

# ANNEX C

**Group C: Boali, Bossembélé, Bossangoa, Bozoum**

- **Second transmission - ICC-01/05-01/08-796-Conf-Exp**

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that in February 2003 the Banyamulengués arrived in [REDACTED] and she and her family fled to the fields to escape the violence. Her father and her uncle, who was the [REDACTED] stayed in the family house to protect their belongings. On 19 February 2003, the Banyamulengués pillaged her house, killed her father and injured her uncle who later died as a consequence of his wounds. When the applicant returned to her house she found the corpses and she states that the Banyamulengués initially refused to allow the burial of the corpses. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>2</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her father

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<sup>1</sup> ICC-01/05-01/08-796-Conf-Exp-Anx129.

<sup>2</sup> ICC-01/05-01/08-796-Conf-Exp-Anx129, page 18.

and her uncle as well as the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in February 2003 in [REDACTED]

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that, on 25 November 2002, Jean-Pierre Bemba's soldiers were positioned at the [REDACTED] from where they launched a rocket attack on [REDACTED]. The applicant fled to escape the violence. At approximately 16.00, MLC soldiers burned all the houses of the [REDACTED] village including that of the applicant. They killed all of the applicant's cattle and took away his furniture. The applicant was obliged to seek refuge in Bangui where he suffered from starvation. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>4</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber concludes that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 25 November 2002 in the [REDACTED] village.

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<sup>3</sup> ICC-01/05-01/08-796-Conf-Exp-Anx13.

<sup>4</sup> ICC-01/05-01/08-796-Conf-Exp-Anx13, page 9.

Applicant [REDACTED]

### **Claim to victim status**

The applicant is deceased and his father is acting on his behalf.

On 27 November 2002, [REDACTED] was captured by the MLC soldiers of Jean-Pierre Bemba. The applicant, who owned a shop at the [REDACTED] [REDACTED] of [REDACTED] left his hiding place to check on his belongings. He was intercepted by MLC soldiers who demanded money from him. He gave them 10,000 FCFA, which proved to be insufficient and he was heavily beaten. The applicant died on [REDACTED] September 2009. As a result of the alleged events, the father claims on behalf of the applicant that the latter had suffered physical, psychological and material harm.<sup>6</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant and of his father as well as the kinship between them.

Having considered the application as a whole, the Chamber concludes that the applicant's father has provided sufficient evidence to establish *prima facie* that his son is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 27 November 2002 in [REDACTED]

Applicant [REDACTED]

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<sup>5</sup> ICC-01/05-01/08-796-Conf-Exp-Anx14.

<sup>6</sup> ICC-01/05-01/08-796-Conf-Exp-Anx14, page 9.

<sup>7</sup> ICC-01/05-01/08-796-Conf-Exp-Anx16, 17.

### **Claim to victim status**

The applicant states that on 25 November 2002 the rebels of Jean-Pierre Bemba captured the city of [REDACTED]. They pillaged and burned her house and destroyed most of her belongings. The applicant became homeless and sought refuge in Bangui where she stayed and struggled to survive. As a result of these events, she claims to have suffered psychological and material harm.<sup>8</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber concludes that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 25 November 2002 in [REDACTED].

### **Applicant** [REDACTED]

### **Claim to victim status**

Before the events giving rise to his claim for victim status, the applicant used to work for an organisation named [REDACTED]. In June 2002 he participated in a mining expedition in the district of [REDACTED]. On 27 November 2002 he had to travel from [REDACTED] to Bangui to sell diamonds and gold found in the expedition on behalf of his organisation. On 3 December 2002

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<sup>8</sup> ICC-01/05-01/08-796-Conf-Exp-Anx16, page 9.

<sup>9</sup> ICC-01/05-01/08-796-Conf-Exp-Anx18.

upon his arrival in [REDACTED] he came across a Banyamoulu military base. The Banyamulus stopped him and looted all of his goods. He was detained in the camp where he was ill-treated. He witnessed the detained women being taken to military tents and raped. On 4 December 2002 he was released because of a visit of the presidential guard. As a result of these events, the applicant claims to have suffered material and psychological harm.<sup>10</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber concludes that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulus of Jean-Pierre Bemba in [REDACTED] on 3 December 2002.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 25 November 2002 the soldiers of Jean-Pierre Bemba launched an attack on the city of [REDACTED]. Their attack met with resistance close to the villages of [REDACTED]. The soldiers of Bemba, thinking that rebels were hiding among the houses in these villages, started to burn down all the houses. They looted the applicant's house and took away all of

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<sup>10</sup> ICC-01/05-01/08-796-Conf-Exp-Anx18, pages 13 to 14, 28 to 31.

<sup>11</sup> ICC-01/05-01/08-796-Conf-Exp-Anx20 and 21.

his animals before burning his premises. He submits a list with the looted items, which he values. The applicant was assaulted by them when he returned to the area to check on his house. The applicant continues to experience pain in his finger. As a result of these events, the applicant claims to have suffered physical, psychological and material harm.<sup>12</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber concludes that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 25 November 2002.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that at the beginning of November 2002 the Banyamulengués installed themselves at [REDACTED]. They started visiting her house to benefit from her chickens, seeds, cassava roots and general food supplies. On 20 November 2002 a group of approximately fifteen Banyamulengués arrived in her house, some started to take her furniture away and three of them threatened her and demanded money from her. She was terrified and gave them her savings

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<sup>12</sup> ICC-01/05-01/08-796-Conf-Exp-Anx20, pages 9, 11, 23.

<sup>13</sup> ICC-01/05-01/08-796-Conf-Exp-Anx34.

that amounted to 800,000 FCFA but subsequently, these three men raped her in turns. The applicant adds that she subsequently fled to the [REDACTED] in [REDACTED] where she was received by a person of the Church who took care of her. On 15 March 2003 the troops of General Bozizé arrived in Bangui and the applicant returned to her house. She claims to have been infected with HIV and she says she still feels traumatised and stigmatised. As a result of these events, the applicant claims to have suffered physical and material harm.<sup>14</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber concludes that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely her rape on 20 November 2002 and the pillage of her belongings throughout November 2002 by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant is deceased and the application has been introduced on his behalf by his wife.

It is stated that on 18 January 2003 the Banyamulengués invaded the city of [REDACTED] in Onham Pendé. They surrounded the applicant's house and entered

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<sup>14</sup> ICC-01/05-01/08-796-Conf-Exp-Anx34, pages 9, 22.

<sup>15</sup> ICC-01/05-01/08-796-Conf-Exp-Anx36.



by destroying the doors. The applicant was caught by two Banyamulengués who first shot at his legs asking for money in Lingala and then killed him. It is claimed that as a result of these events, the applicant has suffered physical harm. In addition, the applicant's wife states that she still suffers from distress and anxiety as well as high blood pressure and frequent headaches.<sup>16</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identities of the applicant and his wife who is acting on his behalf as well as their relationship.

Having considered the application as a whole, the Chamber concludes that sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that he was a victim under Rule 85(a), on the basis that he had suffered personal harm as a result of crimes confirmed against the accused, namely his murder by the Banyamulengués of Jean-Pierre Bemba on 18 January 2003 in [REDACTED], Onham Pendé.

In addition, the Chamber considers that the applicant's partner has established *prima facie* that she is a victim under Rule 85(a) herself, on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her husband by the Banyamulengués of Jean-Pierre Bemba on 18 January 2003 in [REDACTED], Onham Pendé.

### **Applicant** [REDACTED]

### **Claim to victim status**

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<sup>16</sup> ICC-01/05-01/08-796-Conf-Exp-Anx36, page 9.

<sup>17</sup> ICC-01/05-01/08-796-Conf-Exp-Anx37.

The applicant states that the Banyamulengués occupied the city of [REDACTED] following the withdrawal of General Bozizé's troops. On 19 January 2003 they attacked the applicant's house, captured her father and killed him. Two Banyamulengués consecutively raped the applicant. At the material time the applicant was thirteen years old. The applicant's house was looted by the Banyamulengués. The applicant states that she has been infected with HIV, traumatised and stigmatised. She states also that she can not return to school due to her poor financial circumstances. As a result of these events, she claims to have suffered physical, psychological and material harm.<sup>18</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identities of the applicant, her deceased father as well as the kinship between them.

Having considered the application as a whole, the Chamber concludes that sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she suffered personal harm as a result of crimes confirmed against the accused, notably the murder of her father, her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 19 January 2003.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 19 February 2003 the troops of Jean-Pierre Bemba bombed the [REDACTED] of [REDACTED] injuring the applicant and his family. In his

<sup>18</sup> ICC-01/05-01/08-796-Conf-Exp-Anx37, pages 9, 11, 24, 25.

<sup>19</sup> ICC-01/05-01/08-796-Conf-Exp-Anx56.

effort to escape, the applicant fell into the hands of the Banyamulengués who brutally tortured him for one hour and a half. His family managed to hide in the forest. The applicant's house was pillaged and was left unsuitable for habitation. The applicant claims to have suffered physical, psychological and material harm.<sup>20</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in February 2003 in

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### **Applicant** ██████████

#### **Claim to victim status**

The applicant states that on 18 February 2003 Bemba's troops launched an attack on the city of ██████████. The applicant tried to flee but was found by the Banyamulengués who raped her and stole the amount of 475,675 FCFA that she was carrying in her handbag. Subsequently the Banyamulengués looted her

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<sup>20</sup> ICC-01/05-01/08-796-Conf-Exp-Anx56, pages 9 to 11.

<sup>21</sup> ICC-01/05-01/08-796-Conf-Exp-Anx57.

house. As a result of these events, the applicant claims to have suffered physical, psychological and material harm.<sup>22</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings in [REDACTED] on 18 February 2003 by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 19 February 2003 Jean-Pierre Bemba's armed troops launched an indiscriminate attack on the city of [REDACTED]. The applicant together with her children fled to the bushes in order to escape whereas the applicant's husband stayed to protect their house. The applicant went through a very hard time in the bush as there was no food or medical supplies which led to the death of a substantial number of civilians. Her two sons were shot by the Banyamulengués and died. When the applicant returned to her house she found her husband badly injured as he had been tortured by the Banyamulengués who had found him there in their pillaging operations. On [REDACTED] April 2003 her husband

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<sup>22</sup> ICC-01/05-01/08-796-Conf-Exp-Anx57, pages 9 to 11.

<sup>23</sup> ICC-01/05-01/08-796-Conf-Exp-Anx60.

died as a result of his injuries. As a result of these events, the applicant claims to have suffered psychological and material harm.<sup>24</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. The Chamber further notes that the applicant has provided sufficient documents and information to demonstrate her relationship with her husband and one of her sons who were allegedly killed as well as the latter's identities. The Chamber however underlines that the applicant has not provided any document to demonstrate the identity of and relationship with one of her alleged sons whom she mentions in the claim. Therefore, the harm alleged by the applicant as a result of the death of one of her sons will not be assessed by the Chamber.

Having considered the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her husband and her son and pillage of her belongings in February 2003 by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 25 January 2003 she was on her way to Bangui having spent two weeks in [REDACTED] to buy manioc to resell in Bangui. When she

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<sup>24</sup> ICC-01/05-01/08-796-Conf-Exp-Anx60, pages 9 to 12.

<sup>25</sup> ICC-01/05-01/08-796-Conf-Exp-Anx64.

arrived in [REDACTED] she was stopped by the Banyamulengués who tried to rape her. In the end they did not rape her but took her money and her belongings, which she lists. The applicant says she was traumatised by the attack. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>26</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 25 January 2003.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 24 January 2003 he was stopped by armed men speaking Lingala five kilometres outside the city of [REDACTED]. He was tortured by a group of drunken Banyamulengués who also robbed all his belongings. The applicant says that he managed to escape. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>28</sup>

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<sup>26</sup> ICC-01/05-01/08-796-Conf-Exp-Anx64, pages 9, 18, 19.

<sup>27</sup> ICC-01/05-01/08-796-Conf-Exp-Anx65.

<sup>28</sup> ICC-01/05-01/08-796-Conf-Exp-Anx65, pages 9, 18, 19.

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 24 January 2003.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 28 January 2003 she was travelling by lorry from [REDACTED] to Bangui via the [REDACTED] when she was stopped by an armed group, speaking Lingala, close to the city of [REDACTED]. The Banyamulengués tortured the applicant and her fellow passengers and robbed all of their goods, clothes and sums of money they were carrying with them. The applicant was particularly traumatised by being forced to undress and remain in her underwear. As a result of these events, she claims to have suffered physical, psychological and material harm.<sup>30</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>29</sup> ICC-01/05-01/08-796-Conf-Exp-Anx67.

<sup>30</sup> ICC-01/05-01/08-796-Conf-Exp-Anx67, page 11.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba close to the city of [REDACTED] on 28 January 2003.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that on 5 November 2002 he was returning together with his wife to [REDACTED] having sold their products at the Bangui market. When they arrived in [REDACTED] they were stopped by a group of Bemba's MLC soldiers who arrested them. They raped his wife and robbed everything they were carrying. His wife was left deeply traumatised and died shortly after her rape. The applicant was also traumatised having witnessed his wife being raped. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>32</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber further notes that the applicant has provided sufficient documents and information to demonstrate his relationship with his wife who was allegedly raped as well as the latter's identity.

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<sup>31</sup> ICC-01/05-01/08-796-Conf-Exp-Anx68.

