

# ANNEX B

## **Group B: Damara/Sibut**

- Fourteenth transmission - ICC-01/05-01/08-1854-Conf-Exp-Anxs

**Applicant** [REDACTED]

### **Claim to victim status**

The applicant states that on 15 February 2003, when the militiamen invaded and occupied [REDACTED] firing their heavy weapons, he took his family and fled to the bush. The applicant states that the Banyamulengués occupied his village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for more than one month, set his two houses on fire, burning his merchandise and his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>2</sup>

### **Analysis and conclusions**

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

The Chamber notes that the applicant states that the militiamen of Jean-Pierre Bemba set his two houses on fire and thereby burned his merchandise and belongings. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.<sup>3</sup> In the present case, the description of the alleged events and the list of

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<sup>1</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx3; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 126 to 127.

<sup>2</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx3, pages 4 to 5 and 8.

<sup>3</sup> ICC-01/05-01/08-1017, paragraph 56.

looted items suggest that the houses were destroyed by fire and the items listed were inside the house. In the absence of any indication that the house was looted before being burned, the application for participation in the proceedings is rejected.

**Applicant** [REDACTED]

**Claim to victim status**

The applicant states that on 12 March 2003, he was travelling from Bangui to [REDACTED] where he was selling goods, when the boat he was travelling in was intercepted in the [REDACTED] village by the Banyamulengués, who pointed them with their guns and beat them with the butts of their guns. According to the applicant, the Banyamulengués ordered the captain to take the boat to the DRC and they pillaged all the merchandise, including the applicant's merchandise. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>5</sup>

**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 the 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

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<sup>4</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx12; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 128 to 129.

<sup>5</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx12, pages 4 to 5.

rejected.<sup>6</sup> Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] (CAR), 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 in [REDACTED] on 12 March 2003.

### **Applicant [REDACTED]**

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

The applicant states that on 17 January 2003, after heavy clashes between Jean-Pierre Bemba's troops and General Bozizé's soldiers in [REDACTED] the Banyamulengués destroyed the area, burned down their supplies and killed their livestock. She later states that her belongings were stolen. According to the applicant, they took her husband hostage for a period of thirteen days and tortured him, as a result of which he died. She further alleges that her thirteen-year-old daughter was raped by the soldiers and that after these events they took refuge elsewhere for a period of one year. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>8</sup>

#### **Analysis and conclusions**

The Chamber notes a discrepancy of eight months between the date of birth as appearing in the application form and on the *extrait d'acte de naissance* attached thereto. However, given that the remainder of the information provided in the *extrait d'acte de naissance* is consistent with the data entered in the application

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<sup>6</sup> ICC-01/05-01/08-1017, paragraph 58.

<sup>7</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx20; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 130 to 131.

<sup>8</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx20, pages 4 to 5.

form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with her husband and her daughter, 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 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 17 January 2003.

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

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

The applicant claims that on 27 February 2003, when Mr Bemba's Banyamulengués arrived in [REDACTED] he fled together with his family and took refuge in the bush. The applicant states that Mr Bemba's militiamen established their base in [REDACTED] for more than one month. The applicant states that the Banyamulengués pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>10</sup>

#### **Analysis and conclusions**

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

<sup>9</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx96; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 132 to 133.

<sup>10</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx96, pages 4 to 5.

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] [REDACTED] on an unspecified date as of 27 February 2003.

### **Applicant** [REDACTED]<sup>11</sup>

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

The applicant claims that on 15 February 2003, when Mr Bemba's men invaded the [REDACTED] area of [REDACTED] he fled together with his brothers and took refuge in the fields. The applicant states that upon his return, he saw that his belongings had been pillaged by the MLC soldiers. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>12</sup>

#### **Analysis and conclusions**

The Chamber notes a discrepancy of one month between the date of birth as appearing in the application form and on the birth certificate 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 of view that this might be the result of inadvertent error in filling in the form 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 he is a victim under Rule 85(a) on the basis

<sup>11</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx106; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 134 to 135.

<sup>12</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx106, pages 4 to 5.

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 as of 15 February 2003.

**Applicant** [REDACTED]<sup>3</sup>

### **Claim to victim status**

The applicant claims that on 15 February 2003, when Mr Bemba's men invaded the [REDACTED] area of [REDACTED] they systematically pillaged houses on a large scale. The applicant states that his house was looted and that his belongings were pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>14</sup>

### **Analysis and conclusions**

The Chamber notes a discrepancy of twelve years between the date of birth as appearing in the application form and on the church membership card attached thereto. However, given that the remainder of the information provided in the the church membership card is consistent with the data entered in the application form, the Chamber is of view that this might be the result of inadvertent error in filling in the form 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 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>13</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx107; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 136 to 137.

<sup>14</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx107, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 15 February 2003.

**Applicant** [REDACTED]<sup>5</sup>

### **Claim to victim status**

The applicant claims that on 15 February 2003, when Mr Bemba's men invaded the [REDACTED] area of [REDACTED] he fled to the fields to take refuge. The applicant states that upon his return, he found that all the content of his house had been looted. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>16</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 the [REDACTED] area of [REDACTED] on an unspecified date as of 15 February 2003.

**Applicant** [REDACTED]<sup>7</sup>

### **Claim to victim status**

<sup>15</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx108; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 138 to 139.

<sup>16</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx108, pages 4 to 5.

<sup>17</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx112; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 140 to 141.

The applicant claims that in January 2003, following the death of a seventeen-year-old child, he and his younger sister decided to visit their parents in Bangui. The applicant states that when they arrived in [REDACTED] the vehicle they were travelling in was intercepted by Jean-Pierre Bemba's Banyamulengués. The applicant states that they pillaged all their belongings and their food provisions. The applicant states that he struggled in the bush for three weeks before reaching Bangui. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>18</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 in January 2003.

### **Applicant [REDACTED]<sup>9</sup>**

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

The applicant claims that on 27 February 2003, when the militiamen occupied [REDACTED] she had to flee from her village, [REDACTED] together with her family and they took refuge in the bush. The applicant states that the Banyamulengués occupied the area for a period of two weeks. The applicant states that they pillaged her

<sup>18</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx112, pages 4 to 5.

<sup>19</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx130; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 142 to 143.

belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>20</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 in [REDACTED] [REDACTED] on an unspecified date as of 27 February 2003.

### **Applicant [REDACTED]<sup>21</sup>**

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

The applicant claims on 27 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he took his family and fled to the fields. The applicant states that the Banyamulengués occupied his village, [REDACTED] for more than one month, broke into his house and destroyed and pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>22</sup>

### **Analysis and conclusions**

The Chamber notes a discrepancy of five days between the date of birth as appearing in the application form and on the birth certificate attached thereto.

<sup>20</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx130, pages 4 to 5.

<sup>21</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx131; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 144 to 145.

<sup>22</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx131, pages 4 to 5.

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 in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber consider 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] [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>23</sup>

### **Claim to victim status**

The applicant claims that on 27 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he took his family and fled to the fields. The applicant states that the Banyamulengués occupied his village, [REDACTED] for one week. The applicant states that they broke into his house and pillaged his belongings. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>24</sup>

### **Analysis and conclusions**

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

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<sup>23</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx132; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 146 to 147.

<sup>24</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx132, pages 4 to 5.

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] [REDACTED] on an unspecified date as of 27 February 2003.

#### Applicant [REDACTED]<sup>25</sup>

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

The applicant alleges that in February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he fled to the fields where he stayed for a period of three weeks. The applicant states that the Banyamulengués occupied his village, [REDACTED] for one month. The applicant states that they pillaged his belongings. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>26</sup>

##### **Analysis and conclusions**

The Chamber notes a discrepancy of twenty days between the date of birth as appearing in the application form and on the electoral card attached thereto. However, given that the remainder of the information provided in the electoral 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 in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

<sup>25</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx133; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 148 to 149.

<sup>26</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx133, pages 4 and 5.

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] [REDACTED] on an unspecified date in February 2003.

#### **Applicant** [REDACTED]<sup>27</sup>

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

The applicant alleges that on 27 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he took his family and fled to the fields. The applicant states that the men occupied his village, [REDACTED] for over a month. The applicant states that they pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>28</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 identity of the perpetrators but merely refers to the “militiamen”. However, taking into account the intrinsic coherence of the application in all other respects, notably the fact that the alleged events took place in [REDACTED] and given that other applicants refer to the invasion of [REDACTED] by the Banyamulengués on 27 February 2003, the

<sup>27</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx134; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 150 to 151.

