

# **Annex 1**

NON-CONFIDENTIAL MAIL

The Hague, 25 August 2017

Ms Catherine Mabilie, counsel

Dear Colleague,

As you know, the Appeals Chamber is due to rule again soon on a possible reduction of your client's sentence, taking into account the criteria of article 110(4) of the Rome Statute and rule 223 of the Rules of Procedure and Evidence.

Our clients believe that your client's attitude toward the victims has barely changed. He has still not apologized to them, nor even expressed any understanding of their situation. Quite the contrary: he has not admitted the recruitment realities for a single one of the victims identified thus far and continues to oppose the victims' ability to benefit from the reparations programmes.

During the hearing of 11 October 2016, the Defence did announce that Mr Lubanga intended to apologize to the victims, but only after his release and during a traditional ceremony in which the victims would also have to participate. For the victims, these two conditions make this promise unrealistic, especially for those who fear retaliation should they come forward as participants in the proceedings against your client.

Your client's attitude is in stark contrast with that of other persons convicted by the Court (i.e. Mr Katanga and Mr Al Mahdi), who took the initiative to contact victims and/or publicly apologize to them through a press release or video recording – moreover, well before their release was in sight.

*Official Court Translation*

A similar initiative by Mr Lubanga would reassure our clients about his attitude toward them, lessen their fears and promote reconciliation between and within the communities.

Could you please inform us whether your client might consider such an initiative which, we believe, is a precondition to the success of a process such as that envisaged by your client.

In the light of the deadline set by the Court, we hope to receive your response before 7 September.

Yours sincerely,

[signed]

[signed]

[signed]

Luc Walley and Franck Mulenda for the V01 team      Joseph Keta for the V02 team

[signed]

[Paolina Massidda] for the Office of Public Counsel for Victims

Done at Kinshasa, DR Congo, and The Hague, Netherlands, 25 August 2017