Since the 1993 creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) international law has been applied, as rarely before, to hold individuals directly accountable for their criminal acts. The ICTY and its sister institution the International Criminal Tribunal for Rwanda (ICTR) have brought perpetrators of genocide, war crimes and crimes against humanity to justice, and a permanent International Criminal Court (ICC), recently established by treaty, is working on its first cases.

Some, including many West European governments, trumpet these developments as inevitable and long overdue in today’s increasingly globalized and inter-dependent world. Others, especially within the US government, are concerned that independent and effective norms and institutions of international criminal law could undermine both state sovereignty and national security. The United States has never accepted the ICC Treaty, and for that reason alone the appropriate balance between the jurisdiction of national courts and of international criminal courts remains a matter of some controversy.

Although the ICC has been successfully established, its fate has not been fully determined. It faces cross-cutting pressures. It is expected to act effectively and yet to be scrupulously fair and impartial with regard both to the individuals being investigated and also concerning any countries whose legitimate interests may be implicated. The practice and experience of the next several years should define the direction of things to come. The ICC may grow into a strong pillar of the international community, or it may wither into ineffectiveness.

Whatever the fate of the ICC, new alternative mechanisms of international criminal law are developing in parallel, such as the mixed national/international criminal courts established in Sierra Leone and Cambodia. Universal jurisdiction prosecutions by national courts, on the Pinochet case model, provide another alternative. The very existence of these relatively exotic mechanisms of criminal accountability challenges national courts to strengthen their traditional role in investigating and prosecuting those within the national jurisdiction who commit serious international crimes.

All these stunning developments affect the practice of law as well as the geopolitical landscape. An international criminal bar is taking shape bringing together criminal lawyers and international lawyers and opening up new career possibilities for legal professionals.

This Research Handbook of International Criminal Law describes the legal processes and institutional mechanisms of international criminal law, exploring how they have developed and operated in a variety of contexts.

I am indebted to the contributing authors without whom this Handbook would obviously not have been possible. From the beginning our shared objective was to break down complicated issues of international criminal law in clear and concise language. This can be a difficult challenge even for talented scholars and practitioners such as those contributing to this volume. In the event, their efforts have produced a work which should be useful and accessible even to those without legal training or prior experience relating
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