SECTION 1. INTRODUCTION

The international criminal justice (ICJ) system is a combination of international institutions such as the ICC, ad hoc and mixed-model tribunals, international investigating bodies, and national criminal justice systems. The combined work of these mechanisms enforces ICL.1 The effectiveness of these loosely connected institutions depends on how each one of them, particularly national legal systems, carry out their obligations to prosecute or extradite, and cooperate with each other. Achieving operational connectivity between these institutions will result in complementary.

For that to occur, jurisdictional rules will need to be established to better regulate the respective functions of these institutions, and turn them into a network capable of maximizing the exercise of jurisdiction over perpetrators of international crimes, and thus enhance accountability. In addition, this network will actualize universal jurisdictional reach, without the need for establishing universal jurisdiction in national systems as a legal basis to reach perpetrators who may otherwise escape accountability.2 Such a global approach, which preserves the primacy of national legal systems, the episodic exceptionalism of international institutions, and the permanency of the ICC requires reinforcing the modalities of international cooperation in penal matters.3 These modalities require the full and effective implementation of the legal maxim aut dedere aut judicare.4 Thus far the system has been ad hoc and incomplete: excluding the international and mixed-model tribunals, one scholar has estimated that there have been 1,051 complaints considered by competent national authorities under the rubric of

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1 See infra Chapter I, section 1.4; Chapter V, section 4; and Chapter VII, section 2.2.
3 See supra Chapter V.
universal jurisdiction, primarily for crimes committed by Nazis, former Yugoslavs, Argentinians, Rwandans, Americans, Chinese, and Israelis. Of these 1,051 complaints there have been only 32 trials, of which a full two-thirds were against Rwandans, former Yugoslavs, and Nazis.\(^5\)

The networking concept proposed above has become a reality in the economic, financial, and communications sectors in this age of globalization, and has proven its effectiveness and success in these sectors. There is no reason to believe that a similar approach would not enhance the goals of ICJ. Jurisdictional networking will make complementarity a functional reality which, by enhancing accountability and reducing impunity for international crimes, will enhance prevention and reduce international criminality. Cumulatively, these outcomes will enhance international peace and security.

The most effective approach to achieving individual criminal accountability for international, transnational, and national crimes requires enhanced national and international investigatory and prosecutorial capabilities, coupled with improved international cooperation in penal matters\(^6\) based on international due process norms and standards.\(^7\) With the world approaching two hundred national legal systems, in addition to international adjudicating and investigating

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