<sup>28</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx134, pages 4 to 5.

Chamber is of the view that that the failure to provide the identity of the perpetrators shall not serve to exclude 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] [REDACTED] on an unspecified date as of 27 February 2003.

#### **Applicant** [REDACTED]<sup>29</sup>

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

The applicant claims that on 27 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he took his family and fled to the fields. The applicant states that the Banyamulengués occupied his village, [REDACTED] for more than one month. The applicant states that they pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>30</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

<sup>29</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx135; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 152 to 153.

<sup>30</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx135, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>31</sup>

### **Claim to victim status**

The applicant claims that on 27 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he took his family and fled to the fields. The applicant states that the Banyamulengués occupied his village, [REDACTED] for more than one month. The applicant states that they set his house on fire and pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>32</sup>

### **Analysis and conclusions**

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

The Chamber observes that the applicant states that his house was burned. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.<sup>33</sup> In the present case, the applicant states that some of his belongings were looted and taken away by the Banyamulengués such as his clothes, kitchen utensils and a moped. Therefore, 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

<sup>31</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx136; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 154 to 155.

<sup>32</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx136, pages 4 to 5.

<sup>33</sup> ICC-01/05-01/08-1017, paragraph 56.

against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>34</sup>

### **Claim to victim status**

The applicant claims that in February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she and her husband fled to the fields. The applicant states that the Banyamulengués occupied her village, [REDACTED] for more than one month. The applicant states that when she and her husband returned to their house looking for food, she saw four soldiers inside her house. The applicant states that the men pointed their guns at her husband and two of them grabbed her, threw her on the floor and raped her. The applicant states that at the time of the events she was four months pregnant and that the hospital was not functioning so she and her husband returned to the fields. The applicant states that after the events she and her husband separated and that to this day she does not have the means to go see a doctor. The applicant states that her father gave her a sum of money but that the money was looted. She adds when her father heard about what happened he went to the house with her and when the Banyamulengués saw him they beat him up with the butts of their weapons. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>35</sup>

### **Analysis and conclusions**

<sup>34</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx137; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 156 to 157.

<sup>35</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx137, pages 4 to 5 and 8 to 9.

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 in [REDACTED] on an unspecified date in February 2003.

**Applicant** [REDACTED]<sup>36</sup>

### **Claim to victim status**

The applicant claims that on 27 February 2003, when Mr Bemba's Banyamulengués occupied [REDACTED] he fled together with his family from the area of [REDACTED] to the fields. The applicant states that the Banyamulengués established their base in the area for more than a month. The applicant states that they pillaged his belongings and livestock. The applicant further states that they raped his daughter, who subsequently died of a disease. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>37</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity

<sup>36</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx138; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 158 to 159.

<sup>37</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx138, pages 4 to 5 and 9.

of and kinship with his daughter, 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 in the [REDACTED] area of [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>38</sup>

**Claim to victim status**

The applicant claims that on 27 February 2003, when Mr Bemba's Banyamulengués occupied [REDACTED] he fled together with his family from the [REDACTED] area to the fields. The applicant states that the Banyamulengués established their base in [REDACTED] for more than one month. He states that they pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>39</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>38</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx139; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 160 to 161.

<sup>39</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx139, pages 4 to 5 and 9.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>40</sup>

### **Claim to victim status**

The applicant claims that on 27 February 2003, when Mr Bemba's Banyamulengués occupied [REDACTED] he fled together with his family from [REDACTED] to the fields. The applicant states that the Banyamulengués established their base in [REDACTED] for more than one month. The applicant states that they pillaged his belongings, money and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>41</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] [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>42</sup>

<sup>40</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx140; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 162 to 163.

<sup>41</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx140, pages 4 and 5.

<sup>42</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx141; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 164 to 165.

### **Claim to victim status**

The applicant claims that on 27 February 2003, when Mr Bemba's Banyamulengués occupied [REDACTED] she fled together with her family to the fields. The applicant states that the Banyamulengués established their base in the area for more than one month. The applicant states that they broke into her house, located in [REDACTED] and pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>43</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 in the [REDACTED] area of [REDACTED] on an unspecified date as of 27 February 2003.

### **Applicant [REDACTED]<sup>44</sup>**

### **Claim to victim status**

The applicant states that on 17 February 2003, upon the arrival of Jean-Pierre Bemba's Banyamulengués in [REDACTED] he fled together with his family from [REDACTED] to take refuge in the fields. He states that the Banyamulengués established their

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<sup>43</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx141, pages 4 to 5 and 9.

<sup>44</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx142; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 166 to 167.

base in [REDACTED] for more than one month. According to the applicant, they pillaged his belongings and livestock as well as the belongings of the association of which he is the president. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>45</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, with the exception of the items belonging to the association, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 17 February 2003.

### **Applicant** [REDACTED]<sup>46</sup>

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

The applicant states that in February 2003, when Jean-Pierre Bemba's militiamen arrived in [REDACTED] he fled together with his family to the fields to take refuge. The applicant contends that the Banyamulengués pillaged his belongings and livestock. He adds that they established their base in [REDACTED] for one month. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>47</sup>

<sup>45</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx142, pages 4 to 5 and 9.

<sup>46</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx143; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 168 to 169.

<sup>47</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx143, pages 4 to 5.

### **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] [REDACTED] on an unspecified date in February 2003.

### **Applicant [REDACTED]<sup>48</sup>**

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

The applicant states that on 15 February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] he fled together with his family from [REDACTED] to take refuge in the fields. He adds that the Banyamulengués established their base in [REDACTED] for two weeks. The applicant contends that they pillaged his belongings and livestock. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>49</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

<sup>48</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx144; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 170 to 171.

<sup>49</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx144, pages 4 to 5 and 9.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 15 February 2003.

**Applicant** [REDACTED]<sup>50</sup>

### **Claim to victim status**

The applicant states that on 15 February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] he fled together with his family from [REDACTED] to take refuge in the fields. The applicant contends that the Banyamulengués pillaged his belongings and livestock. He adds that they established their base in [REDACTED] for one month. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>51</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 as of 15 February 2003.

**Applicant** [REDACTED]<sup>52</sup>

### **Claim to victim status**

<sup>50</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx145; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 172 to 173.

<sup>51</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx145, pages 4 to 5 and 9.

<sup>52</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx146; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 174 to 175.

The applicant states that in February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] he fled together with his family from [REDACTED] to take refuge in the fields. The applicant contends that they pillaged his belongings and ate his livestock. He adds that the Banyamulengués established their base in [REDACTED] for two weeks. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>53</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 in February 2003.

### **Applicant** [REDACTED]<sup>54</sup>

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

The applicant states that on 27 February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she fled together with her family to take refuge in the fields. According to the applicant, the Banyamulengués broke into her house, located in the [REDACTED] area, [REDACTED] kilometres away from [REDACTED] on the road to [REDACTED] and pillaged her belongings. She adds that the Banyamulengués established their base in the area for more than one month. The

<sup>53</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx146, pages 4 to 5 and 9.

<sup>54</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx147; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 176 to 177.

applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>55</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 in the [REDACTED] area of [REDACTED] on an unspecified date as of 27 February 2003.

### **Applicant** [REDACTED]<sup>56</sup>

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

The applicant states that on 15 February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she fled together with her family from [REDACTED] to the fields to take refuge. According to the applicant, the Banyamulengués pillaged her belongings. She adds that the Banyamulengués established their base in [REDACTED] for one month. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>57</sup>

### **Analysis and conclusions**

<sup>55</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx147, pages 4 to 5.

<sup>56</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx148; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 178 to 179.

<sup>57</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx148, pages 4 to 5.

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 15 February 2003.

#### **Applicant** [REDACTED]<sup>58</sup>

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

The applicant states that between 15 and 17 February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she fled together with her family from [REDACTED] located [REDACTED] kilometres away from [REDACTED] on the road to [REDACTED] to the fields to take refuge. According to the applicant, the Banyamulengués pillaged her belongings and livestock. She adds that the Banyamulengués established their base in the area for one month. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>59</sup>

#### **Analysis and conclusions**

The Chamber notes that the date of birth as appearing on the application form does not correspond to the day the applicant was born but to the day the birth was declared. The Chamber considers that this discrepancy might be the result of inadvertent error in filling in the form and therefore the identity of the applicant is sufficiently demonstrated.

<sup>58</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx149; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 180 to 181.

<sup>59</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx149, pages 4 to 5.

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] between 15 and 17 February 2003.

