

ANNEX C

Group C: Boali, Bossembélé, Bossangoa, Bozoum

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

Applicant ██████████

Claim to victim status

The applicant states that the Banyamulengués invaded ██████████ and on 12 February 2003 they came to his compound, located in the ██████████ area, and pillaged his belongings. The applicant states that ten cattle were shot dead in the camp located ██████████ kilometre away from the town. 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.²

Analysis and conclusions

The Chamber notes a discrepancy of twenty years between the date of birth as appearing in the application form and on the transcription of the *jugement supplétif d'acte de naissance* attached thereto, as well as a discrepancy of two years between the *jugement supplétif d'acte de naissance* and the date of birth as written on the document listing the loss as appended by the applicant. In the absence of any explanation for these discrepancies, the application for participation in the proceedings is rejected.

¹ ICC-01/05-01/08-1854-Conf-Exp-Anx1; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 189 to 190.

² ICC-01/05-01/08-1854-Conf-Exp-Anx1, pages 4 to 5 and 9.

Applicant [REDACTED]

Claim to victim status

The applicant states that in February 2003, the Banyamulengués attacked [REDACTED] shooting at the people who were fleeing and pillaging houses. According to the applicant, they stayed in the area for one week. The applicant adds that she fled to the fields, twelve kilometres away from her house, located in the [REDACTED] area of [REDACTED]. Since it was difficult to go back because the soldiers were pillaging, she states that she decided to go to Bangui. The applicant states that her belongings were pillaged and that her husband was so affected by the events that he later died. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴

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 February 2003.

Applicant [REDACTED]

³ ICC-01/05-01/08-1854-Conf-Exp-Anx13; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 191 to 192.

⁴ ICC-01/05-01/08-1854-Conf-Exp-Anx13, pages 4 to 5.

⁵ ICC-01/05-01/08-1854-Conf-Exp-Anx97; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 193 to 194.

Claim to victim status

The applicant claims that on 8 March 2003, on his way from Bangui to [REDACTED] he was intercepted by Mr Bemba's Banyamulengués at the exit of [REDACTED] located [REDACTED] kilometres away from [REDACTED]. The applicant states that the Banyamulengués held him at gunpoint and pillaged his vehicle with his belongings inside. The applicant states that he walked to [REDACTED] where the Banyamulengués had established their headquarters, and complained to their superior, but that he was ignored. The applicant further states that two months after the events of 15 March 2003, he found his vehicle seriously damaged and being towed by a military truck. As a result of the alleged events, the applicant claims to have suffered material harm.⁶

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 8 March 2003.

Applicant [REDACTED]

Claim to victim status

⁶ ICC-01/05-01/08-1854-Conf-Exp-Anx97, pages 4 to 5 and 8 to 10.

⁷ ICC-01/05-01/08-1854-Conf-Exp-Anx103; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 195 to 196.

The applicant claims that during the events of 2002 and 2003, when Mr Bemba's soldiers arrived in [REDACTED] committing pillage and inflicting inhumane acts on the entire population, he fled to the bush together with his family. The applicant states that they pillaged his livestock. The applicant further states that, on 8 March 2003, the Mai-Mai soldiers came to [REDACTED] and pillaged his belongings. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁸

Analysis and conclusions

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

The Chamber notes that the applicant does not indicate a precise date for the alleged pillage of his livestock (during the events of 2002 and 2003). However, taking into account the intrinsic coherence of the application in all other respects, notably the fact that the applicant identified the alleged perpetrators as the Banyamulengués, the Chamber is of the view that the alleged events fall within the temporal scope of the present case and that the failure to provide a precise date 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] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]

⁸ ICC-01/05-01/08-1854-Conf-Exp-Anx103, pages 4 and 8 to 9.

⁹ ICC-01/05-01/08-1854-Conf-Exp-Anx109; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 197 to 198.

