

ANNEX D

Group D: Mongoumba

- Ninth transmission - ICC-01/05-01/08-1381-Conf-Exp-Anxs

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, the boat she was traveling in was intercepted and seized by the Banyamulengués in [REDACTED], which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise she had bought in [REDACTED] in order to resell it in Bangui and her money were pillaged by the rebels. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.³ Given that the applicant clearly states that the alleged criminal acts

¹ ICC-01/05-01/08-1381-Conf-Exp-Anx60; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 762 to 763.

² ICC-01/05-01/08-1381-Conf-Exp-Anx60, pages 4 to 5.

³ ICC-01/05-01/08-1017, paragraph 58.

started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, the boat she was travelling in was intercepted and seized by the Banyamulengués in the area of [REDACTED] on the border between CAR and DRC. According to the applicant, the merchandise she bought from [REDACTED] in order to resell it at [REDACTED] market in Bangui as well as her money were pillaged by the rebels. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be

⁴ ICC-01/05-01/08-1381-Conf-Exp-Anx61; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 764 to 765.

⁵ ICC-01/05-01/08-1381-Conf-Exp-Anx61, pages 4 to 5.

rejected.⁶ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED], 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, the boat she was travelling in was intercepted and seized by the Banyamulengués, in [REDACTED] which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the rebels pillaged her merchandise as well as her money. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁸

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be

⁶ ICC-01/05-01/08-1017, paragraph 58.

⁷ ICC-01/05-01/08-1381-Conf-Exp-Anx62; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 766 to 767.

⁸ ICC-01/05-01/08-1381-Conf-Exp-Anx62, pages 4 to 5.

rejected.⁹ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when he was returning from a business trip in [REDACTED] DRC, the boat he was travelling in was intercepted and seized by the Banyamulengués in the area of [REDACTED] which he also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise he had bought in [REDACTED] in order to deliver it to a company in Bangui as well as her men were pillaged by the rebels. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the

⁹ ICC-01/05-01/08-1017, paragraph 58.

¹⁰ ICC-01/05-01/08-1381-Conf-Exp-Anx63; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 768 to 769.

¹¹ ICC-01/05-01/08-1381-Conf-Exp-Anx63, pages 4 to 5.

criminal act started on CAR territory, the applications for participation shall be rejected.¹² Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED], DRC, the boat she was travelling in was intercepted and seized by the Banyamulengués in [REDACTED] which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the rebels pillaged her merchandise as well as her money. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the

¹² ICC-01/05-01/08-1017, paragraph 58.

¹³ ICC-01/05-01/08-1381-Conf-Exp-Anx64; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 770 to 771.

¹⁴ ICC-01/05-01/08-1381-Conf-Exp-Anx64, pages 4 to 5.

criminal act started on CAR territory, the applications for participation shall be rejected.¹⁵ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

The applicant alleges that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, the boat she was travelling in was intercepted and seized by the Banyamulengués, in the area of [REDACTED], in the waters marking the border between the CAR and the DRC. According to the applicant, the rebels pillaged her merchandise as well as her money. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁷

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be

¹⁵ ICC-01/05-01/08-1017, paragraph 58.

¹⁶ ICC-01/05-01/08-1381-Conf-Exp-Anx65; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 772 to 773.

¹⁷ ICC-01/05-01/08-1381-Conf-Exp-Anx65, pages 4 to 5.

rejected.¹⁸ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when he was returning from a business trip in [REDACTED] DRC, their boat was seized by the Banyamulengués in [REDACTED] which he also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise he had bought from [REDACTED] in order to resell it in Bangui and his money were pillaged by the Banyamulengués of Jean-Pierre Bemba. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the

¹⁸ ICC-01/05-01/08-1017, paragraph 58.

¹⁹ ICC-01/05-01/08-1381-Conf-Exp-Anx66; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 774 to 775.

²⁰ ICC-01/05-01/08-1381-Conf-Exp-Anx66, pages 4 to 5.

criminal act started on CAR territory, the applications for participation shall be rejected.²¹ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when he was returning from a business trip in [REDACTED] DRC, their boat was intercepted by the Banyamulengués in the area of [REDACTED] which he also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise he had bought from [REDACTED] in order to resell it at a market 5 kilometers away from the area of [REDACTED] and his money were pillaged by the Banyamulengués of Jean-Pierre Bemba. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²³

Analysis and conclusions

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

²¹ ICC-01/05-01/08-1017, paragraph 58.

²² ICC-01/05-01/08-1381-Conf-Exp-Anx67; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 776 to 777.

