

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 19 January 2009

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. THOMAS LUBANGA DYILO***

Public

Prosecution's Outline of Opening Statement

Source: [Office of the Prosecutor]

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Joseph Keta Orwinyo

Mr Jean Louis Gilissen

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Ms Paolina Massida

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

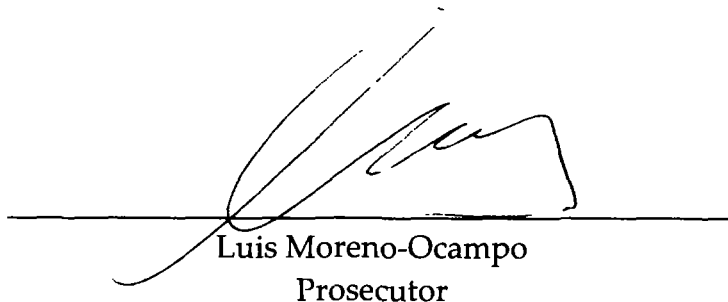
Pursuant to the Trial Chamber's "Decision on opening and closing statements"¹, the Prosecution herewith submits an outline of its opening statement.

Outline of Opening Statement

- i) Introduction and summary of the case
- ii) The conscription and enlistment of children under the age of 15 with examples using some short excerpts of the statements of former child soldier witnesses disclosed to the defence.
- iii) The training received by the children under the age of 15 in the camps,
- iv) A summary of the use of children to participate actively in hostilities.
Child soldiers under the age of 15 as witnesses to, victims of and participants in crimes.
- v) The legal requirements of the war crime of enlisting and conscripting children.
- vi) Evidence on the age of the children.
- vii) Background to and existence of an armed conflict in Ituri.

¹ ICC-01/04-01/06-1346, para 19 (a), 22 May 2008.

- viii) The participation of international forces. In particular, the role of Uganda and Rwanda. Question of the existence of an international armed conflict.
- ix) The origin of the policies and the role of Thomas Lubanga DYILO in the creation of the movement of the UPC/FPLC and in the decision-making/policy-setting of recruiting child soldiers; the *rationale* behind his criminal activities.
- x) Thomas Lubanga DYILO's knowledge of the crimes.
- xi) Sources of the evidence the Prosecution intends to introduce during its case, such as witness and documentary evidence.
- xii) The testimony of traumatised and vulnerable witnesses before the Court.
- xiii) The gravity of the crimes and the scale of the punishment



Luis Moreno-Ocampo
Prosecutor

Dated this 19th Day of January 2009
At The Hague, Netherlands