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International Criminal Court

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COMMITTEE OF THE WHOLE

PROPOSAL SUBMITTED BY THE UNITED STATES OF AMERICA CONCERNING
THE BUREAU PROPOSAL (A/CONF.183/C.1/L.59)

Article xx

Elements of crimes

1. Elements of crimes shall be formulated, interpreted and applied in a manner consistent with the terms of articles 5 bis, 5 ter, 5 quater and article 21, paragraph 2. They shall be applied by the Court in reaching determinations as to guilt.
2. Elements of crimes shall be adopted by the Preparatory Commission in accordance with its rules of procedure, and shall be an annex to this Statute.
3. Elements of crimes may be amended in accordance with the provisions of article 110 that concern amendments to articles 5 bis, 5 ter and 5 quater.
4. Elements of crimes shall be adopted before the Prosecutor commences an investigation.

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