

ANNEX E

Applicants with dual status

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

Applicant [REDACTED]

Claim to victim status

The applicant states that in the beginning of November 2002 she was living close to the [REDACTED] in [REDACTED] together with her two children and her brothers and sisters. On an unspecified date, the Banyamulengués, speaking Lingala, arrived at their *quartier* and entered her house by force. The applicant fled to the bushes together with her children in order to escape. She witnessed the Banyamulengués pillaging her house. The applicant's older sister fell ill and died in the bushes. The applicant sought refuge at her cousin's and later at her aunt's home, because her house was occupied by the Banyamulengués, who left it towards the end of February 2003. On an unspecified date, she states that she saw Jean-Pierre Bemba arriving for a meeting at the local school. At her return, she found her house in ruins and totally pillaged. As a result of these events, the applicant has suffered psychological and material damage.²

Analysis and conclusions

The Chamber considers that the document provided demonstrates sufficiently the applicant's identity.

Having examined the application as a whole, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a

¹ ICC-01/05-01/08-796-Conf-Exp-Anx151.

² ICC-01/05-01/08-796-Conf-Exp-Anx151, page 10.

victim under Rule 85 (a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the alleged pillage of her house by the Banyamulengués of Jean-Pierre Bemba in November 2002.

○ **Third transmission - ICC-01/05-01/08-900-Conf-Exp**

Applicant [REDACTED]

Claim to victim status

The applicant claims that on 30 October 2002 MLC soldiers entered his house in the [REDACTED] area of [REDACTED], [REDACTED] km away from Bangui. He states that they dug holes in his garden and installed in them heavy weapons. He further alleges that the Banyamulengués beat and injured him, heavily beat his wife to death but also raped his daughter. He adds that they were chased from their house and that the Banyamulengués looted his property which he lists and values. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. The Chamber however underlines that the applicant has not provided any documents to demonstrate the identity of and relationship with his alleged wife. Therefore, the harm alleged by the applicant as a result of the killing of his wife will not be assessed by the Chamber. In addition, the Chamber notes that the applicant has not appended any document to prove his

³ ICC-01/05-01/08-900-Conf-Exp-Anx34; ICC-01/05-01/08-904-Conf-Exp-Anx3, pages 68 to 69.

⁴ ICC-01/05-01/08-900-Conf-Exp-Anx34, pages 9 to 11, 21.

relationship with and the identity of his alleged daughter. Nevertheless, the Chamber notes that her daughter submitted an application for participation (applicant [REDACTED]) to which she attached a document which sufficiently demonstrate her identity as well as her relationship with her father, applicant [REDACTED]. Therefore, the purposes of the present application, the Chamber is satisfied that it has been provided with sufficient documents and information to demonstrate sufficiently his relationship with his daughter who was allegedly raped as well as the latter's identity.

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 daughter and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba on 30 October 2002 in the [REDACTED] area of [REDACTED], [REDACTED] km away from Bangui.