<sup>32</sup> ICC-01/05-01/08-796-Conf-Exp-Anx68, page 9.



Having considered the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his wife and the pillage of their belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 5 November 2002.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that she is a merchant in which capacity she travelled to the DRC to buy supplies to resell in Bangui.

She states that she rented a boat and on 20 February went to the [REDACTED] village in the DRC where she bought supplies. On 15 March 2003, upon her return to Bangui from the DRC via the Oubangui River together with a group of other passengers, she was stopped by the Banyamulengués who forced them to stop on the Congolese side of the river. The Banyamulengués ordered the applicant to undress and raped her one after the other. They then searched her and the other passengers for money. They subsequently asked them to take all the goods in the boat to a DRC village. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>34</sup>

**Analysis and conclusions**

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<sup>33</sup> ICC-01/05-01/08-796-Conf-Exp-Anx69.

<sup>34</sup> ICC-01/05-01/08-796-Conf-Exp-Anx69, pages 18 to 20.

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the boat on which the applicant was travelling was intercepted by the Banyamulengués on the Oubangui River. Thus, for the reasons set out in the Decision, this application for participation is refused. This conclusion can be revisited if the evidence in the trial in due course indicates a different conclusion.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that following the capture of [REDACTED] in November 2002, Jean-Pierre Bemba's militia broke into her house, located in the [REDACTED] area, and stole everything valuable including her furniture and the sum of 100,000 FCFA. Subsequently, they destroyed the house. As a result of these events, the applicant claims to have suffered material harm.<sup>36</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her

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<sup>35</sup> ICC-01/05-01/08-796-Conf-Exp-Anx77.

<sup>36</sup> ICC-01/05-01/08-796-Conf-Exp-Anx77, pages 9 to 11.

belongings in [REDACTED] in November 2002 by the Banyamulengués of Jean-Pierre Bemba.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that, on an unspecified date between November and December 2002, Bemba's militia arrived at her house in the [REDACTED] area of [REDACTED]. They stole her cattle (twenty-one pigs and twenty-two goats), looted her house and destroyed her cassava plantations. In her effort to save her belongings, the applicant was beaten and had her left arm fractured. As a result of these events, the applicant claims to have suffered physical, psychological and material harm.<sup>38</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between November and December 2002 in the [REDACTED] area of [REDACTED].

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<sup>37</sup> ICC-01/05-01/08-796-Conf-Exp-Anx78.

<sup>38</sup> ICC-01/05-01/08-796-Conf-Exp-Anx78, pages 9 to 11.

Applicant [REDACTED]

### **Claim to victim status**

The applicant states that, on an unspecified date towards the end of 2002 and beginning of 2003, the Banyamulengués entered her house, situated in the [REDACTED] area of [REDACTED] and looted everything which was valuable. She further contends that they demanded her two sons to assist them to carry their injured chief and when one of them tried to protect his sister from being raped, he was tortured. According to the applicant, a few days later, he died as result of his injuries. As a result of the events, the applicant claims to have suffered physical, psychological and material harm.<sup>40</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. The Chamber further notes that the applicant has provided sufficient documents and information to demonstrate her relationship with her son who was allegedly killed as well as the latter's identity.

Having examined the application as a whole, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her son and the pillage of her belongings in the [REDACTED] area of [REDACTED] on an unspecified date between the end of 2002 and the beginning of 2003 by the Banyamulengués of Jean-Pierre Bemba.

<sup>39</sup> ICC-01/05-01/08-796-Conf-Exp-Anx79.

<sup>40</sup> ICC-01/05-01/08-796-Conf-Exp-Anx79, pages 9 to 11, 21 to 22.

**Applicant** [REDACTED]**Claim to victim status**

The applicant states that, on an unspecified date between November 2002 and January 2003, the militias of Jean-Pierre Bemba arrived at her house which was situated at the [REDACTED] area of [REDACTED]. They tortured her family as well as herself and kidnapped her daughter to use her as a sexual slave. The applicant states that the militias took her daughter with them after their departure from [REDACTED] and that she has not heard from her since that time. The applicant adds that the militias also looted her house and destroyed her pig farm. As a result of these events, the applicant claims to have suffered physical, psychological and material harm.<sup>42</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. The Chamber further notes that the applicant has provided sufficient documents and information to demonstrate her relationship with her daughter who was *inter alia* allegedly raped as well as the latter's identity.

It also notes that, at the present stage, it does not have sufficient information to resolve the issue that arises from the disappearance of the applicant's daughter and whether she may be presumed dead as a result of the Banyamulengués' activities. In any event, the Chamber considers that, having examined the application as a whole, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused,

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<sup>41</sup> ICC-01/05-01/08-796-Conf-Exp-Anx80.

<sup>42</sup> ICC-01/05-01/08-796-Conf-Exp-Anx80, pages 9 to 11.

namely the rape of her daughter and the pillage of her belongings in the period between November 2002 and January 2003 at the [REDACTED] area of [REDACTED] by the Banyamulengués of Jean-Pierre Bemba.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that, on an unspecified date between November and December 2002, militias of Jean-Pierre Bemba came to her house, which is situated in the [REDACTED] area of [REDACTED] pillaged her farm and destroyed her bed. The applicant contends that when she fled to the bush, they also destroyed her house. As a result of these events, she claims to have suffered physical, psychological and material harm.<sup>44</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings on an unspecified date between November and December 2002 in the [REDACTED] area of [REDACTED] by the Banyamulengués of Jean-Pierre Bemba.

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<sup>43</sup> ICC-01/05-01/08-796-Conf-Exp-Anx81.

<sup>44</sup> ICC-01/05-01/08-796-Conf-Exp-Anx81, pages 9 to 11.

Applicant [REDACTED]

### **Claim to victim status**

The applicant states that, on an unspecified date between 4 and 17 November 2002, the Banyamulengués, whom she refers to as speaking Lingala, looted and burned her house which is located in the [REDACTED] area of [REDACTED]. She lists and values the lost items. As a result of these events, the applicant claims to have suffered material harm.<sup>46</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings in November 2002 in the [REDACTED] area of [REDACTED] by the Banyamulengués of Jean-Pierre Bemba.

Applicant [REDACTED]

### **Claim to victim status**

The applicant states that, on an unspecified date between November 2002 and January 2003, the Banyamulengués arrived in the [REDACTED] area of [REDACTED]. They looted her farm and house and stole her animals that included pigs, goats

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<sup>45</sup> ICC-01/05-01/08-796-Conf-Exp-Anx82.

<sup>46</sup> ICC-01/05-01/08-796-Conf-Exp-Anx82, pages 9 to 11.

<sup>47</sup> ICC-01/05-01/08-796-Conf-Exp-Anx83.

and poultry. She further asserts that when she tried to resist to the looting, the Banyamulengués threatened to kill her. As a result of these events, she claims to have suffered material harm.<sup>48</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings in the period between November 2002 and January 2003 in the [REDACTED] area of [REDACTED] by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that when the Banyamulengués arrived in [REDACTED] around November 2002, she fled to the bush together with her family. She asserts that during their stay in the bush, her daughter returned to the city to do her daily trade but she was kidnapped by the Banyamulengués and has not been found since. The applicant further avers that her house was looted and destroyed by the Banyamulengués. According to the applicant, the events occurred

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<sup>48</sup> ICC-01/05-01/08-796-Conf-Exp-Anx83, pages 9 to 11.

<sup>49</sup> ICC-01/05-01/08-796-Conf-Exp-Anx84.



between January and February 2003. As a result of these events, she claims to have suffered psychological and material harm.<sup>50</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. As to the issue of the alleged disappearance of the applicant's daughter, the Chamber notes that, at the present stage, it does not have sufficient information to consider whether she may be presumed dead as a result of the Banyamulengués' activities and reserves its position on the matter for a subsequent stage of the proceedings.

Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings in the period between January and February 2003 in [REDACTED] by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on an unspecified date in January 2003, the Banyamulengués arrived at the [REDACTED] area of [REDACTED] and looted his house. The applicant together with his family fled to the bush. At an unspecified time, the applicant sent his daughter to the city in search of food. His daughter was kidnapped by the Banyamulengués and the applicant has never had any news

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<sup>50</sup> ICC-01/05-01/08-796-Conf-Exp-Anx84, pages 9 to 11, 21 to 22.

<sup>51</sup> ICC-01/05-01/08-796-Conf-Exp-Anx85.

from her. As a result of these events, the applicant claims to have suffered psychological and material harm.<sup>52</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

As to the issue of the alleged disappearance of the applicant's daughter, the Chamber notes that, at the present stage, it does not have sufficient information to consider whether she may be presumed dead as a result of the Banyamulengués' activities and reserves its position on the matter for a subsequent stage of the proceedings.

Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings in the [REDACTED] area of [REDACTED] in January 2003 by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

#### **Claim to victim status**

As the applicant is residing in [REDACTED] the application is introduced by her husband on her behalf.

It is stated that on 3 December 2002 following a religious mission in [REDACTED] the applicant was returning home in a group with other persons. She was stopped

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<sup>52</sup> ICC-01/05-01/08-796-Conf-Exp-Anx85, pages 9 to 11, 18.

<sup>53</sup> ICC-01/05-01/08-796-Conf-Exp-Anx93.

by the troops of Jean-Pierre Bemba once she had reached the [REDACTED] of [REDACTED]

The soldiers forced the men to lie on the floor, keeping their eyes fixed on the sun. All the women, including the applicant, were raped. Some of them were subsequently released and called for assistance. The applicant was released on the following day. It is stated that the applicant was stigmatised by her own community. Her husband assisted her to escape to [REDACTED] to recover. As a result of the events, it is claimed that the applicant suffered physical and psychological harm.<sup>54</sup>

### **Analysis and conclusions**

The Chamber notes that the applicant is resident in [REDACTED] and has authorised her husband to introduce the present application on her behalf. The Chamber has been provided with sufficient evidence demonstrating the identities of the applicant and her husband as well as establishing their kinship. In addition the Chamber notes that the applicant has produced a medical certificate of 9 December 2002 reporting on the applicant's examination on the same day as a victim of sexual violence.

The Chamber concludes that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely her rape on 3 December 2002 at [REDACTED] by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

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<sup>54</sup> ICC-01/05-01/08-796-Conf-Exp-Anx93, pages 18 to 24.

<sup>55</sup> ICC-01/05-01/08-796-Conf-Exp-Anx125.

### **Claim to victim status**

The applicant states that on 15 November 2002, while he and his brother were carrying out their trade activities, they were stopped by troops of Jean-Pierre Bemba who stole their goods and motorcycles and injured them. They also took a sum of money that they were carrying and looted their house in [REDACTED]. She lists and values the loss. As a result of these events, the applicant claims to have suffered physical, psychological and material harm.<sup>56</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a), on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings on 15 November 2002 in [REDACTED] by the Banyamulengués of Jean-Pierre Bemba.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 15 December 2002 she left Bangui to return to [REDACTED] to carry out her trading activities. She travelled by car with others. She alleges that when they arrived at the crossroad between [REDACTED] they

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<sup>56</sup> ICC-01/05-01/08-796-Conf-Exp-Anx125, pages 9 to 12.

<sup>57</sup> ICC-01/05-01/08-796-Conf-Exp-Anx167.

were stopped by the Banyamulengués who ordered them to come out of the car, killed one of her co-passengers and beat the others. The applicant and another woman were raped by many soldiers. As a result of these events, the applicant claims to have suffered physical and psychological harm.<sup>58</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely her rape on 15 December 2002 by the Banyamulengués of Jean-Pierre Bemba at the crossroad between

[REDACTED]

### **Applicant**

[REDACTED]

### **Claim to victim status**

The applicant states that on 23 January 2003 she was travelling between [REDACTED] and Bangui together with her grandmother. She alleges that when they reached [REDACTED] their car was stopped by the Banyamulengués who forced them to come out and to undress. She says that they also robbed all of their belongings and money and that they abandoned them half-naked in the

<sup>58</sup> ICC-01/05-01/08-796-Conf-Exp-Anx167, pages 9 to 11.

<sup>59</sup> ICC-01/05-01/08-796-Conf-Exp-Anx171.

fields. As a result of these events, the applicant claims to have suffered material, physical and psychological harm.<sup>60</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Having considered the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a), on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings on 23 January 2003 by the Banyamulengués of Jean-Pierre Bemba in [REDACTED]

- **Fifth transmission - ICC-01/05-01/08-932-Conf-Exp-Anx1 to Anx104**

**Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 19 February 2003, she fled to the bush. She contends that upon her return, the Banyamulengués looted and burned her house, located in [REDACTED]. She specifies that this occurred three days after she had given birth. She further alleges that her sister was raped by the Banyamulengués when she

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<sup>60</sup> ICC-01/05-01/08-796-Conf-Exp-Anx171, pages 9 to 11, 13.

<sup>61</sup> ICC-01/05-01/08-932-Conf-Exp-Anx1; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 2 to 3.

went to check the situation of the applicant's house. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>62</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

In the absence of any document establishing the identity of the applicant's sister and the kinship with the applicant, only pillage will be considered for the purpose of the present assessment. The Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba, on 19 February 2003 or the subsequent days, in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that in the period between January and February 2003, the MLC soldiers entered his house, located in [REDACTED] and caused him material harm because they made him lose his property.<sup>64</sup>

### **Analysis and conclusions**

The Chamber notes that in the identity document, the first name of the applicant is hardly legible and might differ from the first name appearing on the

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<sup>62</sup> ICC-01/05-01/08-932-Conf-Exp-Anx1, pages 9 to 11.