²³ ICC-01/05-01/08-1381-Conf-Exp-Anx67, pages 4 to 5.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.²⁴ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, their boat was intercepted by the Banyamulengués in [REDACTED] which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise she had just bought from [REDACTED] in order to resell it at the [REDACTED] market in Bangui and her money were pillaged by the Banyamulengués. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁶

Analysis and conclusions

²⁴ ICC-01/05-01/08-1017, paragraph 58.

²⁵ ICC-01/05-01/08-1381-Conf-Exp-Anx68; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 778 to 779.

²⁶ ICC-01/05-01/08-1381-Conf-Exp-Anx68, pages 4 to 5.

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.²⁷ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, their boat was intercepted by the Banyamulengués in the area of [REDACTED] which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise she had just bought from [REDACTED] in order to resell it at the [REDACTED] market in Bangui and her money were pillaged by the Banyamulengués. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁹

²⁷ ICC-01/05-01/08-1017, paragraph 58.

²⁸ ICC-01/05-01/08-1381-Conf-Exp-Anx69; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 780 to 781.

²⁹ ICC-01/05-01/08-1381-Conf-Exp-Anx69, pages 4 to 5.

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.³⁰ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003 while returning from a business trip in [REDACTED] in the DRC, their boat was intercepted by the Banyamulengués in [REDACTED] which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, her merchandise and her money were pillaged by the Banyamulengués. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.³²

³⁰ ICC-01/05-01/08-1017, paragraph 58.

³¹ ICC-01/05-01/08-1381-Conf-Exp-Anx70; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 782 to 783.

³² ICC-01/05-01/08-1381-Conf-Exp-Anx70, pages 4 to 5.

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.³³ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003 while returning from a business trip in [REDACTED] in the DRC, the boat she was travelling in was intercepted and seized by the Banyamulengués in [REDACTED] which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, she had bought some merchandise from [REDACTED] for resell at the [REDACTED] market in Bangui and this merchandise was pillaged by the rebels, along with her

³³ ICC-01/05-01/08-1017, paragraph 58.

³⁴ ICC-01/05-01/08-1381-Conf-Exp-Anx71; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 784 to 785.

money. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁵

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.³⁶ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 5 March 2003, the Banyamulengués invaded [REDACTED] in [REDACTED] and started terrorizing the local population. She claims that she fled to the forest, together with her family, and, upon their return, they found that their house, including their money, had been pillaged by the rebels. The

³⁵ ICC-01/05-01/08-1381-Conf-Exp-Anx71, pages 4 to 5.

³⁶ ICC-01/05-01/08-1017, paragraph 58.

³⁷ ICC-01/05-01/08-1381-Conf-Exp-Anx72; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 786 to 787.

applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁸

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 in [REDACTED] on an unspecified date as of 5 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, their boat was intercepted by the Banyamulengués in the boundary waters. According to the applicant, her merchandise and her money were pillaged by the rebels. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁰

Analysis and conclusions

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

³⁸ ICC-01/05-01/08-1381-Conf-Exp-Anx72, pages 4 to 5.

³⁹ ICC-01/05-01/08-1381-Conf-Exp-Anx73; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 788 to 789.

⁴⁰ ICC-01/05-01/08-1381-Conf-Exp-Anx73, pages 4 to 5.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁴¹ Considering that the applicant does not specify that the alleged criminal acts occurred or at least started on CAR territory, the Chamber is not satisfied that the events fall under the geographical scope of the present case. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when he was returning from a business trip in [REDACTED] DRC, their boat was intercepted and seized by the Banyamulengués, in the area of [REDACTED] which he also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise he bought from [REDACTED] in order to resell it in Bangui as well as her money were pillaged by the rebels. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴³

Analysis and conclusions

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

⁴¹ ICC-01/05-01/08-1017, paragraph 58.

⁴² ICC-01/05-01/08-1381-Conf-Exp-Anx74; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 790 to 791.

⁴³ ICC-01/05-01/08-1381-Conf-Exp-Anx74, pages 4 to 5.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁴⁴ Given that the applicant clearly states that the alleged criminal acts occurred in [REDACTED] 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 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, the boat she was travelling in was intercepted and seized by the Banyamulengués, on the river, as they entered [REDACTED]. According to the applicant, the merchandise she had bought in [REDACTED] in order to resell it in Bangui was pillaged by the rebels, together with her money. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶

Analysis and conclusions

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

⁴⁴ ICC-01/05-01/08-1017, paragraph 58.

⁴⁵ ICC-01/05-01/08-1381-Conf-Exp-Anx75; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 792 to 793.

