

Public Annex 2:

Defence correspondence regarding Mr Katanga's potential participation

Rosenberg, Erin

From: david hooper <davidhooper@btopenworld.com>
Sent: 07 July 2017 13:53
To: de Baan, Pieter; Rosenberg, Erin
Cc: Sophie Menegon; Caroline Buisman
Subject: Reparations

Dear Pieter,

I write, following the Trial Chamber's decision concerning Mr Katanga's intentions in respect of acts of reparation. In view of the Trial Chamber's instructions in its order for reparations at paragraph 318 ("la Défense est enjointe de prendre l'attache du Fonds afin de discuter de la contribution de M. Katanga, s'il le souhaite, aux modalités de réparations, telle que par le biais d'une lettre d'excuse ou par des excuses publiques ou par l'organisation d'une cérémonie de réconciliation lorsque M. Katanga aura exécuté sa peine") and page 130 ("ENJOINT à la Défense de contacter le Fonds afin de discuter de la contribution de M. Katanga, s'il le souhaite, aux modalités de réparations"), Executive Director de Baan asked me to inquire regarding your interest and availability in this or the coming week, potentially via phone, to discuss Mr Katanga's possible contribution to the reparations process.

As you know, Mr Katanga remains in custody in Makala prison and we have seen no real progress in the court proceedings taken against him and for which he is detained and there is at present no prospect of his being released in the reasonably foreseeable future.

As to a letter of apology or the like, as you may know, in the course of the proceedings, both at sentence and at the time of the sentence review, Mr Katanga expressed his contrition and regret at the events that led to the victim's loss and suffering. Indeed, in addition to those public statements made in court, and which are available, there was a further statement in writing at the time he abandoned his appeal and also a video we prepared which we took to show people in Ituri and which was received into evidence by the court.

Mr Katanga has been consistent in his sincere expressions of regret and apology. I doubt that he can do more than he has already done in that respect. However, in terms of any further statement or act on his part, I stress that Mr Katanga is willing to comply with any reasonable request made of him.

You may also recall that during the defence's last visit to Bunia we instigated a meeting between community leaders, drawn from both the Hema and the Ngiti/Lendu communities, when statements of mutual respect were declared. This was, so far as I am aware, the first time that such a meeting took place

One suggestion we have made, and which emanated from Mr Katanga, is that he is willing to participate in a traditional ceremony of expiation and forgiveness. My understanding is that this traditional ceremony could take place at Bogoro and would involve Mr Katanga himself, together with the elders and sages of both Hema and Ngiti communities and would help heal the rift between the communities and be a positive act of reparation for the victims. In the event of his final release from custody he will be willing to participate in such a ceremony in any event. While Mr Katanga remains in prison he is unable to travel to Bogoro to participate, but in the event that the ICC is willing to make arrangements, and some temporary arrangement is made with the DRC authorities, he is willing to do whatever is asked of him.

In respect of the continuing civil unrest in Ituri, which is deeply concerning to the inhabitants of Bogoro, Mr Katanga has offered his services through us to the military authorities as a possible go-between and reconciler between the DRC Army and militia in the bush. This suggestion was made over a year ago but was not taken up by the authorities. The

civil unrest continues to this day and it is a matter of regret that the authorities did not take advantage of his offer to try to help get this new militia to lay down its arms and return to their villages.

I hope this provides you with the necessary information for your filing.

Best wishes

David