



Original: English

No.: ICC-01/04-01/06

Date: 8 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
With Confidential Annex 1, Defence and Legal Representatives of Victims only
**Prosecution's Provision of the Anticipated Order of Testimony for Prosecution
Witnesses and Request for Adjustment**

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

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Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

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

1. Attached as Annex 1 to the present filing, the Prosecution submits its list of trial witnesses in court code only, in the order of their anticipated testimony.
2. The Prosecution respectfully suggests one amendment to the anticipated order of trial witnesses decided by the Trial Chamber.
3. The Prosecution respectfully suggests that the Trial Chamber consider the option of having Mr. Prunier testify third so that a former child soldier and his father testify at the outset. The Prosecution was consistently in favour of the efforts of the Trial Chamber to bring proceedings closer to the affected communities. As it was not possible to hold proceedings in the DRC, at the very least, having an alleged victim testify first would immediately allow the local communities to relate to the proceedings, in a way an expert testimony might not. Since the father of the alleged victim is also a witness, and is travelling with his son, and because their testimonies are interlinked it is submitted that they testify in sequence before Mr Prunier.
4. Mr Prunier's testimony would still be before the remainder of the former child soldiers and so would provide the context and background required for the Trial Chamber's benefit.



Luis Moreno-Ocampo
Prosecutor

Dated this 8th Day of January 2009
At The Hague, Netherlands