Applicant [REDACTED]<sup>60</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she was selling her merchandise at the market and went to pick up her children from her house, located in [REDACTED] [REDACTED] kilometres away from [REDACTED] on the road to [REDACTED] and they fled. She further contends that when she was on her way to the fields, she came across a group of four Banyamulengués who sexually assaulted her. According to the applicant, they also pillaged her belongings and her merchandise. She adds that the Banyamulengués established their base in [REDACTED] for one month and that her husband left her as a consequence of the sexual assault she suffered. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>61</sup>

### **Analysis and conclusions**

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

<sup>60</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx150; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 182 to 183.

<sup>61</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx150, pages 4 to 5 and 9.

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] [REDACTED] on an unspecified date in February 2003.

### **Applicant** [REDACTED]<sup>62</sup>

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

The applicant states that on 16 February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she fled from [REDACTED] to the fields to take refuge. According to the applicant, the Banyamulengués pillaged her belongings and her merchandise. She adds that the Banyamulengués established their base in [REDACTED] for one month. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>63</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 in [REDACTED] [REDACTED] on an unspecified date as of 16 February 2003.

<sup>62</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx151; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 184 to 185.

<sup>63</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx151, pages 4 to 5.

Applicant [REDACTED]<sup>64</sup>

### **Claim to victim status**

The applicant states that on 23 December 2002, on his way back from [REDACTED] to Bangui, the rental vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED]. According to the applicant they pillaged all the merchandise he had bought in [REDACTED] and all his money. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>65</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 23 December 2002.

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Applicant [REDACTED]<sup>66</sup>

### **Claim to victim status**

<sup>64</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx192; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 186 to 187.

<sup>65</sup> ICC-01/05-01/08-1854-Conf-Exp-Anx192, pages 4 to 5.

<sup>66</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx32; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 236 to 237.

The applicant states that in February 2003, when the Banyamulengués arrived in [REDACTED] she fled to the bush together with her sister. She further asserts that during the night, they returned to their house, located in the [REDACTED] area, in order to take their belongings. However, two of the Banyamulengués soldiers broke into the house and forced them to leave the house and to go close to the clinic, where they raped her as well as her sister, who got infected with HIV. The applicant states that the following day, she and her sister talked to the chief of the soldiers, who had already arrested and punished the two men. She adds that she and her sister were both seen by the Banyamulengués' doctor and that the soldiers gave them money for medical treatment. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological harm.<sup>67</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with her sister, only the applicant's rape and 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 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 the [REDACTED] area of [REDACTED] on an unspecified date in February 2003.

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<sup>67</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx32, pages 4 to 5.

Applicant [REDACTED]<sup>68</sup>

### **Claim to victim status**

The applicant states that on 14 February 2003, when the Banyamulengués attacked the [REDACTED] area of [REDACTED] he fled together with his family, leaving everything behind. He further claims that during his absence, Jean-Pierre Bemba's men pillaged his house. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>69</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 the [REDACTED] area of [REDACTED] on an unspecified date as of 14 February 2003.

Applicant [REDACTED]<sup>70</sup>

### **Claim to victim status**

The applicant states that in 2003, in [REDACTED] where she had been to sell merchandise on the market, she was at the *chef de quartier's* house when armed soldiers entered. She contends that the Banyamulengués separated her from her

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<sup>68</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx35; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 238 to 239.

<sup>69</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx35, pages 9 to 11 and 15.

<sup>70</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx94; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 240 to 241.

daughters and took her to the exit of the town. She alleges that they took the jewels she was wearing as well as a sum of money, hit her, but did not rape her. She adds that all the merchandise she had left behind was pillaged. Furthermore, she claims that one of her daughters disappeared on that day. As a result of the alleged events, the applicant claims to have suffered physical and material harm.<sup>71</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 (2003) is broad and as such might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the fact that the alleged perpetrators were identified as the Banyamulengués, the Chamber is of the view that the failure to provide a precise date shall not serve to exclude the applicant. Under these circumstances, 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 between 1 January and 15 March 2003.

**Applicant** [REDACTED]<sup>72</sup>

### **Claim to victim status**

<sup>71</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx94, pages 4 to 5 and 8.

<sup>72</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx95; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 242 to 243.

The applicant states that in 2003, in [REDACTED] where she was selling merchandise at the market together with her sister and her great aunt, she was kidnapped by the Banyamulengués. She states that the Banyamulengués took her to a house, where they raped her. The applicant states that at the time of the events she was only twelve years old. She further declares that after she was raped, the two men discussed whether they would bring her with them but they let her go and she went to her house. The applicant contends that because she was raped it is difficult for her to get married according to the Muslim faith. She further states that the Banyamulengués took her sister to an unknown destination. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.<sup>73</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 (2003) is broad and as such might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the fact that the alleged perpetrators were identified as the Banyamulengués, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber further notes that the applicant refers to the same events as applicant [REDACTED] and states that applicant [REDACTED] is her great aunt while applicant [REDACTED] states that applicant [REDACTED] is her daughter. The Chamber is of the view that this discrepancy should not serve to exclude the applicant.

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<sup>73</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx95, pages 4 to 5 and 8.

Under these circumstances, 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 by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

#### **Applicant** [REDACTED]<sup>74</sup>

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

The applicant states that on 11 November 2002, she and five other women were taken by Jean-Pierre Bemba's Banyamulengués from the [REDACTED] village to [REDACTED] where they were raped during one week. She claims that she was able to escape after one week and fled to the bush where she rejoined her parents. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.<sup>75</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 by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 11 November 2002.

<sup>74</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx97; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 244 to 245.

<sup>75</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx97, pages 4 to 5.

Applicant [REDACTED]<sup>76</sup>

### **Claim to victim status**

The applicant claims that between 25 and 30 October 2002, six of Jean-Pierre Bemba's soldiers killed her younger brother in [REDACTED]. The death certificate appended to the application form indicates that the death occurred on 26 October 2002 in [REDACTED]. The applicant states that the Banyamulengués insulted her and forced her to leave the area and to take refuge in the bush with her children for a long time. The applicant states that when she returned, she was told her brother had been buried by the *chef de quartier*. The applicant states that she is traumatized by the events. The applicant further states that she is handicapped and that there is nobody to care for her. As a result of the alleged events, the applicant claims to have suffered psychological harm.<sup>77</sup>

### **Analysis and conclusions**

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

The Chamber notes that the applicant refers to the murder of her brother who is the son of applicant [REDACTED]. In this regard, the Chamber notes a discrepancy between the date of the alleged events provided in the application form (between 25 and 30 October 2002), the date of death provided in the death certificate appended to [REDACTED]'s application (26 October 2002) and the *reconnaissance de décès* appended to [REDACTED]'s application ([REDACTED] December 2002). However, the Chamber further notes that the death certificate provided by applicant [REDACTED]

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<sup>76</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx122; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 246 to 247.

<sup>77</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx120, pages 4 to 5.

is not dated while the *reconnaissance de décès* appended to [REDACTED]'s application was signed by the *chef de quartier*, who is reported to have buried the deceased. Considering further that applicant [REDACTED] was present at the time of the death, the Chamber is of the view that the date appearing on the *reconnaissance de décès* appended to [REDACTED]'s application is accurate and that the inconsistency with regard to the date provided in [REDACTED]'s application is the result of inadvertent error. Accordingly, 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 murder of her brother by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on [REDACTED] December 2002.

#### **Applicant [REDACTED]**<sup>78</sup>

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

The applicant claims that in February, the Banyamulengués came to her house, located in [REDACTED] [REDACTED] kilometres from [REDACTED] where she was with her brother. The applicant states that they asked her brother to draw water and took him with them. The applicant states that three of the soldiers stayed in the house and raped her one after the other before pillaging her belongings. The applicant states that she now suffers from gynecological problems and is unable to find a husband. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>79</sup>

#### **Analysis and conclusions**

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<sup>78</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx129; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 248 to 249.

<sup>79</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx129, pages 4 to 5.

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

The Chamber notes that the applicant does not indicate the year in which the alleged events took place. However, taking into account the intrinsic coherence of the application in all other respects, notably the reference to the Banyamulengués going to [REDACTED] the Chamber infers from the application that the alleged events occurred in February 2003.

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 an unspecified date in February 2003.