<sup>63</sup> ICC-01/05-01/08-932-Conf-Exp-Anx2; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 4 to 5.

<sup>64</sup> ICC-01/05-01/08-932-Conf-Exp-Anx2, pages 9 to 11.

application form. However, given that the remainder of the information provided in the identity document is consistent with the data entered in the application form, the Chamber is satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between January and February 2003.

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that during the events that took place in [REDACTED] he fled to the bush and, upon his return, some people told him that the Banyamulengués had killed his older brother. He alleges that he did not see the corps because the Red Cross had buried all the deceased people. He further states that the Banyamulengués and some “Central African brothers” looted his storehouse as well as his six houses. He claims that the events occurred on 19 February 2003 and that both the Banyamulengués of Jean-Pierre Bemba and the Central Africans of the area are responsible for the events. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>66</sup>

#### **Analysis and conclusions**

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<sup>65</sup> ICC-01/05-01/08-932-Conf-Exp-Anx3; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 6 to 7.

<sup>66</sup> ICC-01/05-01/08-932-Conf-Exp-Anx3, pages 9 to 11.



The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

Concerning the alleged murder of the applicant's brother, the Chamber notes that the applicant does not submit any document establishing the identity of the deceased and the kinship between them. As a result, only pillage will be considered for the purpose of the present assessment.

With regard to the pillage of his belongings, the Chamber notes that the applicant states that these acts were committed by both the Banyamulengués of Jean-Pierre Bemba and the Central Africans of the area. However, given that the applicant clearly states that the Banyamulengués also pillaged his belongings, the Chamber is satisfied that the applicant has provided sufficient evidence to establish, *prima facie*, that he is a victim under Rule 85(a), on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 19 February 2003, in [REDACTED]

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that in the context of the events occurred in February 2003, the Banyamulengués looted her house, located in [REDACTED] and beat her, causing the inflammation of her breast. She claims that her breast was operated in 2008. As a result of the alleged events, the applicant claims to have suffered physical and material harm.<sup>68</sup>

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<sup>67</sup> ICC-01/05-01/08-932-Conf-Exp-Anx4; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 8 to 9.

<sup>68</sup> ICC-01/05-01/08-932-Conf-Exp-Anx4, pages 9 to 11.

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba, in February 2003, in [REDACTED]

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that, on 19 February 2003, she fled and left her house, located in the [REDACTED] area, which was pillaged by the invaders. She alleges that although she has not seen the perpetrators, she was told that the men who invaded her home were the Banyamulengués. As a result of the alleged events she claims to have suffered material harm.<sup>70</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the applicant does not indicate the precise location of the alleged event but only mentions that the event occurred in the [REDACTED] area. However, noting that in the application form it is stated that the applicant was

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<sup>69</sup> ICC-01/05-01/08-932-Conf-Exp-Anx5; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 10 to 11.

<sup>70</sup> ICC-01/05-01/08-932-Conf-Exp-Anx5, pages 9 to 11.

██████████ the Chamber considers that the place referred to in the application might indeed be the ██████████ area of ██████████

On the basis of the application as a whole, the applicant has provided sufficient evidence to establish, *prima facie*, that she is a victim under Rule 85(a), on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her house by the Banyamulengués of Jean-Pierre Bemba on 19 February 2003, in the ██████████ area of ██████████

### Applicant ██████████

#### **Claim to victim status**

The applicant states that on 19 February 2003 Bemba's militia came to his domicile, located in the ██████████ area, in ██████████. He alleges that they looted his belongings goats and his chicken and later, burned the house. He also lists other items which he lost. As a result of the alleged events he claims to have suffered material harm.<sup>72</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba, on 19 February 2003, in the ██████████ area of ██████████

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<sup>71</sup> ICC-01/05-01/08-932-Conf-Exp-Anx6; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 12 to 13.

<sup>72</sup> ICC-01/05-01/08-932-Conf-Exp-Anx6, pages 9 to 11.

Applicant [REDACTED]

### **Claim to victim status**

The applicant states that on 19 February 2003, she crossed the [REDACTED] to flee to the bush. She states that while she was fleeing, his brother, who could not swim, was beaten up. She further alleges that, while she was in the bush, two Banyamulengués raped her and looted her belongings. The events allegedly occurred in [REDACTED]. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>74</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba, on 19 February 2003, in [REDACTED].

Applicant [REDACTED]

### **Claim to victim status**

The applicant states that, on 19 February 2003, upon the arrival of the Banyamulengués, she fled to the bush. She alleges that they looted her house

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<sup>73</sup> ICC-01/05-01/08-932-Conf-Exp-Anx7; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 14 to 15.

<sup>74</sup> ICC-01/05-01/08-932-Conf-Exp-Anx7, pages 9 to 11.

<sup>75</sup> ICC-01/05-01/08-932-Conf-Exp-Anx8; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 16 to 17.

which is located in the [REDACTED] area and took all her property. As a result of the alleged events, the applicant claims to have suffered material harm, due to the loss of the belongings she lists.<sup>76</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba, on an unspecified date as of 19 February 2003, in the [REDACTED] area.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that, on 19 February 2003, when the Banyamulengués arrived in [REDACTED] they set her house on fire, which destroyed all her belongings. As a result of these events, she claims to have suffered material harm, due to the loss of the belongings which she lists.<sup>78</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

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<sup>76</sup> ICC-01/05-01/08-932-Conf-Exp-Anx8, pages 9 to 11.

<sup>77</sup> ICC-01/05-01/08-932-Conf-Exp-Anx9; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 18 to 19.

<sup>78</sup> ICC-01/05-01/08-932-Conf-Exp-Anx9, pages 9 to 11.

The Chamber notes that the applicant states that her belongings were destroyed through the fire and does not submit that her belongings were pillaged before the house was burned. As a consequence, the harm the applicant suffered was the result of the burning of her house. For the reasons set out in the Chamber's Decision of 30 June 2010 on the participation of victims in the trial<sup>79</sup> and given the particular formulation of the charges as confirmed, the Chamber finds that the harm suffered by this applicant does not sufficiently relate to a crime included in the charges against the accused and her application to participate is, accordingly, refused. This conclusion can be revisited if the evidence in trial supports a different conclusion

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 19 February 2003, her husband was killed by the Banyamulengués while he was trying to flee. She further alleges that she fled to the bush to hide and then, the Banyamulengués burned one of her two houses in [REDACTED]. Amongst the items she lost, she lists the goods of her house, her motorbike, 6 goats and the bed and 18 metal plates. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>81</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant. The Chamber further notes that the applicant submits a bank document (*livret d'épargne*), which might be intended to prove the

<sup>79</sup> ICC-01/05-01/08- 807, paragraphs 87 to 89.

<sup>80</sup> ICC-01/05-01/08-932-Conf-Exp-Anx10; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 20 to 21.

<sup>81</sup> ICC-01/05-01/08-932-Conf-Exp-Anx10, pages 9 to 11.

identity of her deceased husband. However, the applicant did not indicate the name of her husband and the surname appearing on the bank document differs from the surname of the applicant. In addition, there is no birth date on this document. As a consequence, the Chamber considers that the documents provided do not sufficiently demonstrate the identity of the deceased husband and the kinship with the applicant. Accordingly, the applicant has no legal standing to claim personal harm as a result of the death of her husband.

The Chamber further notes that the applicant does not submit that her belongings were pillaged before the house was burned. As a consequence, the harm the applicant suffered was the result of the burning of her house. For the reasons set out in the Chamber's Decision of 30 June 2010 on the participation of victims in the trial<sup>82</sup> and given the particular formulation of the charges as confirmed, the Chamber finds that the harm suffered by this applicant does not sufficiently relate to a crime included in the charges against the accused and her application to participate is, accordingly, refused. This conclusion can be revisited if the evidence in trial supports a different conclusion.

**Applicant** [REDACTED]

**The claim to victim status**

The applicant states that, in February 2003, near the [REDACTED] the Banyamulengués forced his brother to carry a dead body but, as he refused, they beat him to death. The applicant also alleges that they killed and ate his pigs and took some other products. He later specifies that the events took place in

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<sup>82</sup> ICC-01/05-01/08- 807, paragraphs 87 to 89.

<sup>83</sup> ICC-01/05-01/08-932-Conf-Exp-Anx11; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 22 to 23.

March 2003, prior to the seizure of power by Bozizé. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>84</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. In the absence of any document establishing the identity of his deceased brother and the kinship with the applicant, only pillage will be considered for the purpose of the present assessment.

The Chamber further notes a slight discrepancy with regard to the dates. However, in view of the intrinsic coherence of the application in all other respects (notably the fact that the applicant states that the events took place prior to the regime change in March 2003) and taking into account the fact that the alleged events occurred over seven years ago, the slight potential discrepancy as to dates does not materially undermine the remainder of the evidence provided, when assessed on a *prima facie* basis.

Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his livestock and goods by the Banyamulengués of Jean-Pierre Bemba, in February or March 2003, near the

[REDACTED]

**Applicant** [REDACTED]

### **The claim to victim status**

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<sup>84</sup> ICC-01/05-01/08-932-Conf-Exp-Anx11, pages 9 to 11.

<sup>85</sup> ICC-01/05-01/08-932-Conf-Exp-Anx12; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 24 to 25.



The applicant states that, on 18 February 2003, in [REDACTED] the men of Jean-Pierre Bemba pillaged her house. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>86</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her house by the Banyamulengués of Jean-Pierre Bemba on 18 February 2003 in [REDACTED]

### **Applicant** [REDACTED]

### **The claim to victim status**

The applicant states that, on 19 February 2003, in the [REDACTED] [REDACTED] twelve Banyamulengués entered her house and asked her for money. As she did not have any, she alleges that they pillaged her house. As a consequence of the shock, she fled to the bush for about one and a half month before coming back home. As a result of the alleged events, the applicant claims to have suffered material and psychological harm.<sup>88</sup>

### **Analysis and conclusions**

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<sup>86</sup> ICC-01/05-01/08-932-Conf-Exp-Anx12, pages 9 to 11.

<sup>87</sup> ICC-01/05-01/08-932-Conf-Exp-Anx13; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 26 to 27.

<sup>88</sup> ICC-01/05-01/08-932-Conf-Exp-Anx13, pages 9 to 11, 20 to 21.

The Chamber notes a difference of sixteen days with regard to the date of birth as well as of the spelling of the applicant's mother's name as appearing on the identity document on the one hand and the baptism card on the other. However, given that the remainder of the information provided in the baptism card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her house by the Banyamulengués of Jean-Pierre Bemba on 19 February 2003 in the [REDACTED]

#### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant states that in February 2003 the Banyamulengués of Jean-Pierre Bemba shot his father to death and looted the family's house in the [REDACTED]

[REDACTED] As a result of the alleged events, the applicant claims to have suffered physical and material harm.<sup>90</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant, of his deceased father as well as the kinship between them.

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<sup>89</sup> ICC-01/05-01/08-932-Conf-Exp-Anx14; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 28 to 29.

<sup>90</sup> ICC-01/05-01/08-932-Conf-Exp-Anx14, pages 9 to 11.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his father and, to the extent of his personal belongings, the pillage of his family's house by the Banyamulengués of Jean-Pierre Bemba in February 2003 in the [REDACTED]

**Applicant** [REDACTED]

**The claim to victim status**

The applicant states that, on 12 February 2003, the Banyamulengués occupied [REDACTED] and she fled to the countryside. She says that, on 23 February 2003, she came back to [REDACTED] to get some supplies but she saw the Banyamulengués in front of her house which made her flee again. The day after, she came back again and she found that part of her supplies had been burned and her sugar, oil and flour had disappeared. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>92</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the

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<sup>91</sup> ICC-01/05-01/08-932-Conf-Exp-Anx15; ICC-01/05-01/08-934-Conf-Exp-Anx3.

<sup>92</sup> ICC-01/05-01/08-932-Conf-Exp-Anx15, pages 9 to 11, 18 to 19.

accused, namely the pillage of her goods in her house by the Banyamulengués of Jean-Pierre Bemba on 23 and 24 February 2003 in [REDACTED]

**Applicant** [REDACTED]

**The claim to victim status**

The applicant states that, on 15 January 2003, on the way back from [REDACTED] [REDACTED] where he had been due to his business, he was stopped by the MLC troops of Jean-Pierre Bemba in [REDACTED]. He alleges that they pillaged his merchandise which he lists and values. He says that since that moment, he has been facing a fall of his commercial activity. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>94</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 15 January 2003 in [REDACTED].

**Applicant** [REDACTED]

**The claim to victim status**

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<sup>93</sup> ICC-01/05-01/08-932-Conf-Exp-Anx16; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 32 to 33.

<sup>94</sup> ICC-01/05-01/08-932-Conf-Exp-Anx16, pages 9 to 11.

<sup>95</sup> ICC-01/05-01/08-932-Conf-Exp-Anx17; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 34 to 35.

The applicant is deceased and the application is submitted on her behalf by her mother.

It is stated that, on 16 January 2003, the applicant left her aunt's house in [REDACTED] to go to the hospital of Bangui in order to receive intensive treatment following a caesarean birth. It is alleged that, once in [REDACTED] she was stopped by the Banyamulengués of Jean-Pierre Bemba who harassed her and beat her when she tried to resist. It is stated that she died as a result of the injuries and that the Banyamulengués also took her belongings. As a result of the alleged events, the person acting on behalf of the applicant claims that the applicant has suffered physical and material harm. In addition, the person acting on behalf of the applicant claims that she has also suffered psychological harm due to the murder of her daughter and material harm due to the pillage of her daughter's belongings.<sup>96</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant and of her mother who is acting on her behalf, as well as their kinship.

The Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that she was a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her murder and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 16 January 2003 in [REDACTED]. In addition, the Chamber considers that the person acting on behalf of the applicant has also provided sufficient evidence to establish *prima facie* that she is a victim

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<sup>96</sup> ICC-01/05-01/08-932-Conf-Exp-Anx17, pages 9 to 11, 18 to 19.

under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her daughter and the pillage of her daughter's belongings by the Banyamulengués of Jean-Pierre Bemba on 16 January 2003 in [REDACTED]

**Applicant** [REDACTED]

**The claim to victim status**

The applicant states that, on 15 January 2003, while he was travelling back from [REDACTED] to Bangui in a pick-up 4x4 together with other passengers, he was stopped by the MLC soldiers of Jean-Pierre Bemba at the [REDACTED]. He alleges that, the men tortured and pillaged them and raped some women. As a result of the alleged events, the applicant claims to have suffered material and physical harm.<sup>98</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 15 January 2003 in [REDACTED]

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<sup>97</sup>ICC-01/05-01/08-932-Conf-Exp-Anx18; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 36 to 37.

<sup>98</sup> ICC-01/05-01/08-932-Conf-Exp-Anx18, pages 9 to 11.

Applicant [REDACTED]

### **The claim to victim status**

The applicant states that, on 23 January 2003, he was driving back from [REDACTED] [REDACTED] where he had bought goods to sell in Bangui. He alleges that he was stopped in [REDACTED] by the Banyamulengués of Jean-Pierre Bemba and that they looted all his goods and money. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>100</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his goods and money by the Banyamulengués of Jean-Pierre Bemba on 23 January 2003 in [REDACTED]

Applicant [REDACTED]

### **The claim to victim status**

The applicant states that, on 14 January 2003, when he was 15 years old, he was in a car with his grandmother who had bought some goods to be sold in Bangui. He alleges that when they arrived in [REDACTED] they were stopped by the Banyamulengués of Jean-Pierre Bemba. He says that they pillaged all their

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<sup>99</sup> ICC-01/05-01/08-932-Conf-Exp-Anx19; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 38 to 39.

<sup>100</sup> ICC-01/05-01/08-932-Conf-Exp-Anx19, pages 9 to 11.

<sup>101</sup> ICC-01/05-01/08-932-Conf-Exp-Anx20; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 40 to 41.

merchandise and money. He contends that the grandmother died two years later as a consequence of the shock. As a result of the alleged events, the applicant claims to have suffered material and psychological harm.<sup>102</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant. Given that the applicant only submits his own birth certificate and in light of the information provided in the application form, the Chamber concludes that the applicant is acting on his own behalf.

However, it follows from the application that the pillaged items were the property of the applicant's grandmother and not of the applicant himself, who was only 15 years old at the time of the material events. Accordingly, the Chamber considers that the applicant has failed to provide sufficient evidence to establish *prima facie* that he is personally a victim of pillage. In the absence of any document establishing the identity of his grandmother or their kinship, he further lacks legal standing to claim harm as a result of the pillage of his grandmother's belongings.

Accordingly, the application to participate in the proceedings is refused.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 23 January 2003, she was on her way back from [REDACTED] to Bangui and she was stopped by Bemba's men at the [REDACTED] [REDACTED] in the Prefecture of Ombella M'Poko. She alleges that they threw her

<sup>102</sup> ICC-01/05-01/08-932-Conf-Exp-Anx20, pages 9 to 11.

<sup>103</sup> ICC-01/05-01/08-932-Conf-Exp-Anx21; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 42 to 43.



to the ground and raped her, but she does not know how many soldiers did, because she fell unconscious. Further, she adds that she woke up naked, under a mango tree. She also states that she lost her merchandise which she values. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>104</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 23 January 2003, in [REDACTED]

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 16 November 2002, she visited [REDACTED] to buy merchandise she and her mother wanted to resell in Bangui. On her way back to Bangui, at the level of [REDACTED] she encountered Bemba's men who looted all the property she lists and values. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>106</sup>

### **Analysis and conclusions**

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<sup>104</sup> ICC-01/05-01/08-932-Conf-Exp-Anx21, pages 9 to 11.

<sup>105</sup> ICC-01/05-01/08-932-Conf-Exp-Anx22; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 44 to 45.

<sup>106</sup> ICC-01/05-01/08-932-Conf-Exp-Anx22, pages 9 to 11.

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 16 November 2002, in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 1 March 2003, he visited [REDACTED] on his pick up vehicle which was full of passengers. He says that, on his way back to Bangui [REDACTED] [REDACTED] at the level of [REDACTED] they encountered the Banyamulengués who hit and injured some of the passengers. He alleges that he tried to run and escape but the Banyamulengués stopped him and brought him back to the vehicle. He further adds that they confiscated his vehicle, documents, luggage, money and merchandise. As a result of the alleged events, the applicant claims to have suffered material harm due to the loss of his belongings which he lists and values.<sup>108</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

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<sup>107</sup> ICC-01/05-01/08-932-Conf-Exp-Anx23; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 46 to 47.

<sup>108</sup> ICC-01/05-01/08-932-Conf-Exp-Anx23, pages 9 to 11.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 1 March 2003, in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 14 January 2003, he was on his trailer going from [REDACTED] to Bangui and a group of armed men speaking Lingala called the Banyamulengués, stopped him and the members of his crew, at the level of [REDACTED] in the Ombella M'Poko Prefecture. He alleges that when they asked him for money, he replied that he did not have any money. He contends that they started searching him for money and when they found it, they got angry and hit him, injuring his left thumb. Further, he adds that they took all his belongings which he lists and values. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>110</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the

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<sup>109</sup> ICC-01/05-01/08-932-Conf-Exp-Anx24; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 48 to 49.

<sup>110</sup> ICC-01/05-01/08-932-Conf-Exp-Anx24, pages 9 to 11.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 14 January 2003, in [REDACTED] Prefecture of Ombella M'Poko.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that on 14 January 2003, having visited [REDACTED] to buy her merchandise, she was travelling back to Bangui on board of a trailer with passengers. She says that at the level of [REDACTED] they were caught by the Banyamulengués who hit the driver and looted all her belongings leaving her in misery. As a result of the alleged events, the applicant claims to have suffered psychological and material harm due to the loss of her belongings which she lists and values.<sup>112</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 14 January 2003, in [REDACTED]

**Applicant** [REDACTED]

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<sup>111</sup> ICC-01/05-01/08-932-Conf-Exp-Anx25; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 50 to 51.

<sup>112</sup> ICC-01/05-01/08-932-Conf-Exp-Anx25, pages 9 to 11.

<sup>113</sup> ICC-01/05-01/08-932-Conf-Exp-Anx26; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 52 to 53.

### **Claim to victim status**

The applicant states that on 7 February 2003, after visiting [REDACTED] he was stopped by the Banyamulengués at the level of [REDACTED]. He alleges that they made him and the other passengers, suffer many losses. He further states that they also performed humiliating acts against human dignity and confiscated his belongings, including his merchandise. As a result of the alleged events, the applicant claims to have suffered psychological and material harm due to the loss of his belongings which he lists and values.<sup>114</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 7 February 2003, in [REDACTED].

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 13 February 2003, the MLC soldiers took control over [REDACTED] and entered his house. He alleges that they pointed at him with their guns forcing him to give them the money of [REDACTED] [REDACTED] where he used to work as an administrator. He further states that

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<sup>114</sup> ICC-01/05-01/08-932-Conf-Exp-Anx26, pages 9 to 11.

<sup>115</sup> ICC-01/05-01/08-932-Conf-Exp-Anx27; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 54 to 55.

they looted all his belongings and raped his wife in front of him. Finally, he adds that he and his family fled to the bush. As a result of the alleged events, the applicant claims to have suffered psychological and material harm due to the loss of his belongings which he lists and values.<sup>116</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identities of the applicant, of his wife as well as their kinship.

With regard to the pillage of the money, the Chamber notes that the applicant states that the money belonged to the [REDACTED]. As the applicant was not the owner for the money, he cannot claim personal harm for the pillage of the money. Accordingly, only the pillage of his personal belongings will be considered here.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his wife and the pillage of his personal belongings by the Banyamulengués of Jean-Pierre Bemba on 13 February 2003, in [REDACTED].

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 29 October 2002 the Banyamulengués entered his concession, which is located in [REDACTED]. He contends that they pillaged all his belongings and burned his cotton and manioc fields. He adds that they also

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<sup>116</sup> ICC-01/05-01/08-932-Conf-Exp-Anx27, pages 9 to 11, 44.

<sup>117</sup> ICC-01/05-01/08-932-Conf-Exp-Anx28; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 56 to 57.

killed two of his children. After the events, the applicant fled to the fields with his family. He submits a list with the lost items which he values. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>118</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

In the absence of any document establishing the identity of his children or their kinship, only pillage will be considered for the purpose of the present assessment. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 29 October 2002, in [REDACTED]

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that from October 2002 to 15 March 2003 the Congolese soldiers had control over the village of [REDACTED]. He contends that they were committing crimes which made him flee and abandon his house. He alleges that he lost his belongings and that they used his roof as firewood. He submits that, during that period of time, nobody was in the village in order to know the exact date of the events. However, he alleges that the event took place on 17

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<sup>118</sup> ICC-01/05-01/08-932-Conf-Exp-Anx28, pages 9 to 11, 18 to 23, 31 to 33.

<sup>119</sup> ICC-01/05-01/08-932-Conf-Exp-Anx29; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 58 to 59.

November 2002. As a result of the alleged events, the applicant claims to have suffered material harm due to the loss of his belongings which he lists.<sup>120</sup>

### **Analysis and conclusions**

Although the Chamber notes a mistake in the date of birth of the applicant, such mistake could be attributable to an inadvertent error which does not undermine the remainder of the evidence provided. As such, the Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that the applicant states in his application that as people were absent from the village at the time of the events, nobody can remember the exact date while he states later that the events took place on 17 November 2002. However, the Chamber considers that this apparent contradiction may be due to confusion and should not serve to exclude the applicant. Moreover his statement and all the dates he mentions fall under the scope of the case and, as such, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in the period between October 2002 and 15 March 2003, in [REDACTED]

### **Applicant** [REDACTED]

### **Claim to victim status**

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<sup>120</sup> ICC-01/05-01/08-932-Conf-Exp-Anx29, pages 9 to 11, 19.

<sup>121</sup> ICC-01/05-01/08-932-Conf-Exp-Anx30; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 60 to 61.



The applicant states that during the period from 25 October 2002 to 15 March 2003, Bemba's men came to the [REDACTED] of [REDACTED] forcing the inhabitants to flee. He alleges that the only inhabitants of [REDACTED] during that time were the Banyamulengúes and that, as a consequence of the events, he lost his property, which he lists and values. He further states that he also lost his child of eighteen months while being in the bush, due to the lack of proper alimentation. As a result of the alleged events, he claims to have suffered material harm<sup>122</sup>

### **Analysis and conclusions**

The Chamber notes that three pages of the application form are missing. However, given that the information which is relevant for the present assessment is provided, the Chamber considers that this should not serve to exclude the applicant.

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengúes of Jean-Pierre Bemba on an unspecified date in the period between 25 October 2002 and 15 March 2003, in [REDACTED]

### **Applicant** [REDACTED]

### **Claim to victim status**

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<sup>122</sup> ICC-01/05-01/08-932-Conf-Exp-Anx30, pages 8 to 10, 16.

<sup>123</sup> ICC-01/05-01/08-932-Conf-Exp-Anx31; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 62 to 63.

The applicant states that the events which occurred from the end of October 2002 to 15 March 2003, disrupted the social life of the inhabitants of [REDACTED]. He alleges that the soldiers of Jean-Pierre Bemba were behaving in an inhumane manner and he claims that he lost his belongings which he lists and values. He further states that ever since the events he has not left the village and continues to sleep in the bush. As a result of the alleged events, he claims to have suffered psychological and material harm.<sup>124</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in the period between the end of October 2002 and 15 March 2003, in [REDACTED].

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that the Banyamulengués entered [REDACTED] at the end of October 2002, and left on 15 March 2003. He alleges that a lot of damage was caused by Bemba's men who committed crimes, rapes, thefts and pillage. He submits that he lost a sum of money as well as some of his belongings which he

<sup>124</sup> ICC-01/05-01/08-932-Conf-Exp-Anx31, pages 9 to 11, 19.

<sup>125</sup> ICC-01/05-01/08-932-Conf-Exp-Anx32; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 64 to 65.

lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>126</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in the period between 25 October 2002 and 15 March 2003, in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 25 October 2002, the entire population of [REDACTED] fled and left behind their houses, money and belongings. He says that during the five months the Banyamulengués had control over the village, from 25 October 2002 to 15 March 2003, they pillaged, devastated and sometimes even burned people's houses. He alleges that the soldiers also pillaged his belongings which he lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>128</sup>

### **Analysis and conclusions**

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<sup>126</sup> ICC-01/05-01/08-932-Conf-Exp-Anx32, pages 9 to 11, 20.

