



Prosecutor v Thomas Lubanga Dyilo

Confirmation Hearing: 9th November 2006

Introductory Comments of Senior Trial Attorney Ekkehard Withopf

This case is about Children

It is a case about young children. Children under the age of fifteen years. Both, boys and girls.

It is a case about children under the age of fifteen years having been conscripted and enlisted and used to participate actively in hostilities.

And it is a case about the criminal liability of Thomas Lubanga Dyilo.

Thomas Lubanga Dyilo, who at his initial appearance on 20 March this year told the Court and the world that he is a politician.

And indeed, Thomas Lubanga Dyilo was, and he is, a politician. A politician, the President of the Union des Patriotes Congolais, the UPC, with national ambitions, flattered by the international community. A politician who liked to attend peace conferences, who liked to talk about peace and pacification. And he wanted and he wants to be seen as such.

Thomas Lubanga Dyilo, however, is a man with a double face. And the Prosecution will show his other face.

The face of a military commander. The face of the Commander-in-Chief of the Forces Patriotiques pour la Libération de Congo, the FPLC. The face of the military commander who made his troops fight a war, a brutal war against the non-Hema population in Ituri.

And the Prosecution will show the face of a military commander who for the sake of that war, together with others, conscripted and enlisted children under the age of fifteen years into the FPLC.

Thomas Lubanga Dyilo made the children get military training. Thomas Lubanga Dyilo made them train to kill. Thomas Lubanga Dyilo made the children kill.

And Thomas Lubanga Dyilo let the children die. Die in hostilities. Many, many children.

This Confirmation Hearing will give the world a picture, an idea about the brutality of the life of child soldiers. And it will give the world a picture about people who are responsible for it. Criminally responsible.

In this case: Thomas Lubanga Dyilo.

Thomas Lubanga Dyilo:

Who is Thomas Lubanga Dyilo?

Thomas Lubanga Dyilo is 45 years of age. He was born in Djiba, in the then République du Congo. He is of Hema-Gegere ethnicity.

Thomas Lubanga Dyilo is educated. He holds a University degree.

Thomas Lubanga Dyilo became involved in politics in early 2000 at the latest. He established himself on the political scene in Ituri quickly, and was elected to the Provincial Assembly of Ituri.

On 15 September 2000, Thomas Lubanga Dyilo, together with others, founded the UPC. The UPC, a self-declared - QUOTE - "political-military movement". A political-military movement - QUOTE - "for the liberation of the people."

Thomas Lubanga Dyilo was appointed the UPC's first and only President. Thomas Lubanga Dyilo still is the UPC's President.

The armed conflict in Ituri in 2002 and 2003:

Thomas Lubanga Dyilo committed the crimes with which he is charged between July 2002 and December 2003. He committed them in the region of Ituri.

Ituri is a district of the Province Orientale of the DRC. It borders Uganda to the East, and Sudan to the North. It is an area rich in valuable natural resources: gold, diamonds, coltan, timber and oil.

Ituri's capital is Bunia, a town of about 100,000 inhabitants. In 2002 and 2003, Bunia's population grew dramatically; tens of thousands of people sought refuge there, trying to escape the disastrous consequences of the armed conflict in Ituri.

Ituri is densely populated. Its population is estimated to be about 3.5 million people from about 18 ethnic groups. Amongst the bigger groups are the Hema and the Lendu.

For decades, there has been tension between the Hema and Lendu communities. This ethnic divide escalated in 1999. It escalated into an armed conflict.

It was against this background that Thomas Lubanga Dyilo, together with others, in September 2000 founded the UPC.

The Prosecution will show that the UPC, from its inception, had soldiers, arms and ammunition at its disposal. It took Thomas Lubanga Dyilo until September 2002 to give this militia group a name. It was then that Thomas Lubanga Dyilo called it the FPLC.

Simultaneously, the Lendu organised themselves in armed groups. The hostilities intensified.

As a result, at the latest from mid-2002 onwards, the FPLC, on the one side, and the Lendu armed groups, later on organised in the Front de Résistance Patriotique de l'Ituri, the FRPI, on the other side, engaged in an armed conflict in Ituri.

It became a violent, a brutal conflict.

This local ethnic conflict was part of a web of local, national, and regional conflicts. It was aggravated by international actors. These international actors supported the various Ituri-based armed groups with military training and expertise, and weapons and ammunition.

More concretely, Uganda provided such support to the UPC from 2000 to the end of October 2002, and Rwanda from mid-2002 to about June 2003.