#### **Applicant** [REDACTED]<sup>80</sup>

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

The applicant alleges that in January 2003, when she was visiting a friend in [REDACTED] located [REDACTED] kilometres from [REDACTED] the Banyamulengués came and raped them and pillaged their belongings. The applicant states that when she resisted a soldier injured her at her limbs. The applicant states that she subsequently fled to Bangui and that her friend died in 2005. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>81</sup>

#### **Analysis and conclusions**

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<sup>80</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx130; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 250 to 251.

<sup>81</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx130, pages 4 to 5.

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 by her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in January 2003.

**Applicant** [REDACTED]<sup>82</sup>

**Claim to victim status**

The applicant claims that on 19 December 2002, when the Banyamulengués came to their house, located in [REDACTED] her son went out of the house and the soldiers accused him of collaborating with the rebels and killed him. The applicant appends a declaration of death indicating that the death occurred on 19 December 2002 in [REDACTED]. The applicant further states that the rebels pillaged her belongings and livestock. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>83</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant and of her son, and the kinship between them.

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<sup>82</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx132; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 252 to 253.

<sup>83</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx132, pages 4 to 5, 11 to 15.

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 murder of her son and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 19 December 2002.

### **Applicant [REDACTED]**

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

The applicant alleges that in February 2003, before the Banyamulengués invaded [REDACTED] her son had left the house, located in the [REDACTED] of [REDACTED] to go hunting and disappeared. The applicant states that she never found his body. The applicant, who is handicapped, states that four Banyamulengués, one woman and three men, came to her house and that the men raped her one after the other. She further asserts that the woman tried to rape her husband, but he refused. The applicant states that they beat her husband and took him with them and that she never found his body or a proof that he is alive. The applicant states that they further used her furniture as firewood and pillaged her livestock. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>85</sup>

#### **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

<sup>84</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx133; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 254 to 255.

<sup>85</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx133, pages 4 to 5.

identity of and kinship with her son and her husband, only the applicant's rape and 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 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 an unspecified date in February 2003.

**Applicant** [REDACTED]<sup>86</sup>

### **Claim to victim status**

The applicant claims that on 19 December 2002, his son was visiting his mother in [REDACTED] when the Banyamulengués took him and killed him together with two other young adults. The applicant states that he personally saw where his son was buried. The applicant appends a declaration of death of his son. As a result of the alleged events, the applicant claims to have suffered psychological harm.<sup>87</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant and of his son, and the kinship between them.

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

<sup>86</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx134; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 256 to 257.

<sup>87</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx134, pages 4 to 5, 8 to 9.

accused, namely the murder of his son by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 19 December 2002.

**Applicant** [REDACTED]<sup>88</sup>

### **Claim to victim status**

The applicant states that in December 2002, the Banyamulengués came to [REDACTED] and a plane from the loyal forces was hovering above the city. The applicant alleges that he was forced to flee with his family to the bush for a week and that upon his return, he found that his belongings had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>89</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 in December 2002.

**Applicant** [REDACTED]<sup>90</sup>

### **Claim to victim status**

<sup>88</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx166; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 258 to 259.

<sup>89</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx166, pages 4 to 5.

<sup>90</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx167; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 260 to 261.

The applicant states that on 19 December 2002, in the [REDACTED] area of [REDACTED] her younger brother was killed by Jean-Pierre Bemba's men at a farm. The applicant appends a death certificate confirming that the death occurred on 19 December 2002. As a result of the alleged events, the applicant claims to have suffered psychological harm.<sup>91</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant and of her brother, and the kinship between them.

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 murder of her brother by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 19 December 2002.

### **Applicant [REDACTED]<sup>92</sup>**

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

The applicant states that on 7 December 2002, in [REDACTED] he and his family heard Jean-Pierre Bemba's Banyamulengués firing mortars and fighting Mr Bozizé's rebels, whereupon they decided to flee. The applicant states that when they returned the following day, they discovered that the Banyamulengués had taken over the village, so they fled back to the bush. He claims that when he went back to the house again, he found that parts of it had been destroyed and that his belongings and livestock had been pillaged, forcing him to stay in the

<sup>91</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx167, pages 4 to 5 and 8 to 9.

<sup>92</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx179; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 262 to 263.

bush for two years. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>93</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 as of 7 December 2002.

### **Applicant [REDACTED]**

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

The applicant states that from 7 December 2002 to 15 February 2003, the troops from Zaire arrived in [REDACTED] firing heavy weapons from [REDACTED] kilometres away from Bangui. He states that Central African soldiers told the population to flee to the fields. Upon his return from the fields, he saw that Jean-Pierre Bemba's Banyamulengués had pillaged his belongings and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>95</sup>

### **Analysis and conclusions**

<sup>93</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx179, pages 4 to 5 and 8.

<sup>94</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx180; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 264 to 265.

<sup>95</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx180, pages 4 to 5.

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 7 December 2002 and 15 February 2003.

**Applicant** [REDACTED]<sup>96</sup>

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

The applicant states that around 7 December 2002, upon the arrival of Jean-Pierre Bemba's rebels, they took their belongings out of the house and hid them in the bush behind their house. He states that they had to hide far away since there were a lot of shots being fired, and upon their return to the [REDACTED] village, in [REDACTED] he discovered that his belongings and livestock had been pillaged by Mr Bemba's Banyamulengués, and that his fields had been destroyed. He states that the Banyamulengués stayed two months in [REDACTED]. He adds that Mr Bemba's plane came twice, with Jean-Pierre Bemba, to take the looted goods to Zaire, and that although the Banyamulengués soldiers were keeping the population at a certain distance he could see the plane landing and taking off with more difficulties as it was loaded. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>97</sup>

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<sup>96</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx181; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 266 to 267.

<sup>97</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx181, pages 4 to 5 and 8.

### **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 as of 7 December 2002.

### **Applicant** [REDACTED]<sup>98</sup>

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

The applicant states that on 7 December 2002, Mr Bemba's Banyamulengués came to the [REDACTED] village, in [REDACTED] and started shooting in the air, whereupon he fled to the bush. He states that the Banyamulengués stayed in the village for two months. He claims that when he returned, he found that his belongings, his livestock and the resources from his business had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>99</sup>

### **Analysis and conclusions**

The Chamber notes a discrepancy of eleven years between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the day, the month and the remainder of the information provided in the birth certificate is consistent with the data entered in the

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<sup>98</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx182; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 268 to 269.

<sup>99</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx182, pages 4 to 5.

application form, Chamber is of the view that the discrepancy might be the result of inadvertent error in filling in the form 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 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 as of 7 December 2002.

#### **Applicant** [REDACTED]<sup>100</sup>

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

The applicant states that in 2002, the Banyamulengués occupied the village of [REDACTED] located [REDACTED] kilometres from [REDACTED] for over one week and pillaged his belongings, livestock and his money. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>101</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 (2002) is broad, and, as such, might fall outside the temporal scope of the present case. The Chamber further notes that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003. However, in light of the intrinsic coherence of the application in all other respects and notably the reference to the occupation

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<sup>100</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx183; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 270 to 271.

<sup>101</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx183, pages 4 to 5.

of [REDACTED] by the Banyamulengués for one week, which is corroborated by a number of applicants, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

Under these circumstances, 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] [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

#### **Applicant** [REDACTED]<sup>102</sup>

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

The applicant states that in February 2003, Jean-Pierre Bemba's Banyamulengués occupied [REDACTED] whereupon she fled to take refuge in the bush, together with her family. She states that they occupied the area for more than two weeks and that during her absence, her belongings in her house, located in the [REDACTED] area, were pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>103</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

<sup>102</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx184; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 272 to 273.

<sup>103</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx184, pages 4 to 5.

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 the [REDACTED] area of [REDACTED] on an unspecified date in February 2003.

**Applicant** [REDACTED]<sup>104</sup>

**Claim to victim status**

The applicant states that on 22 February 2003, Jean-Pierre Bemba's Banyamulengués occupied the [REDACTED] area for two weeks. She states that she and her family were forced to flee and take refuge in the fields. She adds that during her absence, the rebels pillaged her belongings. She also asserts that her eleven-year old daughter was raped by four rebels. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>105</sup>

**Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with her daughter, 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 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-

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<sup>104</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx185; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 274 to 275.

<sup>105</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx185, pages 4 to 5 and 9.

Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 22 February 2003.

Applicant [REDACTED]<sup>106</sup>

### **Claim to victim status**

The applicant states that on 23 February 2003, when Jean-Pierre Bemba's Banyamulengués occupied the [REDACTED] area, he fled and took refuge in the fields. He states that during his absence, the rebels pillaged his belongings. He adds that they established their base in the area for over a month. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>107</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 the [REDACTED] area of [REDACTED] on an unspecified date as of 23 February 2003.

