

## **ABSTRACT**

### **Principle of complementarity in the Rome Statute**

The thesis provides a reader with an analysis of non/operation of the principle of complementarity in practice of the International Criminal Court. The principle of complementarity concerns rules governing a relationship between national courts and the ICC in the context of the exercise of jurisdiction over the crimes under international law covered by the Rome Statute. From the beginning, the principle of complementarity has been considered a cornerstone of the Rome Statute and has been often contrasted with the principle of primacy enjoyed by the International Criminal Tribunal for Former Yugoslavia and the International Criminal Tribunal for Rwanda. During the adoption of the Rome Statute, both the states and researchers expected that thanks to complementarity the ICC would act only as a court of a last resort and would exercise its jurisdiction only if states endowed with jurisdiction would be unwilling or unable to investigate or prosecute those responsible for international crimes in the jurisdiction of the ICC. The amount of emphasis put on the unwillingness or inability of states to investigate and prosecute should have guaranteed a balance between the protection of state sovereignty and the effective and credible operation of the International Criminal Court. The dissertation thesis then illustrates, with help of up today jurisprudence of the International Criminal Court, that such expectations have been so far being proved rather illusionary. Mainly because the ICC in its decisions on admissibility has taken a rather restrictive approach while interpreting the key Articles of the Rome Statute, i.e. Articles 17 and 19 of the Statute. While this interpretative restrictive approach to the admissibility issues might be justifiable by linguistic or logical interpretation, it is a question whether it has also reflected the principle of complementarity which should have guaranteed a rather supplementary role of the ICC, while the primary role in the fight against impunity should have rested with the states.

### **Key words**

International Criminal Court, Complementarity, Admissibility.