This armed conflict continued throughout the time relevant to the Document Containing the Charges. Thomas Lubanga Dyilo was aware of its existence.

As a result of the armed violence in Ituri, about 8,000 civilians have been killed. More than 600,000 civilians have been forced to flee their homes.

In light of this situation, and as a logical consequence, the UN Security Council in numerous resolutions found that the armed hostilities, the extremely volatile hostilities, required international intervention.

As a result of the continued worsening of the situation, the UN Security Council exercised its Chapter VII powers in July 2003. It constituted the largest peacekeeping mission, MONUC. With over 8,000 military personnel in Ituri.

Turning to the Document Containing the Charges itself:

The Prosecution charges Thomas Lubanga Dyilo with three counts of war crimes, namely

- conscripting children into armed groups;
- enlisting children into armed groups; and
- using children to participate actively in hostilities.

The Document Containing the Charges details the individual cases of six child victims of these crimes. Three boys and three girls.

They were young; they were very young.

The children victims were ten, eleven and thirteen years old when they were taken to the FPLC's military training camps. Most of them were abducted by FPLC soldiers. Soldiers under the command of Thomas Lubanga Dyilo. Implementing his policies.

Most of the children victims were used to participate actively in hostilities. They were forced to kill. And they saw children of their age being killed.

The Prosecution's evidence will show that the other children-victims were as young as seven, eight and nine years old. Manifestly under the age of fifteen years.

The children named in the Document Containing the Charges were the victims of Thomas Lubanga Dyilo. But they were not the only victims of Thomas Lubanga Dyilo.

As will be shown by the Prosecution, their fate represents the fate of literally hundreds of children of their age.

This was their fate:

Many of the children were abducted. Abducted by FPLC troops. Abducted on the road, together with other children, in significant numbers. Abducted from schools. Children of the same age, under the age of fifteen years. Abducted from their parents' houses. In the presence of their families, in the presence of their fathers and mothers.

The families did not resist. They did not resist because they were threatened with death. They feared being killed. Killed by FPLC troops. Killed by FPLC troops under the command of Thomas Lubanga Dyilo.

Other children followed the FPLC troops voluntarily.

They did so for a variety of reasons, such as the desire for revenge of orphans whose families were killed by the militias opposing the FPLC. Such as the wish to gain social status. Such as the need for protection and shelter, and basic survival. Such as having access to food.

The children's willingness to join the FPLC was determined by the precarious circumstances they found themselves in. Circumstances that left them no option other than enlisting in the FPLC. Despite being unable to understand, or cope with the implications.

After their recruitment, the children were brought by FPLC soldiers to FPLC training camps. Training camps in Ituri: Centrale, Mandro, Rwampara, Irumu and Bule. Training camps close to Bunia. Close to Thomas Lubanga Dyilo.

Children were made to march to the camps. Other children were loaded on trucks. To prevent them from fleeing, the children were always closely guarded. Sometimes, they were tied. Sometimes, they were threatened with death.

Upon arrival in the camps, the children were distributed into groups of new recruits. Adult soldiers and children together. Boys and girls together; no distinctions were made.

Sometimes, the children's civilian clothes were taken away. If deemed necessary, the girls' hair was cut.

Thomas Lubanga Dyilo could easily visit the training camps. And he did so. The Prosecution will present evidence of Thomas Lubanga Dyilo's regular visits to the Bule training camp. Of Thomas Lubanga Dyilo's repeated inspections of the Irumu training camp. And we will present evidence of Thomas Lubanga Dyilo inspecting the Rwampara training camp.

The Rwampara training camp was notorious for the presence of children. Well known to the international observers. And well known to Thomas Lubanga Dyilo.

In particular, the Prosecution will show video footage of Thomas Lubanga Dyilo inspecting the Rwampara training camp in February 2003. This material will show that Thomas Lubanga Dyilo saw the children being trained, that he spoke to them, and that he encouraged them. Encouraged them to fight.

Also other senior FPLC military commanders visited the training camps. The Prosecution will present evidence showing that Bosco Ntaganda, the Deputy Chief of the FPLC General Staff, in charge of military operations, regularly inspected the FPLC training camps in Bule, Rwampara and Mandro. The latter another FPLC training camp notorious for the training of children.

The Prosecution's evidence will provide an insight into these inspections. The evidence will reveal that Thomas Lubanga Dyilo talked to the new recruits; that Thomas Lubanga Dyilo told the children to closely follow the instructions, and thus to train to attack and to train to kill. Other FPLC senior commanders did the same, repeatedly.