Applicant [REDACTED]<sup>108</sup>

<sup>106</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx186; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 276 to 277.

<sup>107</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx186, pages 4 to 5.

<sup>108</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx187; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 278 to 279.

### **Claim to victim status**

The applicant states that on 27 February 2003, when Jean-Pierre Bemba's Banyamulengués occupied [REDACTED] she fled and took refuge in the fields. She states that during her absence, the rebels pillaged her belongings. She adds that they established their base for over a month in [REDACTED]. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>109</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 in [REDACTED] on an unspecified date as of 27 February 2003.

### **Applicant [REDACTED]**<sup>110</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Jean-Pierre Bemba's Banyamulengués occupied the village of [REDACTED] she and her children fled and took refuge in the fields. She states that during her absence, the rebels pillaged her belongings. The applicant lists her loss. She adds that they established their

<sup>109</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx187, pages 4 to 5.

<sup>110</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx188; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 280 to 281.

base for over a month in [REDACTED] As a result of the alleged events, the applicant claims to have suffered material harm.<sup>111</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 in [REDACTED] on an unspecified date as of February 2003.

### **Applicant** [REDACTED]<sup>112</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Mr Bemba's Banyamulengués occupied the [REDACTED] area of [REDACTED] he fled and took refuge in the fields. He states that during his absence, the rebels pillaged his belongings and livestock. The applicant lists his loss. He adds that they established their base for over a month in the [REDACTED] area of [REDACTED] As a result of the alleged events, the applicant claims to have suffered material harm.<sup>113</sup>

### **Analysis and conclusions**

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

<sup>111</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx188, pages 4 to 5.

<sup>112</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx189; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 282 to 283.

<sup>113</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx189, pages 4 to 5.

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 as of February 2003.

**Applicant** [REDACTED]<sup>114</sup>

**Claim to victim status**

The applicant states that in February 2003, when Mr Bemba's Banyamulengués occupied [REDACTED] she fled and took refuge in the fields. She states that during her absence, the rebels pillaged her belongings. The applicant lists her loss. She adds that they established their base for over a month in [REDACTED] As a result of the alleged events, the applicant claims to have suffered material harm.<sup>115</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 in [REDACTED] on an unspecified date as of February 2003.

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<sup>114</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx190; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 284 to 285.

<sup>115</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx190, pages 4 to 5.

Applicant [REDACTED]<sup>116</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Jean-Pierre Bemba's Banyamulengués occupied [REDACTED] she fled to take refuge in the fields, together with her family. She contends that during their absence, the rebels pillaged her belongings. The applicant lists her loss. She adds that they established their base for two weeks in [REDACTED]. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>117</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 in [REDACTED] on an unspecified date as of February 2003.

Applicant [REDACTED]<sup>118</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Jean-Pierre Bemba's Banyamulengués occupied [REDACTED] he fled and took refuge in the fields. He claims that during his absence, the rebels pillaged his belongings. The applicant

<sup>116</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx191; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 286 to 287.

<sup>117</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx191, pages 4 to 5.

<sup>118</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx192; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 288 to 289.

lists his loss. He adds that they established their base for more than two weeks in [REDACTED]. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>119</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] [REDACTED] on an unspecified date as of February 2003.

### **Applicant** [REDACTED]<sup>120</sup>

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

The applicant states that in February 2003, when Jean-Pierre Bemba's soldiers invaded [REDACTED] he fled from his house, located in [REDACTED] together with his family. He further states that upon his return, he found that his house had been pillaged and his attic had been burned. The applicant lists his loss. He adds that they established their base in [REDACTED] for more than one month. As a result of the alleged facts, the applicant claims to have suffered material harm.<sup>121</sup>

### **Analysis and conclusions**

<sup>119</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx192, pages 4 to 5.

<sup>120</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx193; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 290 to 291.

<sup>121</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx193, pages 4 to 5.

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] [REDACTED] on an unspecified date as of February 2003.

**Applicant** [REDACTED]<sup>122</sup>

### **Claim to victim status**

The applicant states that on 27 February 2003, when Jean-Pierre Bemba's soldiers occupied [REDACTED] she fled from her house, located in [REDACTED] and took refuge in the fields. She further states that upon her return, she found that her belongings had been pillaged. She lists her loss. She adds that they established their base for more than a month in [REDACTED] As a result of the alleged events, the applicant claims to have suffered material harm.<sup>123</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

<sup>122</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx194; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 292 to 293.

<sup>123</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx194, pages 4 to 5 and 9.

accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>124</sup>

### **Claim to victim status**

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] he fled from his house, located in [REDACTED] and took refuge in the fields. He further states that upon his return, he found that his belongings had been pillaged. He lists his loss. He adds that the Banyamulengués established their base in [REDACTED] for more than two weeks. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>125</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 as of February 2003.

**Applicant** [REDACTED]<sup>126</sup>

### **Claim to victim status**

<sup>124</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx195; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 294 to 295.

<sup>125</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx195, pages 4 to 5.

<sup>126</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx196; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 296 to 297.

The applicant states that on 27 February 2003, when the Banyamulengués occupied [REDACTED] he fled from his house, located in [REDACTED] and took refuge in the fields together with his family. He further states that upon his return, he found that his belongings had been pillaged. He lists his loss. He adds that the Banyamulengués established their base in [REDACTED] for more than one month. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>127</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 as of 27 February 2003.

### **Applicant** [REDACTED]<sup>128</sup>

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

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] he fled from his house, located in [REDACTED] to take refuge in the bush. He further states that he left the bush three days later and was intercepted by the soldiers who asked him to bring them to his house. The applicant asserts that they occupied his house and pillaged his belongings. He adds that they

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<sup>127</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx196, pages 4 to 5 and 9.

<sup>128</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx197; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 298 to 299.

established their base in [REDACTED] for one month. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>129</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 the [REDACTED] area of [REDACTED] on an unspecified date as of February 2003.

### **Applicant** [REDACTED]<sup>130</sup>

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

The applicant states that in 2003, eight years ago, when the Banyamulengués occupied [REDACTED] she was hunting in the bush, together with her husband. She states that her children were at home but that they fled from the family house located in [REDACTED] when they heard gunshots. She further alleges that upon her return, she found that her belongings had been pillaged. She lists her loss. She states that her children informed her that the soldiers established their base in

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<sup>129</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx197, pages 4 to 5.

<sup>130</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx198; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 300 to 301.

██████ for a week before leaving ██████. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>131</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 (2003) is broad and as such might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the fact that the alleged perpetrators were identified as the Banyamulengués and given that a number of applicants referred to the occupation of ██████ in February 2003, the Chamber is of the view that the failure to provide a precise date shall not serve to exclude the applicant. Under these circumstances, 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 ██████ ██████ on an unspecified date between 1 January and 15 March 2003.

### **Applicant ██████<sup>132</sup>**

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

The applicant states that on 27 February 2003, when the Banyamulengués occupied ██████ she fled from her house, located in the ██████ area, together with her children and took refuge in the fields. She further states that upon her

<sup>131</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx198, pages 4 to 6.

<sup>132</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx199; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 302 to 303.

return, she found that her belongings had been pillaged. She lists her loss. She adds that they established their base in [REDACTED] for over a month. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>133</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 in the [REDACTED] area of [REDACTED] on an unspecified date as of 27 February 2003.

### **Applicant** [REDACTED]<sup>134</sup>

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

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] he fled from his house, located in the [REDACTED] village, and took refuge in the fields together with his family. He further states that upon his return, he found that his belongings and livestock had been pillaged. He lists his loss. He adds that the Banyamulengués established their base in the village for three weeks. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>135</sup>

<sup>133</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx199, pages 4 to 5 and 9.

<sup>134</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx200; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 304 to 305.

<sup>135</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx200, pages 4 to 5.

## 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 as of February 2003.

## Applicant [REDACTED]<sup>36</sup>

### Claim to victim status

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] he fled from his house, located in [REDACTED] and took refuge in the fields. He further states that upon his return, he found that his belongings had been pillaged. He lists his loss. He adds that the Banyamulengués established their base in the village for more than month. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>137</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

<sup>136</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx201; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 306 to 307.

<sup>137</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx201, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of February 2003.

**Applicant** [REDACTED]<sup>138</sup>

### **Claim to victim status**

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] she fled from her house, located in [REDACTED] and took refuge in the fields, together with her family. She further states that upon her return, she found that her belongings had been pillaged. She lists her loss. She adds that they established their base in the village for over a month. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>139</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 in [REDACTED] on an unspecified date as of February 2003.

