In this essay, I argue that, international and hybrid courts could serve a useful purpose as bellwethers for national courts. By drawing certain key concepts from the bellwether trials held in some American mass tort cases, internationalized courts could direct their case selection, discussion of common legal and factual issues, and outreach at providing guidance to national courts hearing related mass atrocity cases. In so doing, they would extend their influence from the few cases before them to the many others that could be heard by national courts – and would have at least some greater chance of making headway toward the more expansive goals of post-conflict justice as well.

The first part of this essay describes the American bellwether trial model for mass tort cases and identifies certain principles that international and hybrid courts might productively apply in the mass atrocity context. The second part discusses how this model would affect situation and case selection, legal and factual analysis, and outreach in the International Criminal Court and, by extension, in other internationalized tribunals. The final part discusses the implications of this model and its advantages vis-à-vis other proposals.