The children were encouraged to follow the training; simultaneously they were threatened to be killed if they attempted to flee.

The evidence will also reveal that on the occasions of the regular visits all recruits would line up in order of height. Their height being an indicator of their age. Easy for the inspecting commanders to spot the young recruits. Easy for them to spot the ones under the age of fifteen years. Easy for Thomas Lubanga Dyilo.

Easy for them if they had cared. They did not. Why should they? They had recruited the children, and they wanted to use them, as bodyguards, as regular soldiers, for combat, ready to fight. Carrying weapons. AK 47s. In military uniforms. Military uniforms and weapons provided by Thomas Lubanga Dyilo and other FPLC senior commanders.

The children were referred to in the camps, by their FPLC instructors, as “kadogos”, the Swahili word for small children. They knew whom they trained: Young children, children under the age of fifteen years.

The training, a systematic training, similar in all camps, began the day after their arrival. Its goal was to prepare the children to participate actively in hostilities; to fight.

The statements the Prosecution has taken from the children victims and other witnesses will provide the following details:

Training, usually over a two-month period, included daily full-day practical physical exercises: saluting, marching, running, climbing, crawling, taking positions. The children were taught to fight with bayonets and daggers, to fight with sticks. They were intensively taught to use firearms, to shoot with firearms. Their morale was encouraged by the instructors making them sing aggressive military songs, often aimed at the Lendu.

The children in the FPLC training camps were subjected to strict military discipline; wrongdoings were severely punished. Detention and beatings were regular occurrences; children were beaten when they did not satisfactorily perform their exercises.

The children were threatened to be killed if they lost their weapons. And the threats materialised; there are reports of executions.

Upon completion of their basic military training, the children were supplied with military uniforms. They were supplied with weapons, and they were supplied with ammunition.

The children were instructed to kill the enemies. To kill all Lendu, regardless of whether they were combatants or civilians. The more, the better, the children were instructed; instructed by promises of being rewarded with higher positions.

Children were regularly assigned as bodyguards. Bodyguards of FPLC military commanders, including senior ones. Including Thomas Lubanga Dyilo.

The number of children guarding FPLC commanders depended on the commanders' rank. It ranged from three to twelve children, sometimes more, both boys and girls.

Their tasks included close physical protection of the commanders. Carrying the commanders' military gear: Their guns, their ammunition, their communication equipment.

And the children were ordered to participate in FPLC military operations. FPLC commanders, including senior FPLC commanders, ordered children, boys and girls, to fight at the frontlines. The Prosecution's evidence will show that hesitating children, fearing to be killed during battle, were made to participate in the hostilities.

The children were forced to do so. Forced by threats of execution.

The children were told to use "chanvre", cannabis, prior to and during combat. The FPLC commanders ordering the children into combat made them believe that "chanvre" would make them less fearful, would make them invincible. And the children used it. And they were less fearful. And they killed and they died in combat.

Whilst taking part in hostilities, FPLC child soldiers were regularly ordered and expected to kill Lendu militia and civilians alike. They obeyed the orders.

Equally, whilst fighting at the frontlines, many FPLC child soldiers were killed. Others were seriously wounded.

Following the orders of their FPLC commanders, children participated in the FPLC attacks on Libi and Mbau in October 2002; on Langu, in early 2003; on Lipri, in February 2003; on Bogoro, in March 2003; on Bunia, in May 2003; and on Djugu and Mongbwalu, in June 2003.

They fought at the frontlines, both boys and girls. Following their commanders' orders.

These and other children's fate is the result of a policy. A policy developed by the UPC, and implemented by the FPLC:

I recall: At the time relevant to the charges, Thomas Lubanga Dyilo was the President of the UPC. Simultaneously, Thomas Lubanga Dyilo was the Commander-in-Chief of the FPLC, the UPC's military wing.

Background and objectives of the UPC:

The Prosecution will present evidence, both documentary evidence and statements, that will detail

- the background and the objectives of the UPC; and
- the role, and I add the dominant role, Thomas Lubanga Dyilo played in it.

This evidence will show that the UPC took power in Bunia in August 2002. That the UPC controlled most of Ituri by end of 2002. And that already by end of September 2002, the UPC had formed a Government in Ituri.

Witness statements will show that it was a Hema dominated Government. A Hema Government reflecting the Hema dominance in the UPC.