**Applicant** [REDACTED]<sup>140</sup>

### **Claim to victim status**

<sup>138</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx202; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 308 to 309.

<sup>139</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx202, pages 4 to 5.

<sup>140</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx203; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 310 to 311.

The applicant states that on 27 February 2003, when the Banyamulengués occupied [REDACTED] she fled from her house, located in [REDACTED] together with her family and took refuge in the bush. She further states that upon her return, she found that her belongings had been pillaged. She lists her loss. She adds that the Banyamulengués established their base in the village for more than two weeks. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>141</sup>

### **Analysis and conclusions**

The Chamber notes a discrepancy of six days between the date of birth as appearing in the application form and on the birth certificate 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 of the view that this might be the result of inadvertent error in filling in the form 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 belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>142</sup>

### **Claim to victim status**

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<sup>141</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx203, pages 4 to 5.

<sup>142</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx205; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 312 to 313.

The applicant states that in the beginning of February 2002, when the Banyamulengués occupied [REDACTED] he fled from his house, located in [REDACTED] and took refuge in the bush. He further states that upon his return, he found that his belongings had been pillaged. He lists his loss. He also states that the Banyamulengués established their base in the village for more than one month. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>143</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 (February 2002) falls outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués in February, and given that a number of applicants referred to the occupation of [REDACTED] as having occurred in February 2003, the Chamber is of the view that the reference to February 2002 could be the result of inadvertent error and that the alleged events occurred in February 2003. Under these circumstances, 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 as of February 2003.

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<sup>143</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx205, pages 4 to 5.

**Applicant** [REDACTED]<sup>4</sup>

### **Claim to victim status**

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] she fled from her house, located in [REDACTED] and took refuge in the fields together with her family. She specifies that she was nine months pregnant at the time. She further asserts that one day, her husband and her daughter were trying to find some food, when they were intercepted by Jean-Pierre Bemba's soldiers who threw her daughter to the ground and tried to rape her. The applicant states that when her husband tried to stop them, they shot him in both feet and he subsequently died two months later. She further asserts that she had a miscarriage and that upon her return, she found that her house had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.<sup>145</sup>

### **Analysis and conclusions**

The Chamber notes that the date of birth of the applicant does not appear in the application form but only on the electoral card attached thereto. However, given that the remainder of the information provided in the electoral card is consistent with the data entered in the application form, the Chamber is of view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with her husband and her daughter, only pillage will be considered for the purpose of the present assessment.

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<sup>144</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx206; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 314 to 315.

<sup>145</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx206, pages 4 to 5 and 9.

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 February 2003.

#### **Applicant** [REDACTED]<sup>146</sup>

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

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] she fled from her house, located in [REDACTED] and took refuge in the bush. She further states that upon her return, she found that her belongings had been pillaged. She lists her loss. She also states that the Banyamulengués established their base in the village for more than one month. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>147</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 in [REDACTED] on an unspecified date as of February 2003.

<sup>146</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx207; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 316 to 317.

<sup>147</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx207, pages 4 to 5 and 9.

Applicant [REDACTED]<sup>148</sup>

### **Claim to victim status**

The applicant states that on 15 February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she was in the fields together with her family. The applicant states that the Banyamulengués set up their base in her village, [REDACTED] for two weeks and pillaged her belongings, which she lists. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>149</sup>

### **Analysis and conclusions**

The Chamber notes the date of birth of the applicant does not appear in the application form but only on the electoral card attached thereto. However, given that the remainder of the information provided in the electoral card is consistent with the data entered in the application form, the Chamber is of view that this might be the result of inadvertent error in filling in the form 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 belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 15 February 2003.

Applicant [REDACTED]<sup>150</sup>

### **Claim to victim status**

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<sup>148</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx208; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 318 to 319.

<sup>149</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx208, pages 4 to 5.

<sup>150</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx209; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 320 to 321.

The applicant states that in February 2003, when he was working in the fields in [REDACTED] he heard gunshots in his town and decided not to return to his house. He alleges that the Banyamulengués set up their base in front of his house for more than one month and that they took all his belongings and those of his family. He adds that he had sent his sons by boat to Bangui and that on their way back from [REDACTED] in [REDACTED] all the merchandise was stolen. The applicant appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>151</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 as of February 2003.

### **Applicant** [REDACTED]<sup>152</sup>

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

The applicant states that in February 2003, when the Banyamulengués of Mr Bemba arrived in [REDACTED] he got scared and fled to the fields. He claims that the militiamen occupied his house and used it as an inn. He further states that the soldiers set up their base in front of the town hall in [REDACTED] The applicant alleges

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<sup>151</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx209, pages 4 to 5 and 9 to 10.

<sup>152</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx211; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 322 to 323.

that the Banyamulengués pillaged his belongings and his livestock. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>153</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 as of February 2003.

### **Applicant** [REDACTED]<sup>154</sup>

### **Claim to victim status**

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] he was in [REDACTED] from where he fled to the fields. He alleges that the Banyamulengués set up their base in [REDACTED] for two weeks. The applicant claims that his belongings were pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>155</sup>

### **Analysis and conclusions**

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

<sup>153</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx211, pages 4 to 5 and 9.

<sup>154</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx212; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 324 to 325.

<sup>155</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx212, pages 4 to 5.

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 as of February 2003.

**Applicant** [REDACTED]<sup>156</sup>

### **Claim to victim status**

The applicant states that on 27 February 2003, when the Banyamulengués occupied [REDACTED] she fled from her house, located in the [REDACTED] area, and took refuge in the fields. She claims that the Banyamulengués established their base in [REDACTED] for two weeks and took her belongings. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>157</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 in the [REDACTED] area of [REDACTED] on an unspecified date as of 27 February 2003.

<sup>156</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx213; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 326 to 327.

<sup>157</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx213, pages 4 to 5.

Applicant [REDACTED]<sup>158</sup>

### **Claim to victim status**

The applicant states that in 2003, when the Banyamulengués occupied [REDACTED] she fled from her house, located in the [REDACTED] village, and took refuge in the fields. She claims that the Banyamulengués set up their base in [REDACTED] for more than two weeks and pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>159</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 (2003) is broad, and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in other respects, and notably the reference to the occupation of [REDACTED] by the Banyamulengués, and given that a number of applicants refer to the occupation of [REDACTED] and [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Therefore, 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 between 1 January and 15 March 2003.

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<sup>158</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx215; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 328 to 329.

<sup>159</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx215, pages 4 to 5.

Applicant [REDACTED]<sup>0</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she fled from her house, located in the [REDACTED] village, to the fields. She contends that the Banyamulengués set up their base in [REDACTED] for more than two weeks and pillaged her belongings, which she lists. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>161</sup>

### **Analysis and conclusions**

The Chamber notes a discrepancy of twenty days between the date of birth as appearing in the application form and on the birth certificate 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 of the view that this might be the result of inadvertent error in filling in the form 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 belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of February 2003.

<sup>160</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx216; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 330 to 331.

<sup>161</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx216, pages 4 to 5.

Applicant [REDACTED]<sup>2</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] she was selling goods at the market located in the village of [REDACTED] and when she heard gunshots, she ran to her house. She declares that upon her arrival, she found her fifteen-year-old daughter being raped by the Banyamulengués. She alleges that when they saw her, two of them pushed her to the floor and raped her. She states that she has had a poor health since then. She contends that at the time, her husband was away on a business trip to Bangui. She adds that the Banyamulengués established their base in [REDACTED] for more than one month. Furthermore, she claims that they took her belongings, which she lists. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>163</sup>

### **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 and kinship with her daughter, only the applicant's rape and 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 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

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<sup>162</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx217; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 332 to 333.

<sup>163</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx217, pages 4 to 5 and 8 to 9.

Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of February 2003.

**Applicant** [REDACTED]<sup>164</sup>

### **Claim to victim status**

The applicant states that when the Banyamulengués occupied the [REDACTED] area of [REDACTED] he had to flee to the fields. The applicant contends that they set up their base in [REDACTED] for three days and took his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>165</sup>

### **Analysis and conclusions**

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

The Chamber notes that the applicant states that he does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the occupation of [REDACTED] by the Banyamulengués, and given that a number of applicants refer to the occupation of [REDACTED] and the [REDACTED] area by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Therefore, 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

<sup>164</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx218; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 334 to 335.

