sent to the above address.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'H. Smith', is written over a light blue rectangular background.

Freedom of Information Officer
Fol@attorneygeneral.gsi.gov.uk