Whilst on paper, in the UPC Statute, whilst in public declarations and whilst in speeches the UPC was an “open” political party, “open” to all ethnicities, the reality was different, it was very different, and witness statements do reveal it: The UPC was an almost exclusivist Hema organisation, an organisation promoting the interests of the Hema.

Thomas Lubanga Dyilo left no doubt on this strategy: UPC members who tried to implement the statutory objectives were discarded. UPC members opposing Thomas Lubanga Dyilo were identified, called “enemies” and threatened, including by Thomas Lubanga Dyilo; in some instances, they were arrested. Foreigners - “White Fathers”, employees of NGOs and Inter-Governmental Organisations - suspected of criticising the UPC, were made to leave Ituri.

And soon, in summer 2002, the aim of the UPC became clear, it became very clear: The aim was to establish Hema dominance and control in Ituri by military means, and by way of violence.

Violence targeting the non-Hema population in Ituri.

Thomas Lubanga Dyilo, together with other UPC leaders, defined a strategy to, by use of military force, fight the non-Hema militias. He implemented that strategy.

Thomas Lubanga Dyilo’s UPC was powerful. Witness statements will show that it got support - political support, financial support - , and, being a political-military movement, also military support; and I add: significant military support.

The Prosecution’s evidence will reveal Thomas Lubanga Dyilo’s particular role in obtaining that support.

The UPC controlling most of Ituri meant, in practical terms, that it was Thomas Lubanga Dyilo who was controlling most of Ituri.

A broad range of witness statements confirms Thomas Lubanga Dyilo's own view that he was the ultimate authority within the UPC.

These witness statements, corroborated by documents, many documents, will show that Thomas Lubanga Dyilo fully exercised the powers he was entrusted with by the UPC Statute. Thomas Lubanga Dyilo was in full control of the UPC and its members. He did not share that power with anybody.

Documents will show that Thomas Lubanga Dyilo normally signed the UPC's decrees. He dealt with the big matters, and he dealt with the small issues. He dealt with everything.

Witness statements will reveal that he took most of the decisions without even consulting the other members of the UPC's executive. The "national secretaries" of the UPC could not take decisions without his approval.

Not as a surprise, if and when deemed necessary by him, he imposed disciplinary measures. Disciplinary measures, similar to those imposed within military structures.

And indeed, the UPC was a political-military movement, a self-declared political-military movement.

Thus, from its foundation, the UPC had soldiers, arms and ammunition at its disposal. Soldiers and officers, previously serving within pre-existing Hema militia groups, joined the military forces of the UPC.

The FPLC, the military wing of the UPC:

In September 2002, Thomas Lubanga Dyilo, as President of the UPC, gave the UPC militia a name; he founded the FPLC as its military wing.

The new name did not make a difference. In particular for the victims, it did not make any difference.

The FPLC continued to be commonly referred to as the "UPC". Even in official UPC and FPLC documents - and the Prosecution will present such documents - there was no clear distinction. There was no distinction at all.

And there was no reason for, and there was no need for a distinction. The FPLC was the UPC's military component. The FPLC's uniforms displayed the UPC's symbols. Thomas Lubanga Dyilo referred to the FPLC as the "Army of the UPC". Thomas Lubanga Dyilo signed orders to

his subordinate commanders as “the President of the UPC” and “Commander-in-Chief of the FPLC”.

As the UPC, the FPLC was mainly comprised of Hema.

Thomas Lubanga Dyilo’s dominant role in the UPC was mirrored by his position in the FPLC: Thomas Lubanga Dyilo was the FPLC Commander-in-Chief. *De iure* and *de facto*.

Thomas Lubanga Dyilo signed orders as “Commander-in-Chief”, Thomas Lubanga Dyilo was addressed as “Commander-in-Chief” by his subordinate commanders, and he was addressed as such by others. And Thomas Lubanga Dyilo was seen and accepted by the international community as - QUOTE - “the leader” of the FPLC.

And rightly so. Thomas Lubanga Dyilo was indeed the “Commander-in-Chief” of the FPLC, and he was the FPLC Commander-in-Chief at all times relevant to the Document Containing the Charges.

As such, soon after its creation, Thomas Lubanga Dyilo, together with others, established the military structure of the FPLC.

The FPLC had a General Staff, with a Chief of the General Staff, and two Deputies, one in charge of military operations and organisation and the other in charge of administration and logistics.

Staff officers for personnel, intelligence, operations, logistics and civilian-military relations reported to the General Staff.

