



Celebrating the Tenth Anniversary of the International Criminal Court (ICC) with its First Sentence in the Thomas Lubanga Dyilo case

Commentaire d'arrêt publié le 10/07/2012, vu 2623 fois, Auteur : [YAV & ASSOCIATES](#)

The Trial Chamber I of the International Criminal Court (ICC) sentenced Thomas Lubanga Dyilo to a total period of 14 years of imprisonment.

The Chamber, composed of Judge Adrian Fulford, Judge Elizabeth Odio Benito and Judge René Blattmann, also ordered that the time from Mr Lubanga's surrender to the ICC on 16 March 2006 until today should be deducted from this sentence. Mr Lubanga Dyilo was found guilty on 14 March 2012, of conscripting and enlisting children under the age of 15 and using them to participate in hostilities in the Ituri region in the Democratic Republic of the Congo, from 1 September 2002 to 13 August 2003.

The Presiding Judge, Adrian Fulford, delivered a summary of the Trial Chamber's decision during an open hearing explaining that the Chamber considered the gravity of the crimes in the circumstances of this case, with regard, *inter alia*, to the extent of the damage caused, and in particular "the harm caused to the victims and their families, the nature of the unlawful behaviour and the means employed to execute the crime; the degree of participation of the convicted person; the degree of intent; the circumstances of manner, time and location; and the age, education, social and economic condition of the convicted person".

He highlighted that the crimes for which Mr Lubanga has been convicted, comprising the crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities, are undoubtedly very serious crimes that affect the international community as a whole. The Presiding Judge added that the "vulnerability of children mean that they need to be afforded particular protection that does not apply to the general population, as recognised in various international treaties".

It should be noted that the Chamber has, however, reflected certain other factors involving Mr Lubanga, namely his notable cooperation with the Court and his respectful attitude throughout the proceedings.

Judge Elizabeth Odio Benito has written a separate and dissenting opinion on a particular issue. She disagrees with the Majority's decision to the extent that, in her view, it disregards the damage caused to the victims and their families, particularly as a result of the harsh punishments and sexual violence suffered by the victims of these crimes.

This first sentence of the ICC gives us opportunity to review the past, assess the future of the ICC as i