
The year 2018 marked the twentieth anniversary of the Rome Statute of the International Criminal Court (ICC). Following the creation and operation of various ad hoc international and internationalised criminal tribunals, the ICC was welcomed with great anticipation and high hope as a global institution that would speak justice to power, hold high-level perpetrators accountable and satisfy the victims of the most serious crimes of international concern. Twenty rather turbulent years later, some would say that international criminal justice is in crisis. The first ad hoc courts have closed their doors and transferred their remaining cases to domestic jurisdictions or their follow-up mechanisms, others are struggling to complete their mandates. Given its relatively meagre record up till now the ICC is facing ever increasing criticism from States, academia and commentators.

Despite their place at the centre of scholarly, political and diplomatic attention in ‘ending impunity’, the prosecution of international crimes by the international(ised) courts have so far constituted only the tip of the imaginary iceberg of criminal justice after mass violence. Due to legal, practical and political constraints, the international criminal courts and tribunals have prosecuted, and in the foreseeable future will prosecute, only a marginal number of individuals suspected of having committed the most serious crimes of international concern. It is therefore clear that the largest number of prosecutions for this type of crime will continue to occur at the domestic level. Based on the principle of complementarity, domestic courts are ascribed a prominent place.


in the architecture of the ICC system. Only if domestic authorities are unable or unwilling to genuinely prosecute, can the ICC step in.\textsuperscript{3} Over the past few decades, even before the establishment of the ICC, domestic courts across the globe have quite extensively prosecuted and punished perpetrators of international crimes. Individuals tried and sentenced at domestic courts clearly outnumber those at the international level.\textsuperscript{4} It is, therefore, quite surprising that legal and social scientific scholarship has dedicated vastly disproportionate attention to the international courts. Hundreds of studies have been conducted and published analysing the functioning of the international criminal courts, pondering the smallest details of their laws and court practices.\textsuperscript{5} Domestic international crimes trials, on the contrary, have so far attracted only very limited attention in scholarship.\textsuperscript{6} And punishment and sentencing of international

\textsuperscript{3} Preamble, Art. 17 ICC Statute.