<sup>127</sup> ICC-01/05-01/08-932-Conf-Exp-Anx33; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 66 to 67.

<sup>128</sup> ICC-01/05-01/08-932-Conf-Exp-Anx33, pages 9 to 11, 18.

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in the period between 25 October 2002 and 15 March 2003, in [REDACTED]

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that from 25 October 2002 to 15 March 2003 the soldiers of Jean-Pierre Bemba occupied [REDACTED]. Consequently, he fled together with his family to the fields leaving his house, money and belongings behind. He alleges that his house was occupied by high rank soldiers of Mr Bemba who looted his property. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>130</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the

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<sup>129</sup> ICC-01/05-01/08-932-Conf-Exp-Anx34; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 68 to 69.

<sup>130</sup> ICC-01/05-01/08-932-Conf-Exp-Anx34, pages 9 to 11,18.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in the period between 25 October 2002 and 15 March 2003, in [REDACTED]

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that on 25 October 2002, he and his family fled to the bush and stayed there for five months, until 15 March 2003, because the Banyamulengués had control over [REDACTED]. He alleges that he lost his belongings, a sum of money and his livestock, because of the soldiers. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>132</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in the period between 25 October 2002 and 15 March 2003, in [REDACTED]

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<sup>131</sup> ICC-01/05-01/08-932-Conf-Exp-Anx35; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 70 to 71.

<sup>132</sup> ICC-01/05-01/08-932-Conf-Exp-Anx35, pages 9 to 11, 18.

**Applicant** [REDACTED]**Claim to victim status**

The applicant states that on 25 October 2002, the Banyamulengués attacked the “rebels” in [REDACTED] and took control over the village. He alleges that the Congolese soldiers started pillaging, raping and committing crimes by the beginning of November. As a consequence, he decided to flee, taking his children with him and leaving his house and his property behind. He further states that the soldiers took advantage of his absence and looted his house which is located in the [REDACTED] area of [REDACTED]. He lists some of the items he lost. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>134</sup>

**Analysis and conclusions**

The Chamber notes a slight inconsistency between the dates of birth as appearing in the application form and in the documents attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is satisfied that the identity of the applicant is sufficiently established.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in November 2002, in [REDACTED]

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<sup>133</sup> ICC-01/05-01/08-932-Conf-Exp-Anx36; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 72 to 73.

<sup>134</sup> ICC-01/05-01/08-932-Conf-Exp-Anx36, pages 9 to 11, 18.

**Applicant** [REDACTED]**Claim to victim status**

The applicant states that he owned a farm, located in the [REDACTED] village. He contends that upon the arrival of the Banyamulengués, his farm was completely devastated and the animals were pillaged to provide food to the troops. He claims that they further took his fence, his plough and his cart. He alleges that the soldiers came on three different dates to commit these acts, namely on 15 October 2002, in November and on 18 December 2002. As a result of the alleged events, the applicant claims to have suffered material harm due to the loss of his belongings which he lists.<sup>136</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the applicant claims that the events occurred on three specified dates, one of which (15 October 2002) falls outside the scope of the present case. However, given that the two other dates fall within the temporal scope and taking into account the fact that the alleged events occurred over seven years ago, an inaccuracy as to the date of the events in such circumstances should not serve to exclude the applicant.

As such, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against

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<sup>135</sup> ICC-01/05-01/08-932-Conf-Exp-Anx37; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 74 to 75.

<sup>136</sup> ICC-01/05-01/08-932-Conf-Exp-Anx37, pages 9 to 11.

the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the period between October and December of 2002 in [REDACTED]

**Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 15 January 2003 he visited [REDACTED] to buy his merchandise. He alleges that on his way back to Bangui, at the level of [REDACTED] he and the other passengers were stopped by the Banyamulengués who were committing crimes and abuses against the population. He claims that he lost his merchandise which he lists and values in the application. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>138</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 15 January 2003 in [REDACTED]

**Applicant** [REDACTED]

### **Claim to victim status**

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<sup>137</sup> ICC-01/05-01/08-932-Conf-Exp-Anx38; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 76 to 77.

<sup>138</sup> ICC-01/05-01/08-932-Conf-Exp-Anx38, pages 10 to 12.

<sup>139</sup> ICC-01/05-01/08-932-Conf-Exp-Anx39; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 78 to 79.



The applicant states that on 16 January 2003 he visited [REDACTED] to buy his merchandise and on his way back to Bangui, at the level of [REDACTED] he encountered the Banyamulengués who pillaged his belongings, which he lists and values, leaving him in a situation of misery. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>140</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 16 January 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that on 9 February 2003 he drove to [REDACTED] to buy some products. He says that on his way back to Bangui, at the level of [REDACTED] he was stopped by a group of men who spoke Lingala, called Banyamulengués. He alleges that the Banyamulengués looted all his belongings, which he lists and values, including his vehicle. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>142</sup>

<sup>140</sup> ICC-01/05-01/08-932-Conf-Exp-Anx39, pages 10 to 12.

<sup>141</sup> ICC-01/05-01/08-932-Conf-Exp-Anx40; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 80 to 81.

<sup>142</sup> ICC-01/05-01/08-932-Conf-Exp-Anx40, pages 10 to 12.

## **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 9 February 2003 in [REDACTED]

## **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 24 January 2003, Bemba's troops killed her brother in [REDACTED] close to [REDACTED]. She says that they also killed her husband. She further alleges that on 26 January 2003 in [REDACTED] which is located at [REDACTED] km from [REDACTED] the Banyamulengués asked her, as well as other women, to give them money in order not to be beaten. She also states that they forced them to be nude and treated them in a very inhumane manner. Later, she says that they looted all her belongings, which she lists and values and she submits that she lost three people and that her son became mentally ill. Under section 3D, she states that three people, including her husband, were shot dead. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>144</sup>

## **Analysis and conclusions**

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<sup>143</sup> ICC-01/05-01/08-932-Conf-Exp-Anx41; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 80 to 81.

<sup>144</sup> ICC-01/05-01/08-932-Conf-Exp-Anx41, pages 10 to 12.

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the applicant refers to different events, two dates and two different locations. The Chamber further notes that the applicant claims to have lost three persons while she mentions the deaths of her brother and her husband as well as the deaths of two other people. As all these elements fall in the temporal, geographical and material scope of the present case and in view of the intrinsic coherence of the application as a whole, the Chamber is of the view that minor discrepancies should not serve to exclude the applicant. With regard to the alleged instances of murder, in the absence of any document establishing the identities of the deceased or demonstrating their kinship with the applicant, only pillage will be considered for the purpose of the present assessment.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 24 January 2003 in [REDACTED]

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, on 15 January 2003, while she was coming back home from a business trip in [REDACTED] she was stopped by the Banyamulengués of Jean-Pierre Bemba in [REDACTED]. She alleges that they pillaged all her belongings. As a consequence, she says to be in a difficult

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<sup>145</sup> ICC-01/05-01/08-932-Conf-Exp-Anx42; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 84 to 85.

financial situation. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>146</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 15 January 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, on 14 January 2003, while she was coming back home from a business trip in [REDACTED] she was stopped by the Banyamulengués of Jean-Pierre Bemba in [REDACTED]. She alleges that they pillaged all her merchandise. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>148</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>146</sup> ICC-01/05-01/08-932-Conf-Exp-Anx42, pages 9 to 11.

<sup>147</sup> ICC-01/05-01/08-932-Conf-Exp-Anx43; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 86 to 87.

<sup>148</sup> ICC-01/05-01/08-932-Conf-Exp-Anx43, pages 9 to 11.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her merchandise by the Banyamulengués of Jean-Pierre Bemba on 14 January 2003 in [REDACTED]

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that, on 15 January 2003, on the way back from a visit to his son in [REDACTED] he was stopped by the troops of Jean-Pierre Bemba in [REDACTED]. He alleges that they threw him on the ground and inflicted more than 250 truncheon's blows on him, and that subsequently they stole his belongings. He adds that they did not have any respect for his age. As a result of the alleged events, the applicant claims to have suffered physical, material and psychological harm.<sup>150</sup>

**Analysis and conclusions**

The Chamber notes a slight discrepancy regarding the date of birth of the applicant. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

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<sup>149</sup> ICC-01/05-01/08-932-Conf-Exp-Anx44; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 88 to 89.

<sup>150</sup> ICC-01/05-01/08-932-Conf-Exp-Anx44, pages 9 to 11.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 15 January 2003 in [REDACTED]

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that, on 16 January 2003, on the way back from a business trip in [REDACTED] she was stopped by the Banyamulengués of Jean-Pierre Bemba in [REDACTED]. She alleges that they stole her merchandise and belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>152</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her merchandise and belongings by the Banyamulengués of Jean-Pierre Bemba on 16 January 2003 in [REDACTED]

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<sup>151</sup> ICC-01/05-01/08-932-Conf-Exp-Anx45; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 90 to 91.

<sup>152</sup> ICC-01/05-01/08-932-Conf-Exp-Anx45, pages 9 to 11.

Applicant [REDACTED]

### **Claim to victim status**

The applicant states that he was the driver of a Pick-up 4x4 vehicle serving the route Bangui-[REDACTED]. He alleges that, on 15 January 2003, on the way back to Bangui, he ran into the Banyamulengués of Jean-Pierre Bemba in [REDACTED]. He says that they stole his belongings and the vehicle and that they also beat him with 250 truncheon's blows. He adds that they committed other atrocities against the passengers, including rapes. As a result of the alleged events, the applicant claims to have suffered physical and material harm.<sup>154</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings and his vehicle by the Banyamulengués of Jean-Pierre Bemba on 15 January 2003 in [REDACTED].

Applicant [REDACTED]

### **Claim to victim status**

The applicant states that, on 10 January 2003, she was raped by seven Banyamulengués in [REDACTED]. She says that they stole her money and her

<sup>153</sup> ICC-01/05-01/08-932-Conf-Exp-Anx46; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 92 to 93.

<sup>154</sup> ICC-01/05-01/08-932-Conf-Exp-Anx46, pages 10 to 12.

<sup>155</sup> ICC-01/05-01/08-932-Conf-Exp-Anx47; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 94 to 95.

clothes, leaving her in her underwear. People are still teasing her because of that event. She has also been repudiated by her spouse. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>156</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her money and clothes by the Banyamulengués of Jean-Pierre Bemba on 10 January 2003, in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, on 25 February 2003, on her way back from [REDACTED] to Bangui, she ran into the Banyamulengués of Jean-Pierre Bemba in [REDACTED]. She says that they ordered all passengers to get out of the car as quickly as possible. She states that, as she was unable to hurry up due to the fact that she was sick, they grabbed her and threw her on the ground, causing her fractures and a shock. She alleges that they also pillaged her belongings. As a result of the

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<sup>156</sup> ICC-01/05-01/08-932-Conf-Exp-Anx47, pages 10 to 12.

<sup>157</sup> ICC-01/05-01/08-932-Conf-Exp-Anx48; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 96 to 97.



alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>158</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 25 February 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, on 13 February 2003, the Banyamulengués, who were fleeing from the rebels of Bozizé, burned and pillaged his home, including his animals, in the [REDACTED] area of [REDACTED]. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>160</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the applicant states in Section D that the event occurred on 13 February 2010. However, in light of the document annexed to the

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<sup>158</sup> ICC-01/05-01/08-932-Conf-Exp-Anx48, pages 10 to 12, 20 to 22.

<sup>159</sup> ICC-01/05-01/08-932-Conf-Exp-Anx49; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 98 to 99.

<sup>160</sup> ICC-01/05-01/08-932-Conf-Exp-Anx49, pages 9 to 11, 19.

application form, in which the applicant list the items lost as a result of the attack by the Banyamulengués on 13 February 2003, the Chamber is satisfied that the aforementioned discrepancy is the result of inadvertent error and is therefore not of such nature as to undermine the credibility of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his house by the Banyamulengués of Jean-Pierre Bemba on 13 February 2003 in [REDACTED]

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, between 8 and 15 January 2003, the Banyamulengués arrived in [REDACTED] namely in the village of [REDACTED] and started committing acts of violence against the civilian population. He alleges that they pillaged the goats, pigs and chicken that were in his concession. He says that he then left the displacement camp where he was residing, but was arrested by four Banyamulengués who took him to their base. Once there, he alleges that they made him lie on the ground, tortured him and forced him to eat scrub. Finally, he says that he was beaten all over his body with a stick. Once released, some young men helped him to get to his camp, as he was barely able to move. On 15 January 2003, he says that the Banyamulengués followed him to the camp and burned his house in front of him, preventing anyone from taking anything out of

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<sup>161</sup> ICC-01/05-01/08-932-Conf-Exp-Anx50; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 100 to 101.

the house. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>162</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his animals by the Banyamulengués of Jean-Pierre Bemba between 8 and 15 January 2003 in the village of [REDACTED], in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, on 25 November 2002, the Banyamulengués of Jean-Pierre Bemba arrived in the village of [REDACTED] in [REDACTED]. He alleges that they pillaged his store as well as his house, which they burned afterwards. He further says that they forced him to carry the loot to their base in the [REDACTED] area. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>164</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>162</sup> ICC-01/05-01/08-932-Conf-Exp-Anx50, pages 9 to 11, 19.

<sup>163</sup> ICC-01/05-01/08-932-Conf-Exp-Anx51; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 102 to 103.

