



Sentencing in International Criminal Law: The UN ad hoc Tribunals and Future Perspectives for the ICC (Studies in International and Comparative Criminal Law)

Silvia D'Ascoli

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This book deals with sentencing in international criminal law, focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). In contrast to sentencing in domestic jurisdictions and in spite of its growing importance, sentencing law is a part of international criminal law that is still 'under construction' and is unregulated in many aspects. International sentencing law and practice is not yet defined by exact norms and principles, and there is no body of international principles concerning the determination of sentence, notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles. Moreover, international judges receive very little guidance in sentencing matters, which contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways. The book investigates and evaluates the process of international sentencing, especially as interpreted by the ICTY and the ICTR, and suggests a more comprehensive and coherent system of guiding principles which will foster the development of a law of sentencing for international criminal justice. It discusses the law and jurisprudence of the ad hoc Tribunals, and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice, thus offering quantitative support for the doctrinal analysis. It is one of the first publications to be entirely devoted to the process of sentencing in international criminal justice.

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