<sup>165</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx218, pages 4 to 5.

belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]<sup>166</sup>

### **Claim to victim status**

The applicant states that on 27 February 2003, when the Banyamulengués occupied [REDACTED] she heard gunshots and her father got hit by a stray bullet. She states that she fled with her father and her children to the fields, where her father died two days later. She further alleges that while in the fields they ran out of drinking water and one of her children, who was twelve months old, died of malaria. The applicant alleges that the Banyamulengués set up their base in front of the town hall for more than one month and pillaged her belongings and livestock. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>167</sup>

### **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 and kinship with her father, 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the

<sup>166</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx219; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 336 to 337.

<sup>167</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx219, pages 4 to 5 and 8.

accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 February 2003.

**Applicant** [REDACTED]<sup>168</sup>

### **Claim to victim status**

The applicant states that on 27 February 2003, when the Banyamulengués occupied [REDACTED] he heard gunshots and he fled from his home, located in [REDACTED] together with his family and took refuge in the fields. He states that the Banyamulengués set up their base in [REDACTED] and after intercepting him in the fields, they told him to make a coffin, which he did. The applicant further submits that they took his belongings and his tools and materials. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>169</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 as of 27 February 2003.

<sup>168</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx220; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 338 to 339.

<sup>169</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx220, pages 4 to 5 and 8.

Applicant [REDACTED]<sup>170</sup>

### **Claim to victim status**

The applicant states that in February 2003, when the Banyamulengués occupied [REDACTED] she had to flee from her house, located in [REDACTED] to take refuge in the fields. She claims that they set up their base in [REDACTED] for more than one month and pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>171</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 in [REDACTED] on an unspecified date as of February 2003.

Applicant [REDACTED]<sup>172</sup>

### **Claim to victim status**

The applicant states that in February 2003, when Jean-Pierre Bemba's militiamen arrived in [REDACTED] shooting with their guns, he fled from his house, located in [REDACTED] to take refuge in the fields. He states that the Banyamulengués set up their base in [REDACTED] for more than one month and pillaged his belongings. The

<sup>170</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx221; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 340 to 341.

<sup>171</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx221, pages 4 to 5.

<sup>172</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx222; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 342 to 343.

applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>173</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 as of February 2003.

### **Applicant [REDACTED]<sup>174</sup>**

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

The applicant states that on 14 February 2003, when the militiamen of Jean-Pierre Bemba occupied [REDACTED] she fled from her village, [REDACTED] to the fields. She claims that they set up their base in [REDACTED] for one week and pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>175</sup>

### **Analysis and conclusions**

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

<sup>173</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx222, pages 4 to 5 and 8.

<sup>174</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx223; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 344 to 345.

<sup>175</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx223, pages 4 to 5.

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] Sibut on an unspecified date as of 14 February 2003.

Applicant [REDACTED]<sup>176</sup>

### Claim to victim status

The applicant states that in February, when the Banyamulengués occupied [REDACTED] he fled from his village, [REDACTED] to the fields. He alleges that the Banyamulengués set up their base in [REDACTED] for more than two weeks and pillaged his belongings, which he lists. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>177</sup>

### Analysis and conclusions

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

The Chamber notes that the applicant merely states that the alleged events occurred in February without indicating the day and the year. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués and given that a number of applicants refer to the occupation of [REDACTED] and [REDACTED] by the Banyamulengués in February 2003, the Chamber infers from the application that the alleged events occurred in February 2003. Therefore, the Chamber

<sup>176</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx224; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 346 to 347.

<sup>177</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx224, pages 4 to 5.

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 as of February 2003.

**Applicant** [REDACTED]<sup>178</sup>

### **Claim to victim status**

The applicant states that in 2003, when the Banyamulengués occupied [REDACTED] she had to flee to the bush. She alleges that while fleeing, she was intercepted by the Banyamulengués who asked her for money, searched her clothes and took the money and belongings she had on her and then let her go. She claims that the Banyamulengués set up their base in her village, [REDACTED] located [REDACTED] kilometres from [REDACTED] for more than one month. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>179</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 (2003) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués and given that a

<sup>178</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx225; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 348 to 349.

<sup>179</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx225, pages 4 to 5.

number of applicants refer to the occupation of [REDACTED] and [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Therefore, 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 between 26 October 2002 and 15 March 2003.

**Applicant** [REDACTED]<sup>180</sup>

**Claim to victim status**

The applicant states that before March 2003, when the Banyamulengués occupied his village, [REDACTED] located in the area of [REDACTED] he was forced to flee to the fields, together with his family. He alleges that the Banyamulengués established their base in the village of [REDACTED] for two days and pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>181</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 (before March 2003) is broad and, as such, might fall outside the temporal scope of the present case.

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<sup>180</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx226; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 350 to 351.

<sup>181</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx226, pages 4 to 5.

Nevertheless, the Chamber considers that, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the occupation by the Banyamulengués of [REDACTED] and [REDACTED] and given that a number of applicants refer to the occupation of [REDACTED] and [REDACTED] in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude 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 26 October 2002 and 15 March 2003.

#### **Applicant** [REDACTED]<sup>182</sup>

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

The applicant states that in 2003, the Banyamulengués occupied her village, [REDACTED] located in the area of [REDACTED] for one week. She claims that she was driven by fear and she and her family fled to the bush. The applicant alleges that her belongings were pillaged and she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>183</sup>

#### **Analysis and conclusions**

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

<sup>182</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx227; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 352 to 353.

<sup>183</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx227, pages 4 to 5.

The Chamber notes that the date provided by the applicant (2003) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the occupation by the Banyamulengués of [REDACTED] and [REDACTED] and given that a number of applicants refer to the occupation of [REDACTED] and [REDACTED] in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Therefore, 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 between 1 January and 15 March 2003.

#### Applicant [REDACTED]<sup>184</sup>

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

The applicant states that in February, when the Banyamulengués occupied [REDACTED] he heard gunshots and fled from the area, leaving all his belongings behind. He adds that the Banyamulengués occupied [REDACTED] during four days and set up their base in [REDACTED] for a week. The applicant adds that his belongings were pillaged and he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>185</sup>

##### **Analysis and conclusions**

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<sup>184</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx228; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 354 to 355.

<sup>185</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx228, pages 4 to 5.

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

The Chamber notes that the applicant merely states that the alleged events occurred in February, without indicating the day and the year. However, in light of the intrinsic coherence of the application in all other respects, and given that a number of applicants refer to the occupation of [REDACTED] and [REDACTED] by the Banyamulengués in February 2003, the Chamber infers from the application that the alleged events occurred in February 2003. Therefore, 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 as of February 2003.

**Applicant** [REDACTED]<sup>186</sup>

### **Claim to victim status**

The applicant states that on 3 March 2003, when the Banyamulengués occupied [REDACTED] he fled to take refuge in the fields. The applicant alleges that the Banyamulengués occupied the village for three months and that his belongings as well as his father's belongings were pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>187</sup>

### **Analysis and conclusions**

<sup>186</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx229; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 356 to 357.

<sup>187</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx229, pages 4 to 5.

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 personal belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 3 March 2003.

**Applicant** [REDACTED]<sup>188</sup>

**Claim to victim status**

The applicant states that on 27 February 2003, when the Banyamulengués occupied [REDACTED] for more than one month, he and his family fled and took refuge in the fields. The applicant alleges that his belongings were pillaged and he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>189</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 as of 27 February 2003.

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<sup>188</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx230; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 358 to 359.

<sup>189</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx230, pages 4 to 5.

Applicant [REDACTED]<sup>190</sup>

### **Claim to victim status**

The applicant states that on 27 February 2003, the Banyamulengués occupied the village of [REDACTED] located in the area of [REDACTED] for two weeks and he and his family fled and took refuge in the fields. The applicant alleges that his belongings were pillaged and he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>191</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 as of 27 February 2003.

Applicant [REDACTED]<sup>192</sup>

### **Claim to victim status**

The applicant states that on 27 February 2003, the Banyamulengués occupied [REDACTED] and set up their base there for one month. The applicant claims that she fled together with her family and took refuge in the fields. She adds that she lost

<sup>190</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx231; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 360 to 361.

<sup>191</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx231, pages 4 to 5.

<sup>192</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx232; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 362 to 363.

one of her sons during the events and has not been able to find him until today. The applicant further alleges that her belongings and livestock were pillaged and she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>193</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 in [REDACTED] on an unspecified date as of 27 February 2003.