⁴⁶ ICC-01/05-01/08-1381-Conf-Exp-Anx75, pages 4 to 5.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁴⁷ Given that the applicant clearly states that the alleged criminal acts started on the river, as they entered [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 6 March 2003, when she was returning from a business trip in [REDACTED] DRC, their boat was intercepted and seized by the Banyamulengués in the area of [REDACTED] which she also describes as the waters marking the border between the CAR and the DRC. According to the applicant, the merchandise she had bought in order to resell it at the market in Bangui and her money were pillaged by the Banyamulengués. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁹

Analysis and conclusions

⁴⁷ ICC-01/05-01/08-1017, paragraph 58.

⁴⁸ ICC-01/05-01/08-1381-Conf-Exp-Anx76; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 794 to 795.

⁴⁹ ICC-01/05-01/08-1381-Conf-Exp-Anx76, pages 4 to 5.

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁵⁰ Given that the applicant clearly states that the alleged criminal acts started in the area of [REDACTED] 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 [REDACTED] on 6 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 5 March 2003, upon the arrival of the Banyamulengués, she had to flee with her children and hide in the bush. According to the applicant, upon their return, they found that their house, located in [REDACTED] [REDACTED] and all their belongings had been pillaged. The applicant lists and values the loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵²

Analysis and conclusions

⁵⁰ ICC-01/05-01/08-1017, paragraph 58.

⁵¹ ICC-01/05-01/08-1381-Conf-Exp-Anx173; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 740 to 741.

⁵² ICC-01/05-01/08-1381-Conf-Exp-Anx173, 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 in [REDACTED] in [REDACTED] on an unspecified date as of 5 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 5 March 2003, when Mr Bemba's rebel troops arrived in [REDACTED] they pillaged her livestock and her belongings. The applicant specifies that they were wearing boots. She lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁴

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 in [REDACTED] on 5 March 2003.

⁵³ ICC-01/05-01/08-1381-Conf-Exp-Anx174; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 742 to 743.

⁵⁴ ICC-01/05-01/08-1381-Conf-Exp-Anx174, pages 9 to 11.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 5 March 2003, the Banyamulengués entered [REDACTED]. As they were spreading terror in the town, the applicant had to flee, together with his family. He contends that during his absence, the Banyamulengués pillaged his house, which is located in the [REDACTED] area, as well as his livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁶

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 the [REDACTED] area of [REDACTED] on an unspecified date between 5 and 15 March 2003.

Applicant [REDACTED]

Claim to victim status

⁵⁵ ICC-01/05-01/08-1381-Conf-Exp-Anx175; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 744 to 745.

⁵⁶ ICC-01/05-01/08-1381-Conf-Exp-Anx175, pages 9 to 11.

⁵⁷ ICC-01/05-01/08-1381-Conf-Exp-Anx177; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 746 to 747.

The applicant states that in December 2002, the canoe that he was travelling in along with five other people, was intercepted by the Banyamulengués near [REDACTED]. The applicant claims that the Banyamulengués shouted in Lingala 'yaka yaka', beat the applicant and took all his merchandise, including his fishing gear and some money. He lists and values his loss. He further claims that as a result of the beatings he sustained head injuries, lost some teeth, and his sight got impaired. The applicant also appends a letter from a dental surgeon certifying the loss of his teeth. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁸

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁵⁹ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 in December 2002.

⁵⁸ ICC-01/05-01/08-1381-Conf-Exp-Anx177, pages 9 to 11, 21.

⁵⁹ ICC-01/05-01/08-1017, paragraph 58.

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

The applicant states that on 5 March 2003, the Banyamulengués broke the door of her house, located in the [REDACTED] area of [REDACTED] and pillaged all her belongings. She states that they dismantled the material of her house, which led to the collapse of her house, and killed her livestock. As a result of the alleged events, the applicant claims to have suffered material harm.⁶¹

Analysis and conclusions

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

The Chamber notes a discrepancy of 11 years between the age of the applicant as appearing in the application form and on the identity document attached thereto as well as discrepancies in the names of the applicant's father and mother. However, given that the ages provided in both documents are said to be approximate and as the consonance of her father's and mother's name are similar, the Chamber considers that this might be the result of inadvertent in filling in the form and is therefore 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 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-

⁶⁰ ICC-01/05-01/08-1381-Conf-Exp-Anx178; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 748 to 749.

⁶¹ ICC-01/05-01/08-1381-Conf-Exp-Anx178, pages 9 to 11.

Pierre Bemba in [REDACTED] in the [REDACTED] area of [REDACTED] on 5 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 5 March 2003, the Banyamulengués invaded [REDACTED] fired at the population and committed pillage. The applicant claims that he and his family had to flee to the bush, abandoning their house and belongings which were subsequently pillaged by the Banyamulengués. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁶³

Analysis and conclusions

The Chamber considers 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 5 March 2003.

Applicant [REDACTED]

Claim to victim status

⁶² ICC-01/05-01/08-1381-Conf-Exp-Anx179; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 750 to 751.

