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**OF “PUNISHMENT” AND “INTERNATIONAL CRIMINAL LAW”:
TERMINOLOGICAL SYNONYMOUS PLURALISM
OR PRINCIPLE DIFFERENCE?**

**ПРО «ПОКАРАННЯ» І «МІЖНАРОДНЕ КРИМІНАЛЬНЕ
ПРАВО»: ТЕРМІНОЛОГІЧНИЙ СІНОНІМІЧНИЙ ПЛЮРАЛІЗМ
ЧИ ПРИНЦИПОВА ВІДМІННІСТЬ?**

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The former attempts to outline the contours of the conception of punishment in international criminal law mostly seem to have only confirmed the key message of a great deal of preliminary considerations concerning the utter infeasibility, or even more trivially, mere inevitability of the construction of its unified perception without addressing the issue of relevant terminology.

Hence, in many ways inspired and guided by such a pivotal idea, it was deemed reasonable enough and highly appropriate to identify and trace those categories and terms that have been and still largely remain in the scientific professional usage and expert rhetoric of both leading scholars, and among prominent practitioners in this area.

It is quite remarkable that even a rather superficial glance at the indicated problem suggests the possibility of stating the fact that there is a significant number of word collocations and specific wording that are traditionally being used while referring to the phenomenon of “punishment in international criminal law”.

And, indeed, the abundance of verbosity is sufficiently impressive in its rich variety, ranging from the most generalised, rather comprehensive formulations, for example, such as used by M. A. Drumbl, “... punishment, and international law” [1, pp. xvii-xviii], to rather detailed ones, which are probably aimed at clarifying, if not elaborating one or another of its own distinctive features.

With regard to the latter, it is fairly common to observe and experience such word combinations as "... international punishment" [2, p. 66, 70], "the international regulation of punishment" [3, p. 259] and "... international criminal punishment ..." [4, p. 115, 123, 126], which manifest themselves in a whole plethora of profound reflections of R. D. Sloane, A. Coyle, D. van Zyl Smit and I. Tallgren respectively.

In turn, a number of other researchers tend to approach the "punishment-international law" pair through the prism of the "context", conditionally perceiving the last as a kind of certain background. Thus, D. Golash resorts to using such a definition as "... punishment in the international context" [5, p. 201], whereas C. C. Campos apparently slightly shifts the focus and employs the notion of "the international context of ... punishment" [6, p. 85]. In contrast, E. Maculan and A. G. Gil both appeal to the phrase of "punishment in transitional contexts" [7, p. 132] at all.

At the same time, there is another approach, which is that punishment is typically treated through the lens of "international crime", as a generic and systemic concept of international criminal law, or, more frequently, of a specific type of crime, for instance, war crimes, etc. In this regard, J. D. Ohlin urges the use of "... punishment for international crimes" [8, p. 278], while E. Hula operates with the expression of "punishment for war crimes" [9, p. 23].

But that is not the end of it either, as some observers go even further, emphasising the relevance of looking at the subject from a different perspective, namely that of the criminal justice system. So, continuing similar thoughts, D. van Zyl Smit is mentioning "punishment ... in international criminal justice" [10, p. 1], whilst P. M. Wald and M. A. Drumbl refine it by supplementing with some minor inserts, which results in "punishment of war crimes by international tribunals" [11, p. 1119] and "punishment of international crimes in national and local criminal justice institutions" [12, p. 68].

Consequently, it is worth noting that even this does not fully exhaust the multiplicity of verbal expressions that nowadays exist to designate various references to "punishment in international criminal law", and the key question remains whether the matter concerns verbal diversity or if these or those legal categories are intended to cover entirely dissimilar phenomena, which, in turn, will definitely be the subject of further complex and thorough research.

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