

A CASE STUDY ON THOMAS LUBANGA – JURISPRUDENTIAL PERSPECTIVES AND INTERNATIONAL CRIMINAL COURT

Author: Somasree Bakshi

Bikash Bharati Law College (Calcutta University)

Abstract

The underlying meaning of the ICC and to make everyone aware of it, is the main purpose of this research paper. Crimes which were happening in the world today are reprehensible and unforgivable. The main purpose of this research paper is to identify such crimes which were affecting the whole world and come up with various ways to eradicate them. Although it is not an easy way to eliminate those heinous crimes but the real thing is to make it easier with an exemplary case for ordinary people like us. The main concern of this research paper is to better explain the effectiveness and role of different countries in the International Community. The author here tried to narrate the case of Thomas Lubanga and the judgement of the ICC in the simple way possible.

The researcher described the whole concept of ICC, the origin and development to understand the situation faced by the International Criminal Court at the beginning, and how ICC has developed till today (December 2020). To focus on the main subject which is the first case ever heard by the Honorable Court. The author here enlists many things like ICC's role in Lubanga Case, Internal Armed Conflict how UPC/FPLC¹, have damaged people's lives. The order passed by the Court is very significant in the international community. Also, in particular, this research paper is based on the verdict given by the ICC. Ultimately the conclusion is to enrich the whole research paper.

Key Words: International Criminal Court, Genocide, Crime against humanity.

¹ Union des Patriotes Congolais (UPC) / Force Patriotique Pour la Liberation du Congo (FPLC)

Introduction

Criminal case means a wrong done against a community or a state. The crime and its effect can be severe not only in a specific territory but also throughout the globe. International law cannot take cognizance personally or in private. This law is specific between states. We have noticed several war tribunals from post Second World War to punish criminals or war criminals in particular. In 1998 the International Criminal Court established under the Rome Statute.

The researcher in this paper tried to reflect the first conviction ordered by the ICC and which is very useful and welcomed by the international community.

The International Criminal Court starts sitting from 1st July 2002. After 60 states had ratified it². Till now ICC has publicly exhibited 44 people, 36 arrest warrants were served for individual persons and summons for 8 others.

ICC Origin & Development

ICC is the first International Court which deals with some of the specific crimes among them Genocide is the important one. It is established under the Rome Statute to take cognizance privately in person throughout the globe. But it is noteworthy that the International Community does not take an interest at the beginning in this regard³.

Till December 2020, only 123 countries had ratified the statute which is not satisfactory at all. Moreover, the states have to eradicate heinous crimes and must play an important role to solve this global problem.

Internal Armed Conflict and UPC

The interpretation of Armed Conflict is disrupted peace with weapons, within a state or territory classified. Armed Conflict as well as Internal Armed Conflict involving “terrorist groups” or “purely criminal organizations” like criminal gangs or drug dealers. Indeed, we will see that these hostilities are something difficult to reconcile with established legal categories.

² The International Criminal Court; written by Amy McKenna: <https://www.britannica.com/story/the-international-criminal-court-icc> Last visit on 28.01.2021

³ International Criminal Court

https://en.m.wikipedia.org/wiki/International_Criminal_Court#:~:text=As%20of%20December%202020%2C%20there,the%20Prosecutor%2C%20and%20the%20Registry Last visit on 15.02.2021

UPC (Union Des Patriotes Congolais) is formed by Thomas Lubanga for various crimes in the Republic of Congo. For example, using children in various illegal activities like armed conflict, murder, using them as bodyguards of senior army officers, hostage, armed assault. Lubanga used children for many wrongful activities for which the court could not give a verdict due to lack of evidence.

ICC & its Role in Lubanga Case

Thomas Lubanga is a convicted criminal from the DRC. He is the former president of UPC/FPLC (Union Des Patriotes Congolais / Force Patriotique pour la Libération du Congo), this armed group is involved in different kinds of illegal activities in the DRC. Lubanga was the main leader of this group. This group gathers children for using them in various illegal and anti-social activities. This type of operation is not only condemned in DRC in particular but also throughout the globe⁴.

UPC the Union des Patriotes Congolais is formed in 2001 and responsible for various illegal work which was already mentioned like, armed conflict, murder, kidnapping of people especially children, hostage, armed assault in the Republic of Congo⁵. Many lives were suffered for this union.

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The Verdict given by the ICC

Thomas Lubanga Dyilo is the first person convicted by the ICC and it is a significant one. Seeing all the evidence, the Court condemned Lubanga. Recruitment of children for any crime is not acceptable in any way. No work should be done endangering the lives of children⁶. The ICC gave 14 years of rigorous imprisonment in this case on 14th March 2012.

⁴ Union of Congolese Patriots:

https://en.m.wikipedia.org/wiki/Union_of_Congolese_Patriots#:~:text=It%20was%20founded%20by%20Thomas,Uganda%20in%20the%20Ituri%20conflict Last visit on 16.02.2021.

⁵ TRAC: <https://www.trackingterrorism.org/group/union-congolese-patriots-upc> Last visit on 07.02.2021

⁶ The Prosecutor Vs. Thomas Lubanga Dyilo:

<http://www.internationalcrimesdatabase.org/Case/814#:~:text=ICC%2C%20ICC%20First%20Verdict%3A,O> Last visit on 12.02.2021

Conclusion & Suggestion

ICC is not accepted by many countries at the beginning, not every state recognized it at first. They did not agree on the whole concept. Afterwards, every state realized the real need for ICC in the world. ICC wants to resolve criminal cases throughout the world. In the stated case above of Mr. Lubanga who used a child in various illegal activities. He was convicted accordingly by the Court. And it is one of the remarkable instances in the International platform.

People like Mr. Lubanga need to be punished, to maintain peace in the world. So that the criminally minded people like him will learn by the punishment given to Lubanga, and refrain from such crimes. The International Criminal Court (ICC) is not concerned with punishing a person of a particular state but to punish a person for whom the society cannot be maintained in an orderly manner. We have already seen that from the above-mentioned case. The judgement of the Court is a very significant one and had international importance. The conclusive part here is to understand the significance of ICC in the International platform and the first judgement given by the Honorable Court.



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