⁶³ ICC-01/05-01/08-1381-Conf-Exp-Anx179, pages 9 to 11.

⁶⁴ ICC-01/05-01/08-1381-Conf-Exp-Anx222; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 752 to 753.

The applicant states that on 14 March 2003, on her way back to Bangui from the DRC, the boat she was travelling in was seized by the Banyamulengués in [REDACTED]. She alleges that they pillaged all her merchandise and business assets. She further asserts that she was raped by two Banyamulengués. According to the applicant, the other women in the boat, including girls who were still virgins, were also raped. The applicant values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁵

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁶⁶ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 in [REDACTED] on 14 March 2003.

Applicant [REDACTED]

⁶⁵ ICC-01/05-01/08-1381-Conf-Exp-Anx222, pages 9 to 13.

⁶⁶ ICC-01/05-01/08-1017, paragraph 58.

⁶⁷ ICC-01/05-01/08-1381-Conf-Exp-Anx225; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 754 to 755.

Claim to victim status

The applicant states that on 14 March 2003, when she on a business trip between the DRC and the CAR, the Banyamulengués intercepted the boat that she was travelling in, in [REDACTED]. She alleges that they started shooting at the passengers and that they pillaged all the merchandise on board, searched all the passengers for money, and raped the women. She claims that she was raped by three Banyamulengués and that, at the time of the events, she was a virgin. The applicant values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁸

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁶⁹ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 in [REDACTED] on 14 March 2003.

Applicant [REDACTED]

⁶⁸ ICC-01/05-01/08-1381-Conf-Exp-Anx225, pages 9 to 13.

⁶⁹ ICC-01/05-01/08-1017, paragraph 58.

⁷⁰ ICC-01/05-01/08-1381-Conf-Exp-Anx226; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 756 to 757.

Claim to victim status

The applicant states that on 14 March 2003, the boat that she was travelling in was intercepted by the Banyamulengués, at a few kilometres from [REDACTED]. She claims that they took the boat to the bank of the river, to [REDACTED] and asked them to get off the boat. The applicant asserts that they pillaged their merchandise and business assets and three of them raped the applicant as well as her sister. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷¹

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of her sister and the kinship between them, only her rape and the pillage of her belongings will be considered for the purpose of the present assessment.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁷² Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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

⁷¹ ICC-01/05-01/08-1381-Conf-Exp-Anx226, pages 9 to 13.

⁷² ICC-01/05-01/08-1017, paragraph 58.

by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 14 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that between 12 and 14 March 2003, the Banyamulengués pillaged and destroyed his house and shop, located in [REDACTED]. The applicant values his loss. He adds that his father died as a consequence of the sorrows related to the events. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷⁴

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 12 and 14 March 2003.

Applicant [REDACTED]

Claim to victim status

⁷³ ICC-01/05-01/08-1381-Conf-Exp-Anx232; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 758 to 759.

⁷⁴ ICC-01/05-01/08-1381-Conf-Exp-Anx232, pages 9 to 13.

⁷⁵ ICC-01/05-01/08-1381-Conf-Exp-Anx 376; ICC-01/05-01/08-1383-Conf-Exp-Anx3, pages 760 to 761.

The applicant states that on 5 March 2003, when the Banyamulengués troops crossed the Oubangui River and entered [REDACTED] he was hospitalized and his wife was visiting him at the hospital. He contends that his wife went back to their house, located in the [REDACTED] area, and witnessed how the Banyamulengués pillaged their belongings. The applicant states that he had to flee to the bush, together with his wife, and returned on 7 March 2003. He specifies that after having noted the extent of the pillage, they were assisted by the Caritas. The applicant further states that on 16 March 2003, during the retreat of the Banyamulengués, a troop led by a person called Moustapha threatened his family and took the rest of his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁶

Analysis and conclusions

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

The Chamber notes that two of the dates provided by the applicant (4 March 2010 and 16 March 2003) fall outside the temporal scope of the present case. However, with regard to the first date, the Chamber considers that this is the result of inadvertent error which is rectified in the following sections which refer to 5 March 2003. With regard to the second date, the Chamber recalls that that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,⁷⁷ the accused is charged with the crimes of murder, rape and pillage committed from on or about 26 October 2002 to 15 March 2003. Accordingly, the Chamber considers that overall, the applicant

⁷⁶ ICC-01/05-01/08-1381-Conf-Exp-Anx 376, pages 4 to 5.

⁷⁷ Decision on the defence application for corrections to the Document Containing the Charges and for the prosecution to file a Second Amended Document Containing the Charges, 20 July 2010, ICC-01/05-01/08-836, paragraphs 84 to 86.

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 5 and 16 March 2003.