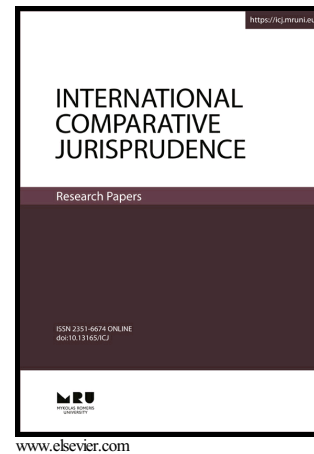


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Cumulation of Offences and Purposes of Sentencing in International Criminal Law: A Troublesome Inheritance of the Second World War

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ABSTRACT

In international criminal law, as well as in national penal systems, a defendant may be found guilty of more than one crime as a result of the same act. In that case, the question arises as to whether this act, while breaching several criminal provisions, in reality violates only one. The approach followed in case law is so formal as to provide no limiting effects to cumulative convictions. Plausibly, this is a consequence of a line of thought that emerged in the aftermath of the Second World War and advances a primarily 'retributive' idea of punishment for serious international crimes, i.e. a kind of idea where there is no room for the perpetrator's rehabilitation. In this author's view, bearing in mind the dramatic development of human rights' protection over the years, such an idea should be revised. And this in order to favor a more substantive approach to the matter of cumulation.

Keywords: International criminal law; Cumulation of offences; Purposes of sentencing

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