The FPLC military structure very much resembled the structure of regular armies, and included a number of military sectors that changed over time, as the conflict evolved. Each sector was comprised of a variety of military units, hierarchically structured, including the attribution of military ranks to commanding officers. In addition, soon after the creation of the FPLC, Thomas Lubanga Dyilo established military intelligence services.

The Prosecution will, based on both, UPC and FPLC military documents and insider statements, show a number of charts, which will detail the command structure of the FPLC.

They will reflect one constant, namely that Thomas Lubanga Dyilo was always the FPLC’s Commander-in-Chief.

And Thomas Lubanga Dyilo acted as such: At all times he had close, almost daily contact with Floribert Kisembo, his Chief of the General Staff, and, even more and in particular, with Bosco Ntaganda, his Deputy Chief of Staff, in charge of military operations. Witness statements reveal that Thomas Lubanga Dyilo and Bosco Ntaganda met, often twice a day, and for hours, at the FPLC Headquarters in Bunia.

The FPLC officers, including Floribert Kisembo and Bosco Ntaganda, and enlisted FPLC soldiers, received extensive military training. Training included training first by the UPDF and later on by the Rwandan Army in both, FPLC training camps in Ituri and repeatedly in Jinja and Kyankwanze in Uganda, and later on in Gabiro in Rwanda.

In this context, it is worth mentioning that also Thomas Lubanga Dyilo received military training. More concretely, at the end of 2002, he was trained in Uganda.

Thus, soon after its foundation, the FPLC had disciplined, well armed, and trained troops at its disposal. Accordingly, already in October 2002, members of the UPC stated publicly that - QUOTE - "the UPC possesses an organized, disciplined and equipped army."

Thomas Lubanga Dyilo was proud of his army. And he said it. Publicly. In an interview Thomas Lubanga Dyilo gave on 28 August 2003 to the Integrated Regional Information Network (IRIN) of the United Nations Office for the Coordination of Humanitarian Affairs, he stated - QUOTE -: "Nos forces l'ont toujours été. Nos forces, nous les avons construites. Nous les avons organisées. Nous les commandons sur le plan militaire à travers notre état-major général que nous contrôlons tous les jours et à chaque instant. Il n'y a donc pas de crainte à avoir. Nos forces n'agiront pas de manière indépendante comme cela arrive au sein de certains groupes sans structures et sans organisation noble."

In line with this statement, and as confirmed by witness statements and video materials, the FPLC had extensive and sophisticated means of communication at its disposal, including, *inter alia*, satellite phones - bought and distributed in large numbers from July 2002 onwards -, Motorola phones and radios.

Thomas Lubanga Dyilo, the Commander-in-Chief, had access to two satellite phones. In Bunia, he had an internet connection, and an internet address.

These means of communication allowed FPLC officers to maintain contact with each other and to report to Thomas Lubanga Dyilo. Simultaneously, they allowed Thomas Lubanga Dyilo to exercise command and control over subordinate military units on a permanent basis. And they allowed him to stay informed about the situation on the ground.

The Prosecution's evidence will show that Thomas Lubanga Dyilo was indeed informed. He knew about the FPLC military operations, and he knew about the situation in the FPLC military training camps.

Against this background, from summer of 2002 onwards and throughout 2003, the FPLC, under the command of Thomas Lubanga Dyilo, repeatedly conducted large-scale military operations in Ituri.

Large-scale military operations predominately against the forces of the Lendu militia, Lendu civilians, and, after its creation in December 2002, against the Lendu dominated FNI.

In these military operations, the FPLC repeatedly used children under the age of fifteen years, both boys and girls, to participate actively in hostilities.

Both, boys and girls. Boys and girls who shared the fate of the children we have described above.

Both boys and girls who were the victims of a policy to enlist, a policy to recruit, and a policy to use children under the age of fifteen years to participate actively in hostilities.

A policy developed by the UPC, with Thomas Lubanga Dyilo as its President, and implemented by the FPLC, with Thomas Lubanga Dyilo as its Commander-in-Chief.

The FPLC policy of enlisting, conscripting and using children under the age of fifteen years to participate actively in hostilities:

With the foundation of the UPC, Thomas Lubanga Dyilo started to pursue his political and military aims with the support of Hema members of pre-existing militia groups.

Since 2001, the UPC actively recruited children under the age of fifteen years. Recruited them in significant numbers. The children were subjected to military training in UPC military training camps, such as the one in Sota.