<sup>164</sup> ICC-01/05-01/08-932-Conf-Exp-Anx51, pages 9 to 11.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his store and his house by the Banyamulengués of Jean-Pierre Bemba on 25 November 2002 in the village of [REDACTED], in [REDACTED]

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that, on 8 December 2002, she was in a bus to Bangui. The bus was stopped in [REDACTED] by the Banyamulengués of Jean-Pierre Bemba. She alleges that they searched every passenger and suitcase and that her belongings, as well as those of the other passengers, were looted. She says that the men were taken to an unknown destination while the women, including the applicant, were taken to a big uninhabited house, where they were raped and treated as slaves, before being released the next morning. In addition the applicant states that in 2006 she found out to be HIV positive and started medical treatment. As a result of the alleged events, the applicant claims to have suffered physical and material harm.<sup>166</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>165</sup> ICC-01/05-01/08-932-Conf-Exp-Anx52; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 104 to 105.

<sup>166</sup> ICC-01/05-01/08-932-Conf-Exp-Anx52, pages 9 to 11, 20 to 31.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 8 December 2002 in [REDACTED]

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that, in October 2002, the Banyamulengués of Jean-Pierre Bemba raped his mother and pillaged her belongings in [REDACTED]. He adds that his mother died of sorrow on [REDACTED] November 2002. In addition, the applicant states that, on an unspecified date in January 2003, his father was beaten to death by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] and that they also pillaged his belongings. The applicant claims to have suffered psychological harm due to the deaths of his mother and his father and material harm due to the pillage of his parents' merchandise.<sup>168</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Given that the applicant further submits deaths certificates for both parents, the Chamber is satisfied that the identities of his father and his mother as well as their kinship are sufficiently established.

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<sup>167</sup> ICC-01/05-01/08-932-Conf-Exp-Anx53; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 106 to 107.

<sup>168</sup> ICC-01/05-01/08-932-Conf-Exp-Anx53, pages 9 to 11, 18 to 19.

The Chamber further notes that one of the dates provided by the applicant (October 2002) is broad and as such might fall outside the temporal scope of the case. Nevertheless, the Chamber considers that, in view of the intrinsic coherence of the application in all other respects (notably the fact that his mother was intercepted by the Banyamulengués) and taking into account the fact that the alleged events occurred over seven years ago, an inaccuracy as to the exact date of the events in such circumstances should not serve to exclude the applicant's claim regarding the death of his mother. Nonetheless, given that the link between the acts committed by the Banyamulengués and the death of his mother is not established, only the rape and the pillage will be considered for the purpose of the present assessment.

Taking the application as a whole, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his mother and the pillage of his mother's belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in October 2002 and the murder of his father and the pillage of his father's belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in January 2003.

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, on 17 December 2002, on the way back from [REDACTED] she was stopped by the Banyamulengués in [REDACTED] in front of [REDACTED]

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<sup>169</sup> ICC-01/05-01/08-932-Conf-Exp-Anx54; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 108 to 109.

██████████ She alleges that they forced her to come out of the vehicle and that they took all her goods and money. She says that they held her as a hostage in their base and that they raped her one after the other for two days. She further alleges that she was tortured and humiliated. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>170</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her goods and money by the Banyamulengués of Jean-Pierre Bemba in ██████████ on 17 and 18 December 2002.

### **Applicant** ██████████

#### **Claim to victim status**

The applicant states that, on 16 January 2003, on his way back to Bangui from a business trip to ██████████ his vehicle was stopped in ██████████ by Jean-Pierre Bemba's men. He alleges that they looted all his merchandise and his belongings.

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<sup>170</sup> ICC-01/05-01/08-932-Conf-Exp-Anx54, pages 9 to 11.

<sup>171</sup> ICC-01/05-01/08-932-Conf-Exp-Anx55; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 110 to 111.

As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>172</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his merchandise and his belongings by the Banyamulengués of Jean-Pierre Bemba on 16 January 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant is deceased and the application is introduced on his behalf by his mother.

It is stated that, on 16 January 2003, the applicant was coming back from [REDACTED] where he stayed to rebuild the family house. It is alleged that he was detained in [REDACTED] by the Banyamulengués of Jean-Pierre Bemba, who tortured and beat him before killing him. It is said that the remains of the applicant were found in the bush, together with identification documents and his parents' telephone number. It is further alleged that the applicant's belongings were stolen. As a result of the alleged events, it is claimed that the applicant has suffered physical and material harm due to the pillage of his belongings. In

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<sup>172</sup> ICC-01/05-01/08-932-Conf-Exp-Anx55, pages 9 to 11.

<sup>173</sup> ICC-01/05-01/08-932-Conf-Exp-Anx56; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 112 to 113.



addition, the person acting on behalf of the applicant claims that she has also suffered psychological harm as a result of the murder of her son.<sup>174</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant and of his mother who is acting on his behalf, as well as their kinship.

The Chamber considers that, overall, sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his murder by the Banyamulengués of Jean-Pierre Bemba on 16 January 2003 in [REDACTED]. In addition, the Chamber considers that the person acting on behalf of the applicant has also provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her son by the Banyamulengués of Jean-Pierre Bemba on 16 January 2003 in [REDACTED].

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, from 25 October 2002 to 15 March 2003, the men of Jean-Pierre Bemba occupied the area of [REDACTED] where she lives, and she was forced to hide in the bush. She alleges that she left a consistent sum of money at her place and that when she came back, one month and a half later, the money

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<sup>174</sup> ICC-01/05-01/08-932-Conf-Exp-Anx56, pages 9 to 11,19.

<sup>175</sup> ICC-01/05-01/08-932-Conf-Exp-Anx57; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 114 to 115.

and other belongings had been stolen. She says that the event took place on an unspecified date in December 2002. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>176</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber further considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her money and belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in December 2002 in [REDACTED]

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on an unspecified date between 25 October 2002 and 15 March 2003 the Banyamulengués of Jean-Pierre Bemba pillaged his house in the [REDACTED] area of [REDACTED] in the context of their five months of occupation of the area. He says that at the time of these events he was hiding in the bush. He points out that the Banyamulengués of Jean-Pierre Bemba are responsible for these events, given that they came from the other side of the river and spoke

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<sup>176</sup> ICC-01/05-01/08-932-Conf-Exp-Anx57, pages 9 to 11, 18 to 19.

<sup>177</sup> ICC-01/05-01/08-932-Conf-Exp-Anx58; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 116 to 117.

Lingala. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>178</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber further considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his house by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003 in the [REDACTED] area of [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that, on an unspecified date between 25 October 2002 and 15 March 2003, his house in [REDACTED] km from [REDACTED] after having been abandoned, was pillaged by the men of Jean-Pierre Bemba, in the context of their five months occupation of the area. He adds that it was hardly possible to stay in the village without being considered as an enemy by the Banyamulengués. He submits that the men of Jean-Pierre Bemba are responsible for these events, given that they came from the other side of the river and spoke Lingala. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>180</sup>

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<sup>178</sup> ICC-01/05-01/08-932-Conf-Exp-Anx58, pages 9 to 11.

<sup>179</sup> ICC-01/05-01/08-932-Conf-Exp-Anx59; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 118 to 119.

<sup>180</sup> ICC-01/05-01/08-932-Conf-Exp-Anx59, pages 9 to 11.

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber further considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his house by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003 in [REDACTED]

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that upon the arrival of the Congolese assailants in [REDACTED] he fled to the bush, leaving behind his house and his belongings. He asserts that the men of Jean-Pierre Bemba pillaged his house in the [REDACTED] village, in [REDACTED]. He says that the event took place on an unspecified date during the five months of occupation of the area, namely from 25 October 2002 to 15 March 2003. The applicant affirms that he still prefers to stay in the bush. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>182</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>181</sup> ICC-01/05-01/08-932-Conf-Exp-Anx60; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 120 to 121.

<sup>182</sup> ICC-01/05-01/08-932-Conf-Exp-Anx60, pages 9 to 11.

The Chamber further considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his house by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 to 15 March 2003 in the [REDACTED] village, in the [REDACTED]

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant states that the Banyamulengués pillaged his house, located in the village of [REDACTED]. He claims that the Banyamulengués occupied the area for 5 months and that the pillage took place during that period. He adds that he was able to assess what had been stolen only after 15 March 2003, when the occupation was over. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>184</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber further considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his house by the Banyamulengués of Jean-

<sup>183</sup> ICC-01/05-01/08-932-Conf-Exp-Anx61; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 122 to 123.

<sup>184</sup> ICC-01/05-01/08-932-Conf-Exp-Anx61, pages 9 to 11.

Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003 in the village of [REDACTED] in [REDACTED]

**Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that, on 26 October 2002, the assailants burned down his house in [REDACTED], [REDACTED] km from [REDACTED]. He alleges that most of his belongings were in the field and therefore safe, but nevertheless, some of his materials were pillaged. He contends that the Banyamulengués of Jean-Pierre Bemba are responsible for these acts. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>186</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of some of his material by the Banyamulengués of Jean-Pierre Bemba on 26 October 2002 in [REDACTED], [REDACTED] km from [REDACTED].

**Applicant** [REDACTED]

### **Claim to victim status**

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<sup>185</sup> ICC-01/05-01/08-932-Conf-Exp-Anx62; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 124 to 125.

<sup>186</sup> ICC-01/05-01/08-932-Conf-Exp-Anx62, pages 9 to 11.

<sup>187</sup> ICC-01/05-01/08-932-Conf-Exp-Anx63; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 126 to 127.

The applicant claims that when the MLC troops entered the [REDACTED] area of [REDACTED] he left his house for 5 months before coming back on 17 March 2003. He states that during his absence, the MLC pillaged all his belongings. As a result of this event, he claims to have suffered psychological and material harm.<sup>188</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between October 2002 and 17 March 2003.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that during his absence, his house located in the [REDACTED] area of [REDACTED] was pillaged by the assailants. The applicant affirms that he cannot remember the exact date of the events but that he knows that the rebels had spent various months at his place before they were driven out. He further states that the MLC troops of Jean-Pierre Bemba, who spoke neither Sango nor French and who came from the other bank of the Congo River, were responsible

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<sup>188</sup> ICC-01/05-01/08-932-Conf-Exp-Anx63, pages 9 to 11.

<sup>189</sup> ICC-01/05-01/08-932-Conf-Exp-Anx64; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 128 to 129.

for the reported events. As result of these events, he claims to have suffered psychological and material harm.<sup>190</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

However, inasmuch as the applicant does not provide any information regarding the date of the alleged events, the Chamber is not able to determine whether the event falls inside the temporal scope of the present case. Accordingly, the Chamber is not *prima facie* satisfied that the applicant has suffered harm as a result of the crimes confirmed against the accused and this application for participation is refused.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant used to live in [REDACTED] which is located in [REDACTED] [REDACTED]. However, she claims that at the time of the alleged events, she was staying in a different village in order to cure her son and only came back to [REDACTED] after 15 March 2003. She states that upon her return, she found her house empty and she lists the lost items. She further states that her house had been set on fire. She claims that the Banyamulengués, who occupied [REDACTED] for several months, were responsible for the events. As a result of these events she claims to have suffered material harm.<sup>192</sup>

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<sup>190</sup> ICC-01/05-01/08-932-Conf-Exp-Anx64, pages 9 to 11

<sup>191</sup> ICC-01/05-01/08-932-Conf-Exp-Anx65; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 130 to 131.

<sup>192</sup> ICC-01/05-01/08-932-Conf-Exp-Anx65, pages 9 to 11.



## Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the applicant does not indicate the exact date of the alleged events. However, in light of the applicant's submission that she returned to [REDACTED] after 15 March 2003 and given that the troops allegedly controlled by the accused were located at this place in the period preceding 15 March 2003, the Chamber finds that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date in the period preceding 15 March 2003.

## Applicant [REDACTED]

### Claim to victim status

The applicant claims that the Congolese soldiers pillaged his house, which is located in [REDACTED] at the junction of [REDACTED] in [REDACTED]. The applicant affirms that he had to flee and hide in the bush. Although the applicant does not remember the exact date of the alleged events, he maintains that they occurred between 25 October 2002 and 15 March 2003. He further asserts that all the crimes committed in [REDACTED] fall under the responsibility of the Banyamulengués. As a result of these events he claims to have suffered material harm.<sup>194</sup>

<sup>193</sup> ICC-01/05-01/08-932-Conf-Exp-Anx66; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 132 to 133.

<sup>194</sup> ICC-01/05-01/08-932-Conf-Exp-Anx66, pages 9 to 11.

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his house by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant claims that between November 2002 and 15 March 2003, the soldiers of Jean-Pierre Bemba, who had come from the DRC and who spoke Lingala, occupied the [REDACTED] area of [REDACTED]. The applicant affirms that he had to flee his home during this period. When he returned, he allegedly found his belongings pillaged and his house destroyed because the soldiers had used the wood for fire. As a result of these events the applicant claims to have suffered material harm.<sup>196</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>195</sup> ICC-01/05-01/08-932-Conf-Exp-Anx67; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 134 to 135.

<sup>196</sup> ICC-01/05-01/08-932-Conf-Exp-Anx67, pages 9 to 11

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his house in the [REDACTED] area of [REDACTED] by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between November 2002 and 15 March 2003.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that at the end of the year 2002, the Congolese soldiers of Jean-Pierre Bemba arrived in [REDACTED] where they created panic and burned houses, which made her flee to the bush and abandon her house. She affirms that the soldiers occupied the town for over five months and that they pillaged all her goods which she lists in the application. She asserts that the events occurred in the period between November 2002 and 15 March 2003. As a result of these events the applicant claims to have suffered material harm.<sup>198</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-

<sup>197</sup> ICC-01/05-01/08-932-Conf-Exp-Anx68; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 136 to 137.

