

DEFENCE TEAM FOR MR THOMAS LUBANGA
CASE NO. ICC-01/04-01/06

Lead counsel: Ms Catherine Mabilie
Co-counsel: Mr Jean-Marie Biju-Duval
Case manager: Ms Virginie Lefebvre

OFFICIAL LETTER

The Hague, 7 September 2017

Dear Colleagues,

It was with great interest that Mr Thomas Lubanga apprised himself of the letter you sent me in the context of the re-examination of the reduction of his sentence.

The reparations to be implemented constitute an important process in which Mr Lubanga intends to fully participate, as he has endlessly reaffirmed.

That is why, during the hearing of 21 August 2015, he stated that he felt accountable and presented his most sincere apologies – on behalf of himself and of the organization he belonged to – to all the victims and for the suffering inflicted upon them.

It is therefore unfair and incorrect to claim that he has neither “apologized” nor expressed “understanding”.

During the hearing of 21 August 2015, Mr Lubanga expressed his sincere wish to be of use to all those who have suffered and that he was ready to devote his newfound liberty to doing so.

More specifically, he recognized his duty in the reconciliation process; affirmed that the stakeholders of this noble project would find in him a committed partner; and reiterated his profound conviction that children have no place in the army.

Lastly, he declared that it was his duty to take a public stand against the practice of using children in armed conflicts, and that he would make use of all available channels to raise awareness on this matter among the people and political and military leaders.

Defence Team for Mr Thomas Lubanga
ICC-CPI
Oude Waalsdorperweg 10, 2597 AK The Hague, Netherlands

These public statements were cemented in the written submissions filed by the Defence team on 1 February 2016 with the proposal to organize a reconciliation ceremony – respecting local traditions and customs – where Mr Lubanga would meet the victims of the crimes for which he was convicted to express his feelings and apologies to them.

Aside from the marked sincerity to which it speaks, such a ceremony would also address the victims' widely expressed concerns about the exclusion and stigmatization they have suffered – and continue to suffer – in their communities.

For the victims, who have been identified as “former child soldiers” within their villages and families, a public and traditional ceremony at Mr Lubanga's initiative – devoid of all rhetoric – will have a reparative effect and a much greater impact on their reintegration than the statement you are suggesting.

Such a ceremony necessarily requires identifying the victims of the crimes for which Mr Lubanga was convicted. That is why the Defence was concerned that the files transmitted to it do not allow such identification.

Indeed, for the reparations process to achieve its objectives, it is important that the reparations benefit the true victims of the crimes, otherwise the risk is that tensions will be reignited rather than eased.

Unfortunately, this proposal has not been met by you with the interest it deserves. This lack of interest stems, in part, from a misunderstanding: contrary to what you have said, Mr Lubanga has never made this project contingent on his release; such a ceremony could be held during his detention and, in this way, could serve to alleviate any remaining apprehensions about the future once he is released from custody.

Mr Lubanga in no way intends to make his release a precondition for his contribution to reconciliation and reparations. The statements and proposals advanced confirm this.

If, as you seem to believe, continuing his detention until the end of his sentence could in any way be useful to social peace and to the well-being of the populations who have suffered from the crimes prosecuted, Mr Lubanga has informed us that he would not request any reduction of sentence.

For the aforementioned reasons, we ask that you reconsider your position concerning Mr Lubanga's participation in the reparations process, as we are convinced that the proposed ceremony would only be welcomed by those whom you represent.

Yours sincerely,

[signed]

Ms Catherine MABILLE