The Prosecution's evidence will show that Thomas Lubanga Dyilo is reported to have taken part in these recruitment activities, including in forcible recruitment.

The compound of Thomas Lubanga Dyilo's house in Bunia became a distribution centre; a distribution centre for sending new recruits, including children under the age of fifteen years, to UPC military training camps in both Ituri and Uganda.

The recruitment of children intensified after the foundation of the FPLC. It continued throughout the remainder of 2002 and throughout 2003.

Thomas Lubanga Dyilo and his co-perpetrators made all efforts to increase the number of children under the age of fifteen years in the FPLC. They made these efforts because they had a particular interest in recruiting young children.

They knew that young children are very receptive. They knew that young children are willing to obey any military orders without thinking about the consequences. And they knew that young children are able to learn easily how to use weapons.

Thomas Lubanga Dyilo knew all of this. And he used, he abused that knowledge.

And Thomas Lubanga Dyilo also used, and abused, for the FPLC's purposes the pre-existing practice that each Hema family contribute to the war efforts by providing children to the Hema militia. He and his co-perpetrators visibly accepted children offered to the FPLC.

The FPLC did not rely on voluntary contributions only. The FPLC actually had a systematic approach to the recruitment of children. A systematic approach ensuring the recruitment of a high number of children.

First, from August 2002 onwards, the FPLC launched repeated campaigns to recruit, including by force, young children. To that end, pick-up cars were made available to specific emissaries. The emissaries were promised money for successful recruitment.

Second, senior FPLC military commanders, including Bosco Ntaganda, organized the recruitment of children. Witness statements show that they participated in meetings with the local Hema communities, including in Bunia. They ordered Hema families to enrol their children in the FPLC, threatening to recruit them by force.

Many of the Hema families obeyed the order. Children were forced by their parents to join the FPLC.

The number of children in the FPLC training camps grew.

It grew, and the Prosecution will present evidence that in Mandro, one of the biggest FPLC training camps, it amounted to about twenty percent. Twenty percent of several hundreds of trainees, in a camp 13 km away from the FPLC's Headquarters. 13 km away from Thomas Lubanga Dyilo.

Soon, various NGOs and MONUC repeatedly complained to Thomas Lubanga Dyilo but also to other FPLC senior commanders about the FPLC recruiting and using children in hostilities.

Thomas Lubanga Dyilo acknowledged the recruitment of children into the FPLC. He issued orders to demobilize children. Orders for public consumption. Orders to create the impression that he had taken measures. Orders to mislead public opinion and the international community.

In reality, the systematic recruitment and use of children under the age of fifteen years continued.

Thomas Lubanga Dyilo is criminally liable; he is liable as a co-perpetrator:

Thomas Lubanga Dyilo committed the crimes of enlisting, conscripting and using children under the age of fifteen years to participate actively in hostilities as co-perpetrator, jointly with other FPLC officers and UPC members and supporters.

The co-perpetrators shared the intent to enlist and conscript children under the age of fifteen years and to use them in hostilities. Thomas Lubanga Dyilo coordinated their efforts, in pursuing the common goal. And Thomas Lubanga Dyilo controlled the execution of the common plan.

Thomas Lubanga Dyilo, as a key actor, in his position as the President of the UPC and the Commander-in-Chief of the FPLC, provided the normative, organizational, structural, infrastructural, logistical and administrative framework. Thomas Lubanga Dyilo played an overall coordination role.

The Prosecution's evidence will show that Thomas Lubanga Dyilo made it possible for the FPLC to recruit children. The evidence will show that Thomas Lubanga Dyilo made it possible to set up the FPLC military training camps. And the evidence will show that Thomas Lubanga Dyilo made it possible to train the children.

Thomas Lubanga Dyilo made it possible by ensuring the existence and the coherence of the military structure into which the children were incorporated, by securing the financial means for both the UPC and the FPLC and by negotiating the provision of weapons and other military equipment.

The Prosecution's evidence:

The Prosecution will present testimony of one witness, an overview witness, statements of victim-witnesses, statements of other witnesses, including insider witnesses.

The Prosecution will in addition rely on documents. Amongst other documents, documents of the UPC. Signed by Thomas Lubanga Dyilo. And documents of the FPLC. Also signed by Thomas Lubanga Dyilo.

We will also tender further evidence, such as video footage and photographs.

In conclusion, the Prosecution's evidence will establish substantial grounds to believe that Thomas Lubanga Dyilo committed the crimes he is charged with.