<sup>198</sup> ICC-01/05-01/08-932-Conf-Exp-Anx68, pages 9 to 11, 18.

Pierre Bemba in [REDACTED] on an unspecified date between November 2002 and 15 March 2003.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that he was in the fields, when the Congolese assailants invaded [REDACTED]. He asserts that he could not return to his house, and that the assailants, whom he identifies as the rebels of Jean-Pierre Bemba, pillaged his shop which is located in the [REDACTED] area, at [REDACTED] m from [REDACTED]. He asserts that they also stole a mattress, a receiver and a lamp. He states that the events occurred in the period between 25 October 2002 and 15 March 2003. As a result of these events the applicant alleges to have suffered psychological and material harm.<sup>200</sup>

#### **Analysis and conclusions**

The Chamber notes a discrepancy with regard to the year of birth as appearing on the application form on the one hand and the birth certificate on the other. However, given that the applicant clarifies his year of birth in a separate statement, the Chamber is satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his shop

<sup>199</sup> ICC-01/05-01/08-932-Conf-Exp-Anx69; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 138 to 139.

<sup>200</sup> ICC-01/05-01/08-932-Conf-Exp-Anx69, pages 9 to 11, 18.

and his belongings in [REDACTED] by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant claims that when the assailants arrived in the [REDACTED] area of [REDACTED] he fled to the bush together with his family, abandoning their house. He states that the assailants, whom he identifies as MLC soldiers because they were speaking Lingala, occupied his area for a period of five months. He contends that when he came back, he realized that he has lost some of his belongings. He states that the events occurred in the period between November 2002 and March 2003. As a result of these events the applicant claims to have suffered material harm.<sup>202</sup>

**Analysis and conclusions**

The Chamber observes slight discrepancies with regard to the spelling of the applicant's surname and the exact date of birth as appearing on the application form on the one hand and on the birth certificate on the other. However, the Chamber also notes the applicant's declaration according to which these discrepancies are due to inadvertent clerical errors and is thus satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

With regard to the description of the alleged crimes, the Chamber observes that the applicant merely reports that he lost his belongings, without claiming that he was pillaged. However, in light of the general circumstances of the events and in

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<sup>201</sup> ICC-01/05-01/08-932-Conf-Exp-Anx70; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 140 to 141.

<sup>202</sup> ICC-01/05-01/08-932-Conf-Exp-Anx70, pages 9 to 11, 18.

the absence of any information that his belongings were destroyed by fire or lost due to other circumstances, the Chamber is of the view that there is a *prima facie* basis to believe that the applicant was pillaged. Accordingly, the Chamber is satisfied that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between November 2002 and March 2003.

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant, a [REDACTED], claims that when the Congolese assailants occupied the town of [REDACTED], which is located at [REDACTED] kilometers from [REDACTED] he stayed at his place in order to look after his goats. He claims that the assailants, whom he identifies as Banyamulengués because they were speaking Lingala, ate his goats and pillaged his mattress. According to the applicant, these events occurred in the period between 25 October 2002 and 15 March 2003. As a result of these events the applicant claims to have suffered psychological and material harm.<sup>204</sup>

#### **Analysis and conclusions**

The Chamber notes a slight discrepancy with regard to the date of birth as appearing on the birth certificate on the one hand and the application form on the other. However, given that the applicant rectifies this discrepancy in a

<sup>203</sup> ICC-01/05-01/08-932-Conf-Exp-Anx71; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 142 to 143.

<sup>204</sup> ICC-01/05-01/08-932-Conf-Exp-Anx71, pages 9 to 11, 18.

separate declaration, the Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his property by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that on 21 December 2002, the Congolese rebels entered the town of [REDACTED], which is located at [REDACTED] kilometers from [REDACTED]. He affirms that they broke into his shop and his house and pillaged his belongings. He further claims that some days later, they returned and took some of his goats. He contends that the Banyamulengués of Jean-Pierre Bemba are responsible for these events. As a result of these events the applicant alleges to have suffered psychological and material harm.<sup>206</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis

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<sup>205</sup> ICC-01/05-01/08-932-Conf-Exp-Anx72 ; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 144 to 145.

<sup>206</sup> ICC-01/05-01/08-932-Conf-Exp-Anx72, pages 9 to 11.

that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his shop and his house by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 21 December 2002.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant claims that between the end of October 2002 and March 2003 the soldiers of Jean-Pierre Bemba occupied the town of [REDACTED]. The applicant affirms that Bemba's soldiers pillaged his goods and ate his pigs at his place of residence which is located in the [REDACTED] area. As a result of these events the applicant alleges to have suffered psychological and material harm.<sup>208</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his goods by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between the end of October 2002 and March 2003.

**Applicant** [REDACTED]

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<sup>207</sup> ICC-01/05-01/08-932-Conf-Exp-Anx73; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 146 to 147.

<sup>208</sup> ICC-01/05-01/08-932-Conf-Exp-Anx73, pages 9 to 11.

<sup>209</sup> ICC-01/05-01/08-932-Conf-Exp-Anx74; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 148 to 149.



### **Claim to victim status**

The applicant claims that when the MLC soldiers of Jean-Pierre Bemba attacked [REDACTED] he fled to the bush together with his family. During their flight, they were allegedly stopped by the soldiers who took his watch as well as several items from their luggage. The applicant affirms that the events took place in the [REDACTED] area of [REDACTED] between 25 October 2002 and 15 March 2003. As a result of these events the applicant claims to have suffered psychological and material harm.<sup>210</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date in the period from 25 October 2002 to 15 March 2003.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant claims that at the time [REDACTED] was occupied by the Banyamulengués, he fled and thus abandoned his house. He contends that

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<sup>210</sup> ICC-01/05-01/08-932-Conf-Exp-Anx74, pages 9 to 11.

<sup>211</sup> ICC-01/05-01/08-932-Conf-Exp-Anx75; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 150 to 151.

during his absence, his house was pillaged and he submits a list with the pillaged items. According to the applicant, the events occurred in the period from 25 October 2002 to 15 March 2003. As a result of these events, he claims to have suffered psychological and material harm.<sup>212</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in the period from 25 October 2002 to 15 March 2003.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that upon the attack of [REDACTED] by the soldiers from the DRC, she fled to hide in the bush. She states that during her absence, her pots, her bed and her mattress were pillaged by the Banyamulengués. She does not remember the precise date of the events but she affirms that the events took place in the period from 25 October 2002 to 15 March

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<sup>212</sup> ICC-01/05-01/08-932-Conf-Exp-Anx75, pages 9 to 11, 18.

<sup>213</sup> ICC-01/05-01/08-932-Conf-Exp-Anx76; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 152 to 153.

2003. As a result of these events, the applicant claims to have suffered material harm.<sup>214</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her pots, her bed and her mattress by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

### **Applicant** [REDACTED]

### **Claim to victim status**

The applicant claims that from the end of October 2002 to 15 March 2003, the Banyamulengués occupied the [REDACTED] area of [REDACTED] which they used as their base. As a consequence, the applicant fled to hide in the bush. During her absence, the Banyamulengués allegedly pillaged her belongings. She further contends that on 14 March 2003, they burnt down her house. As a result of these events, she claims to have suffered psychological and material harm.<sup>216</sup>

### **Analysis and conclusions**

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<sup>214</sup> ICC-01/05-01/08-932-Conf-Exp-Anx76, pages 9 to 11.

<sup>215</sup> ICC-01/05-01/08-932-Conf-Exp-Anx77; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 154 to 155.

<sup>216</sup> ICC-01/05-01/08-932-Conf-Exp-Anx77, pages 9 to 11,18.

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her property by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between October 2002 and 15 March 2003.

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that when the Congolese soldiers occupied the [REDACTED] [REDACTED] of [REDACTED], he fled and hid in the bush for five months. He contends that during his absence, Bemba's rebels pillaged his belongings. According to the applicant, the events occurred in the period from 25 October 2002 to 15 March 2003. As a result of these events the applicant alleges to have suffered psychological and material harm.<sup>218</sup>

#### **Analysis and conclusions**

The Chamber notes a discrepancy with regard to the date of birth as appearing on the birth certificate on the one hand and the application form on the other. However, given that the applicant rectifies this discrepancy in a separate statement, specifying that this discrepancy is the result of inadvertent error by

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<sup>217</sup> ICC-01/05-01/08-932-Conf-Exp-Anx78; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 156 to 157.

<sup>218</sup> ICC-01/05-01/08-932-Conf-Exp-Anx78, pages 9 to 11.

the intermediary, the Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

#### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that at the time of the events, she had fled to the fields. She contends that between 25 and 26 October 2002, her house which is located in [REDACTED], at [REDACTED] kilometers from [REDACTED] together with the houses of her neighbors, was set on fire by the soldiers of Mr. Jean-Pierre Bemba. The applicant specifies that the fire killed her mother who did not manage to escape from the house. She further lost all her belongings which were inside the house. As a result of these events, the applicant claims to have suffered psychological and material harm.<sup>220</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>219</sup> ICC-01/05-01/08-932-Conf-Exp-Anx79; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 158 to 159.

<sup>220</sup> ICC-01/05-01/08-932-Conf-Exp-Anx79, pages 9 to 11.

However, inasmuch as the applicant does not submit that her house was pillaged before it was set on fire, the harm suffered by the applicant, namely the loss of her belongings and the death of her mother, was the result of the burning of her house. For the reasons set out in the Chamber's Decision of 30 June 2010 on the participation of victims in the trial<sup>221</sup> and given the particular formulation of the charges as confirmed, the Chamber finds that the harm suffered by this applicant does not sufficiently relate to a crime included in the charges against the accused and her application to participate is, accordingly, refused. This conclusion can be revisited if the evidence in trial supports a different conclusion.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant claims that upon the arrival of the Banyamulengués in [REDACTED] he fled to hide in the bush. When he returned to his house after 15 March 2003, he reportedly noticed that all his belongings had been pillaged. He asserts that, due to his absence from his home, he can not indicate the precise date of the pillage. However, he maintains that the pillaging occurred in the period between 25 November 2002 and 15 March 2003. As a result of these event, the applicant claims to have suffered psychological and material harm.<sup>223</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>221</sup> ICC-01/05-01/08- 807, para. 90.

<sup>222</sup> ICC-01/05-01/08-932-Conf-Exp-Anx80; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 160 to 161.

<sup>223</sup> ICC-01/05-01/08-932-Conf-Exp-Anx80, pages 9 to 11.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 November 2002 and 15 March 2003.

### **Applicant** [REDACTED]

#### **Claim to victim status**

The applicant claims that on 26 November 2002, the MLC soldiers of Jean-Pierre Bemba, on their retreat from [REDACTED], stopped in the town of [REDACTED] where they broke into the shops. The applicant contends that they also broke into his shop and pillaged all his merchandise. He contends that they also looted his goats. As a result of these events the applicant claims to have suffered psychological and material harm.<sup>225</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his

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<sup>224</sup> ICC-01/05-01/08-932-Conf-Exp-Anx81; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 162 to 163.

<sup>225</sup> ICC-01/05-01/08-932-Conf-Exp-Anx81, pages 9 to 11, 19.

belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 26 November 2002.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant alleges that upon the arrival of the Banyamulengués in [REDACTED] he fled to the bush, abandoning his house and his pig stock. He states that he spent five months in the bush and when he came back to his place in the [REDACTED] area of [REDACTED] on 15 March 2003, he noticed that his belongings had been looted and that his straw hut had been burned. As a result of these events, the applicant claims to have suffered psychological and material harm.<sup>227</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between October 2002 and 15 March 2003.

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<sup>226</sup> ICC-01/05-01/08-932-Conf-Exp-Anx82; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 164 to 165.

<sup>227</sup> ICC-01/05-01/08-932-Conf-Exp-Anx82, pages 9 to 11.



Applicant [REDACTED]

### **Claim to victim status**

The applicant states that while he was hiding in the bush, his house, located in the [REDACTED] area of [REDACTED], was pillaged by the Congolese soldiers. As he was not present at the relevant time, he can not indicate the precise date of the event. However, he affirms that [REDACTED] was under the control of the Banyamulengués, who spoke Lingala, for five months, between 25 October 2002 and 15 March 2003. As a result of these events, the applicant claims to have suffered psychological and material harm.<sup>229</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

On the basis of the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his property by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between October 2002 and 15 March 2003.

Applicant [REDACTED]

### **Claim to victim status**

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<sup>228</sup> ICC-01/05-01/08-932-Conf-Exp-Anx83; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 166 to 167.

<sup>229</sup> ICC-01/05-01/08-932-Conf-Exp-Anx83, pages 9 to 11.

<sup>230</sup> ICC-01/05-01/08-932-Conf-Exp-Anx84; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 168 to 169.

The applicant, a farmer, claims that for a period of five months, from 25 October 2002 to 15 March 2003, the Banyamulengués stayed in [REDACTED] and occupied his house. He asserts that they ate his goats and his poultry and used his bed as firewood. The applicant further claims that he was forced to flee to the bush, where he remains at the time of the application. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>231</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that, because of the events that took place between 25 October 2002 and 15 March 2003, she had to abandon her house and her belongings located in [REDACTED] and fled to the bush. The applicant further claims that the Banyamulengués, who occupied her village for 5 months,

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<sup>231</sup> ICC-01/05-01/08-932-Conf-Exp-Anx84, pages 9 to 11.