Claim to victim status

The applicant claims that on 29 November 2002, on his way back to Bangui from a trip to [REDACTED] when he arrived in [REDACTED] the vehicle he was travelling in was intercepted by the Banyamulengués who pillaged his luggage and documents. The applicant states that one week, later he found that his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] had been completely pillaged. The applicant values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁰

Analysis and conclusions

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

The Chamber notes that applicant does not provide any precise date for the alleged pillage of his house and merely states that he was absent and only found out that his house had been looted one week after 29 November 2002. The Chamber further notes that the applicant does not specify the length of the period he spent in [REDACTED] and was thus absent from his house. In the absence of any such information, the Chamber is not in the position to determine whether the alleged pillage of his house falls under the temporal scope of the present case, and therefore, only the incident of 29 November 2002 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

¹⁰ ICC-01/05-01/08-1854-Conf-Exp-Anx109, pages 4 and 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 29 November 2002.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant is a [REDACTED] and service firm that, at the time of alleged events, had obtained a license to [REDACTED] [REDACTED]. The application is introduced by the firm's assistant CEO who was authorized by the CEO to represent the firm in the proceedings before the International Criminal Court.

It is stated that on 24 November 2002, in [REDACTED] the Banyamulengués intercepted the firm's lorry that was transporting the [REDACTED] material for [REDACTED] from [REDACTED] to Bangui. It is stated that they took the lorry away and drove it to an unknown destination. The loss is listed and valued. As a result of the alleged events, it is claimed that the applicant organisation has suffered material harm.¹²

Analysis and conclusions

The Chamber notes that the documents provided demonstrate the identity of the [REDACTED] firm and the person submitting the application as well as his legal standing to introduce the application on behalf of the institution. However, having examined the application as a whole, the Chamber notes that the mission of the organisation does not fall under the scope of Rule 85(b) of the Rules. Therefore, the application for participation in the proceedings is rejected.

¹¹ ICC-01/05-01/08-1854-Conf-Exp-Anx110; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 199 to 200.

¹² ICC-01/05-01/08-1854-Conf-Exp-Anx110, pages 3 to 5 and 8 to 12.

Applicant [REDACTED]³

Claim to victim status

The applicant claims that on 24 November 2002, on her way back to Bangui from [REDACTED] where she had visited her older brother, the Banyamulengués intercepted her on national road 1 in [REDACTED]. The applicant states that they pillaged her belongings, food provisions and money. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴

Analysis and conclusions

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

The Chamber 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 24 November 2002.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that on 25 November 2002, when Jean-Pierre Bemba's MLC troops, who came from the other side of the river, were speaking Lingala and were reported to be cannibals, arrived in [REDACTED] [REDACTED] he fled from the area. According to the applicant, upon his return, around 17 March 2003, after

¹³ ICC-01/05-01/08-1854-Conf-Exp-Anx111; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 201 to 202.

¹⁴ ICC-01/05-01/08-1854-Conf-Exp-Anx111, pages 4 to 5.

¹⁵ ICC-01/05-01/08-1854-Conf-Exp-Anx169; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 203 to 204.

Mr Bozizé returned to power, he found that his belongings and money had been pillaged. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁶

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 25 November 2002.

Applicant [REDACTED]¹⁷

Claim to victim status

The applicant states that on 25 November 2002, when Jean-Pierre Bemba's MLC troops, who came from the DRC, were speaking Lingala and were reported to be cannibals, arrived in [REDACTED] [REDACTED] he fled to his neighbours' house to obtain more information about the aggressors. He further contends that he fled together with his family to [REDACTED] According to the applicant, upon his return to [REDACTED] on 21 March 2003, after Mr Bozizé returned to power, he found that his belongings and livestock had been pillaged. The applicant appends a

¹⁶ ICC-01/05-01/08-1854-Conf-Exp-Anx169, pages 4 to 5, 8 and 10.

¹⁷ ICC-01/05-01/08-1854-Conf-Exp-Anx170; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 205 to 206.

document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁸

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 25 November 2002.