### **Applicant [REDACTED]**<sup>194</sup>

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

The applicant states that on 27 February 2003, the Banyamulengués occupied [REDACTED] located [REDACTED] kilometres from [REDACTED] for more than one month. She claims that when she heard gunshots, she fled together with her family and took refuge in the fields. The applicant alleges that her belongings were pillaged and she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>195</sup>

### **Analysis and conclusions**

<sup>193</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx232, pages 4 to 5 and 8.

<sup>194</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx233; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 364 to 365.

<sup>195</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx233, pages 4 to 5.

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 27 February 2003.

**Applicant** [REDACTED]<sup>196</sup>

### **Claim to victim status**

The applicant states that in February 2003, the Banyamulengués occupied the [REDACTED] area of [REDACTED] and set up their base there for two weeks. The applicant claims that he heard gunshots and fled to take refuge in the fields. He further alleges that his belongings were pillaged and he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>197</sup>

### **Analysis and conclusions**

The Chamber notes a discrepancy of eleven years between the year of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the day and month of birth and the remainder of the information provided in the birth certificate are consistent with the data entered in the application form, and given that the year of birth appearing on the electoral card is inconsistent with the minimum age for registration in the electoral list, the Chamber is of the view that the discrepancy might be the result

<sup>196</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx234; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 366 to 367.

<sup>197</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx234, pages 4 to 5.

of inadvertent error in the electoral card 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 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 as of February 2003.

**Applicant** [REDACTED]<sup>198</sup>

### **Claim to victim status**

The applicant states that in February 2003, the Banyamulengués occupied [REDACTED] [REDACTED] for one month. He claims that he heard gunshots and fled to take refuge in the fields. The applicant further alleges that they pillaged his belongings and his livestock, as well as his wife's and his father's belongings. The applicant lists his loss. As a result of these alleged events, the applicant claims to have suffered material harm.<sup>199</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

<sup>198</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx235; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 368 to 369.

<sup>199</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx235, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of February 2003.

**Applicant** [REDACTED]<sup>200</sup>

### **Claim to victim status**

The applicant states that in February 2003, the Banyamulengués occupied the village of [REDACTED] located in [REDACTED] for one week. He claims that when he heard gunshots, he fled together with his family and took refuge in the fields. The applicant alleges that his belongings were pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>201</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 as of February 2003.

**Applicant** [REDACTED]<sup>202</sup>

### **Claim to victim status**

<sup>200</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx236; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 370 to 371.

<sup>201</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx236, pages 4 to 5.

<sup>202</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx237; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 372 to 373.

The applicant states that in February 2003, the Banyamulengués occupied the village of [REDACTED] located in [REDACTED] for more than one month. The applicant alleges that they found him at his house with his family and grabbed him, threw him on the floor, hold him at gunpoint and raped his wife and a young girl. He claims that the young girl died five months later. The applicant further alleges that his belongings were pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>203</sup>

### **Analysis and conclusions**

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with his wife and the girl, 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 in [REDACTED] on an unspecified date in February 2003.

**Applicant** [REDACTED]<sup>204</sup>

### **Claim to victim status**

The applicant states that in February 2003, the Banyamulengués occupied [REDACTED] and he fled to the fields after hearing loud shots. He adds that they set up their base in [REDACTED] for three weeks. The applicant claims that his belongings and

<sup>203</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx237, pages 4 to 5 and 13.

<sup>204</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx238; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 374 to 375.

livestock were pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>205</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 as of February 2003.

**Applicant** [REDACTED]<sup>206</sup>

### **Claim to victim status**

The applicant states that in February 2003, the Banyamulengués occupied [REDACTED] and after hearing gunshots, she fled from her house, together with her children, and took refuge in the fields. According to the applicant, her belongings were pillaged. She appends a document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>207</sup>

### **Analysis and conclusions**

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

<sup>205</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx238, pages 4 to 5.

<sup>206</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx239; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 376 to 377.

<sup>207</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx239, pages 4 to 5 and 8.

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 February 2003.

**Applicant** [REDACTED]<sup>208</sup>

### **Claim to victim status**

The applicant states that in 2003, when she had fled to the fields together with her children, the Banyamulengués broke into her house, located in [REDACTED] and pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>209</sup>

### **Analysis and conclusions**

The Chamber notes a discrepancy of two months between the date of birth as appearing in the application form and on the electoral card attached thereto. However, given that the remainder of the information provided in the electoral 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 in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that the date provided by the applicant (2003) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, and notably

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<sup>208</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx240; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 378 to 379.

<sup>209</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx240, pages 4 to 5.

the reference to the occupation of [REDACTED] and [REDACTED] by the Banyamulengués, and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Therefore, 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 between 1 January and 15 March 2003.

**Applicant** [REDACTED]<sup>210</sup>

**Claim to victim status**

The applicant states that in February 2003, the Banyamulengués broke down the door to her house, located in the [REDACTED] area, where she was hiding with her children. She claims that they beat her, raped her, and tied her arms together. She further states that the Banyamulengués set up their base for three days at the crossroad between [REDACTED] and [REDACTED]. The applicant further alleges that they pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>211</sup>

**Analysis and conclusions**

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

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<sup>210</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx241; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 380 to 381.

<sup>211</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx241, pages 4 to 5 and 8.

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 the [REDACTED] area of [REDACTED] on an unspecified date in February 2003.

**Applicant** [REDACTED]<sup>212</sup>

**Claim to victim status**

The applicant states that in February 2003, the village of [REDACTED] was occupied by the Banyamulengués for a period of two weeks and he fled to the bush. He states that during his absence, his house was pillaged by the Banyamulengués. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>213</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 as of February 2003.

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<sup>212</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx242; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 382 to 383.

<sup>213</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx242, pages 4 to 5.

**Applicant** [REDACTED]<sup>214</sup>**Claim to victim status**

The applicant states that between 2002 and 2003, when the Banyamulengués occupied [REDACTED] he fled from his house, located in the [REDACTED] area, to take refuge in the fields. He states that during his absence, his house was pillaged by the Banyamulengués. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>215</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 (between 2002 and 2003) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the occupation of [REDACTED] by the Banyamulengués, and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Therefore, 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 26 October 2002 and 15 March 2003.

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<sup>214</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx243; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 384 to 385.

<sup>215</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx243, pages 4 to 5.

**Applicant** [REDACTED]<sup>216</sup>

**Claim to victim status**

The applicant states that between 25 October 2002 and 2003, when Jean-Pierre Bemba's militiamen occupied [REDACTED] he fled to the bush together with his family. He further alleges that the Banyamulengués occupied [REDACTED] for a period of one month and pillaged his belongings, which he lists. As a result of the alleged events, the applicant claims to have suffered material harm.<sup>217</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 (between 25 October 2002 and 2003) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the occupation of [REDACTED] [REDACTED] by the Banyamulengués, and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude 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

<sup>216</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx244; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 386 to 387.

<sup>217</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx244, pages 4 to 5.

Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

**Applicant** [REDACTED]<sup>218</sup>

### **Claim to victim status**

The applicant states that in 2003, before the Ramadan and after the invasion of [REDACTED] by the Banyamulengués' troops, she fled and sought refuge in the bush, together with her family. According to the applicant, when they tried to go back home, they were intercepted by a group of Banyamulengués who threatened them. She states that three soldiers raped her in front of her family. She adds that at the time of the alleged events, she was sixteen years old. The applicant claims that upon their return, they found that their property had been completely pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.<sup>219</sup>

### **Analysis and conclusions**

The Chamber notes that the applicant does not provide a precise date of birth and that the age indicated in the application form is inconsistent with the age indicated in the electoral card alleged thereto. However, this discrepancy might be due to the fact that the person who assisted the applicant in filling in the form failed to take into account the date of issuance of the electoral card. Given that the age provided in the NGO membership card corresponds, approximately, to the applicant's claim that at the time of the events, she was sixteen years old, the

<sup>218</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx258; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 234 to 235.

<sup>219</sup> ICC-01/05-01/08-1884-Conf-Exp-Anx258, pages 9 to 11.

Chamber is of the view that such discrepancy should not serve to exclude the applicant.

The Chamber further notes that the date provided by the applicant (in 2003, before the Ramadan – which took place in November 2003 – and after the Banyamulengués' troops invaded [REDACTED]) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in other respects, and notably the reference to the Banyamulengués' attack on [REDACTED] which, according to a number of applicants, occurred in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Therefore, 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 an unspecified date between 26 October 2002 and 15 March 2003.