<sup>232</sup> ICC-01/05-01/08-932-Conf-Exp-Anx85; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 170 to 171.

pillaged her belongings, which she lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>233</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that for a period of five months, from 25 October 2002 to 15 March 2003, the Banyamulengués, who were speaking only Lingala, occupied the [REDACTED] area, [REDACTED] km away from [REDACTED]. The applicant further claims that she had to flee to the bush, [REDACTED] km away from her town, and she had to abandon her house and her belongings, which were pillaged by the Banyamulengués. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>235</sup>

### **Analysis and conclusions**

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<sup>233</sup> ICC-01/05-01/08-932-Conf-Exp-Anx85, pages 9 to 11.

<sup>234</sup> ICC-01/05-01/08-932-Conf-Exp-Anx86; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 172 to 173.

<sup>235</sup> ICC-01/05-01/08-932-Conf-Exp-Anx86, pages 9 to 11 to 18.

The Chamber notes that the only document attached to the application form is a vaccination card, which does not sufficiently establish the identity of the applicant. Thus, for the reasons set out in the Decision, this application for participation is refused.

**Applicant** [REDACTED]

**The claim to victim status**

The applicant claims that, at the beginning of the events that took place between 25 October 2002 and 15 March 2003, she and her family fled to the bush and they only returned to their house located in the [REDACTED] village, [REDACTED] km away from [REDACTED] after 15 March 2003. The applicant further claims that, during the five months period, her belongings were pillaged by the Banyamulengués of Jean-Pierre Bemba. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>237</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003 in [REDACTED]

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<sup>236</sup> ICC-01/05-01/08-932-Conf-Exp-Anx87; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 174 to 175.

<sup>237</sup> ICC-01/05-01/08-932-Conf-Exp-Anx87, pages 9 to 11.

Applicant [REDACTED]

### **The claim to victim status**

The applicant claims that, from the end of October 2002 to 15 March 2003, the Banyamulengués had control over [REDACTED] and established one of their camps in the [REDACTED] area. The applicant further claims that he and his family fled to the bush at the beginning of the events and that upon his return, 5 months later, he found that his house had been pillaged, including his livestock, his bed and door that were used as firewood. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>239</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between the end of October 2002 and 15 March 2003 in [REDACTED]

Applicant [REDACTED]

### **The claim to victim status**

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<sup>238</sup> ICC-01/05-01/08-932-Conf-Exp-Anx88; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 176 to 177.

<sup>239</sup> ICC-01/05-01/08-932-Conf-Exp-Anx88, pages 9 to 11.

<sup>240</sup> ICC-01/05-01/08-932-Conf-Exp-Anx89; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 178 to 179.

The applicant alleges that, in the beginning of November 2002, when the Banyamulengués took control over [REDACTED] he and his family had to abandon their house, located in the [REDACTED] area, and fled to the bush. The applicant further alleges that upon their return, around 15 March 2003, he found that his livestock and his construction materials had been looted. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>241</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between the beginning of November 2002 and 15 March 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant, who was the chief of the [REDACTED] village at the time of the events, claims that the MLC troops of Jean- Pierre Bemba, speaking Lingala, besieged his village and he had to flee to the bush. He further claims that he came back 5 months later, around 15 March 2003, and found that some of his belongings had

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<sup>241</sup> ICC-01/05-01/08-932-Conf-Exp-Anx89, pages 9 to 11.

<sup>242</sup> ICC-01/05-01/08-932-Conf-Exp-Anx90; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 180 to 181.

been looted. The applicant lists his loss and specifies that he lost less than other people because the soldiers saw the flagstaff in front of his house and thus they did not take everything. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>243</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date during the five months preceding 15 March 2003.

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that between 25 October 2002 and 15 March 2003, Bemba's soldiers occupied [REDACTED] and that, in spite his age, the applicant had to flee to the bush and abandon his home, located in [REDACTED]. The applicant further claims that upon his return he found that his belongings, which he lists, had been pillaged and destroyed. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>245</sup>

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<sup>243</sup> ICC-01/05-01/08-932-Conf-Exp-Anx90, pages 9 to 11.

<sup>244</sup> ICC-01/05-01/08-932-Conf-Exp-Anx91; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 182 to 183.

<sup>245</sup> ICC-01/05-01/08-932-Conf-Exp-Anx91, pages 9 to 11.

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 to 15 March 2003 in [REDACTED]

### **Applicant** [REDACTED]

### **The claim to victim status**

The applicant claims that, between 25 October 2002 and 15 March 2003, the MLC men of Bemba occupied [REDACTED] and that he and his family had to flee to the bush and abandon their home, located in the [REDACTED] village, [REDACTED] km away from [REDACTED] without having time to take along any of their belongings. The applicant further contends that upon his return, after 15 March 2003, he found that his belongings, including his livestock, had been looted. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>247</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>246</sup> ICC-01/05-01/08-932-Conf-Exp-Anx92; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 184 to 185.

<sup>247</sup> ICC-01/05-01/08-932-Conf-Exp-Anx92, pages 9 to 11.



The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba from 25 October 2002 to 15 March 2003 in [REDACTED]

**Applicant** [REDACTED]

**The claim to victim status**

The applicant claims that on 25 October 2003 his house, located in the village of [REDACTED] km away from [REDACTED] was shelled by the MLC men of Bemba, who later took control over the village. The applicant further claims that despite the damages caused to the applicant's house, Bemba's men, who stayed in [REDACTED] until 15 of March 2003, looted his belongings, including his livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>249</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba between 25 October 2002 and 15 March 2003 in [REDACTED]

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<sup>248</sup> ICC-01/05-01/08-932-Conf-Exp-Anx93; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 186 to 187.

<sup>249</sup> ICC-01/05-01/08-932-Conf-Exp-Anx93, pages 9 to 11.

Applicant [REDACTED]

### **The claim to victim status**

The applicant claims that, from 26 October 2002 to 15 March 2003, the Congolese soldiers of Bemba, who were speaking Lingala, had control over [REDACTED] and forced people to flee. The applicant further contends that he and his family had to flee to the bush and that he could not take along any of his belongings, but his wife and his mother managed to rescue some of their objects. The applicant claims that during the 5 months period, Bemba's men looted his belongings, amongst which the most important one is a hunting weapon. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>251</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

Applicant [REDACTED]

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<sup>250</sup> ICC-01/05-01/08-932-Conf-Exp-Anx94; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 188 to 189.

<sup>251</sup> ICC-01/05-01/08-932-Conf-Exp-Anx94, pages 9 to 11.

<sup>252</sup> ICC-01/05-01/08-932-Conf-Exp-Anx95; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 190 to 191.

### **The claim to victim status**

The applicant claims that from 25 October 2002 to 15 March 2003, the [REDACTED] village, in [REDACTED] was occupied by the men of the MLC of Jean-Pierre Bemba who were coming from the DRC. The applicant further alleges that he had to flee to the bush leaving behind his belongings, which were pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>253</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

### **Applicant** [REDACTED]

### **The claim to victim status**

The applicant claims that, between the end of October 2002 and 15 March 2003, the MLC troops of Jean-Pierre Bemba occupied the [REDACTED] village and forced people, including the applicant, to flee to the bush and leave their belongings behind. The applicant further claims that his belongings, including his livestock,

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<sup>253</sup> ICC-01/05-01/08-932-Conf-Exp-Anx95, pages 9 to 11.

<sup>254</sup> ICC-01/05-01/08-932-Conf-Exp-Anx96; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 192 to 193.

were pillaged and that one of his houses was destroyed and used as firewood while the other house was used as a cemetery. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>255</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between the end of October 2002 and 15 March 2003.

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that on 25 October 2002, when the Banyamulengués took control over [REDACTED] they chose the applicant's house, located in [REDACTED] to set up their camp and occupied it until 15 March 2003. The applicant further states that when he found out about the situation he stayed in the fields. He contends that during the 5 months period, his property was looted, including his

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<sup>255</sup> ICC-01/05-01/08-932-Conf-Exp-Anx96, pages 9 to 11.

<sup>256</sup> ICC-01/05-01/08-932-Conf-Exp-Anx97; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 194 to 195.

livestock. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>257</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba from 25 October 2002 to 15 March 2003 in [REDACTED]

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that on 25 October 2002, when the Banyamulengués troops invaded [REDACTED] he fled to the bush. He contends that upon his return, after 15 March 2003, he found that some of his belongings from his house located in [REDACTED] had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>259</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

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<sup>257</sup> ICC-01/05-01/08-932-Conf-Exp-Anx97, pages 9 to 11.

<sup>258</sup> ICC-01/05-01/08-932-Conf-Exp-Anx98; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 196 to 197.

<sup>259</sup> ICC-01/05-01/08-932-Conf-Exp-Anx98, pages 9 to 11.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that, at the time of the events, he was living in the bush, nearby [REDACTED] at [REDACTED] km from a city that he does not name in his application form. He asserts that around 25 October 2002, the Banyamulengués discovered his house and for a period of five months, until 15 March 2003, they came regularly to his house to get supplies. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>261</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the applicant does not indicate the precise location of the alleged event but only mentions that the event occurred at a place close to [REDACTED] [REDACTED] at [REDACTED] km from the city. However, noting that in the application form it is stated that the applicant was born and is living in [REDACTED] and given that

<sup>260</sup> ICC-01/05-01/08-932-Conf-Exp-Anx99; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 198 to 199.

<sup>261</sup> ICC-01/05-01/08-932-Conf-Exp-Anx99, pages 9 to 11.

████████████████████ the Chamber considers that the city referred to in the application might indeed be ██████████

Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba from 25 October 2002 to 15 March 2003.

### **Applicant** ██████████

#### **The claim to victim status**

The applicant claims that from 25 October 2002 to 15 March 2003, the Banyamulengués occupied ██████████ and he and his family had to flee to the bush and abandon their house located in the ██████████ area. The applicant further alleges that, upon his return, he found that his house had been looted and deteriorated and his livestock had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>263</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the

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<sup>262</sup> ICC-01/05-01/08-932-Conf-Exp-Anx100; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 200 to 201.

<sup>263</sup> ICC-01/05-01/08-932-Conf-Exp-Anx100, pages 9 to 11, 18.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

#### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that because of the military events that took place for a period of 5 months, from 25 October 2002 to 15 March 2003, he and his family had to flee to the bush and abandon their house located in [REDACTED] village, [REDACTED] km away from [REDACTED]. Nonetheless, he claims that they managed to stock their most important goods in the fields. The applicant further claims that upon his return, on 17 March 2003, he noticed the loss of some belongings and two goats. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>265</sup>

#### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

<sup>264</sup> ICC-01/05-01/08-932-Conf-Exp-Anx101; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 202 to 203.

<sup>265</sup> ICC-01/05-01/08-932-Conf-Exp-Anx101, pages 9 to 11.



Applicant [REDACTED]

### **The claim to victim status**

The applicant claims that between 25 October 2002 and 15 March 2003 the city of [REDACTED] was occupied by the Banyamulengués and she and her entire family had to flee to the bush. She further claims that upon her return she found that her house, located in the [REDACTED] area, in [REDACTED] had been looted. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>267</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on an unspecified date between 25 October 2002 and 15 March 2003 in [REDACTED]

Applicant [REDACTED]

### **The claim to victim status**

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<sup>266</sup> ICC-01/05-01/08-932-Conf-Exp-Anx102; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 204 to 205.

<sup>267</sup> ICC-01/05-01/08-932-Conf-Exp-Anx102, pages 9 to 11.

<sup>268</sup> ICC-01/05-01/08-932-Conf-Exp-Anx103; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 206 to 207.

The applicant claims that, between 25 October 2002 and 15 March 2003, the MLC troops, who were speaking only Lingala, occupied [REDACTED] and the applicant and his family had to flee to the bush and abandon their house and their belongings, located in the [REDACTED] village. The applicant further claims that, upon his return, he found that his belongings and his livestock had been pillaged by the MLC troops. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>269</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 October 2002 and 15 March 2003.

### **Applicant** [REDACTED]

#### **The claim to victim status**

The applicant claims that around October or November 2002, she was coming back from [REDACTED] having bought merchandise. She further claims that in [REDACTED] they encountered the Banyamulengués and everyone in the vehicle ran away abandoning their goods. The applicant claims that she returned two

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<sup>269</sup> ICC-01/05-01/08-932-Conf-Exp-Anx103, pages 9 to 11.


<sup>270</sup> ICC-01/05-01/08-932-Conf-Exp-Anx104; ICC-01/05-01/08-934-Conf-Exp-Anx3, pages 208 to 209.

days later to look for her merchandise but she couldn't find anything, as all her belongings had been looted, and the car was in a very bad condition. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>271</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that the date provided by the applicant (October or November 2002) is broad and as such might fall outside the temporal scope of the case. Nevertheless, the Chamber considers that, in view of the intrinsic coherence of the application in all other respects (notably the fact that she states that they were intercepted by the Banyamulengués) and taking into account the fact that the alleged events occurred over seven years ago, an inaccuracy as to the exact date of the events in such circumstances should not serve to exclude the applicant's claim. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in October or November 2002 in



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<sup>271</sup> ICC-01/05-01/08-932-Conf-Exp-Anx104, pages 9 to 11.