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that on 25 November 2002, when Jean-Pierre Bemba's MLC troops, who came from DRC, were speaking Lingala and were reported to be cannibals, arrived in [REDACTED] [REDACTED] they fought against Mr Bozizé's troops. The applicant alleges that he fled to his uncle's house to obtain more information about the aggressors. He further contends that after obtaining some information about the identity of Mr Bemba's troops, he fled together with his mother to the bush, where they stayed until 16 March 2003. According to the applicant, upon his return to [REDACTED] he found that his house, located in the [REDACTED] area, had been burned down with documents and furniture inside and

¹⁸ ICC-01/05-01/08-1854-Conf-Exp-Anx170, pages 4 to 5, 8 and 10.

¹⁹ ICC-01/05-01/08-1854-Conf-Exp-Anx171; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 207 to 208.

his livestock had been pillaged. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰

Analysis and conclusions

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

The Chamber 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.²¹ In the present case, the applicant states that he lost all his belongings due to the burning of his house, except his livestock that was pillaged. Due to this indication that his livestock was pillaged, 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 on an unspecified date as of 25 November 2002.

Applicant [REDACTED]²²

Claim to victim status

The applicant states that on 25 November 2002, when Jean-Pierre Bemba's Banyamulengués, who came from the other side of the river, were speaking

²⁰ ICC-01/05-01/08-1854-Conf-Exp-Anx171, pages 4 to 5, 8 and 10.

²¹ ICC-01/05-01/08-1017, paragraph 56.

²² ICC-01/05-01/08-1854-Conf-Exp-Anx172; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 209 to 210.

Lingala and were reported to be cannibals, arrived in [REDACTED] [REDACTED] he fled from the area. According to the applicant, upon his return to [REDACTED] around 20 March 2003, after the *sursaut patriotique*, 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.²³

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 on an unspecified date as of 25 November 2002.

Applicant [REDACTED]²⁴

Claim to victim status

The applicant states that on 25 November 2002, when Jean-Pierre Bemba's Banyamulengués, who came from the DRC, did not speak Sango and were reported to be cannibals, arrived in [REDACTED] [REDACTED] she fled to the bush. According to the applicant, upon her return to [REDACTED] in March 2003, after the *sursaut patriotique*, she found that her belongings and livestock had been

²³ ICC-01/05-01/08-1854-Conf-Exp-Anx172, pages 4 to 5 and 9 to 10.

²⁴ ICC-01/05-01/08-1854-Conf-Exp-Anx173; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 211 to 212.

pillaged. The applicant appends a document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁵

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 on an unspecified date as of 25 November 2002.

Applicant [REDACTED]²⁶

Claim to victim status

The applicant states that on 10 February 2003, when the Banyamulengués who were chasing Mr Bozizé's rebels arrived in [REDACTED] they pillaged and destroyed all his property, including his vehicle and livestock. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁷

Analysis and conclusions

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

²⁵ ICC-01/05-01/08-1854-Conf-Exp-Anx173, pages 4 to 5 and 9 to 10.

²⁶ ICC-01/05-01/08-1854-Conf-Exp-Anx178; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 213 to 214.

²⁷ ICC-01/05-01/08-1854-Conf-Exp-Anx178, 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 10 February 2003.

Applicant [REDACTED]²⁸

Claim to victim status

The applicant states that on 24 November 2002, on their way back from [REDACTED] his two trucks, one of which he was driving, were intercepted by the Banyamulengués in [REDACTED]. According to the applicant, all his belongings and those of the other driver and of the passengers were pillaged. The applicant lists and valued his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁹

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 24 November 2002.

²⁸ ICC-01/05-01/08-1854-Conf-Exp-Anx183; ICC-01/05-01/08-1856-Conf-Exp-Anx3, pages 215 to 216.

²⁹ ICC-01/05-01/08-1854-Conf-Exp-Anx183, pages 4 to 5.

○ **Fifteenth transmission - ICC-01/05-01/08-1886-Conf-Exp-Anxs**

Applicant [REDACTED]³⁰

Claim to victim status

The applicant states that on 19 February 2003, the Banyamulengués came to [REDACTED] and shot dead her husband, who was trying to flee. She further alleges that she fled to the bush to hide. She claims that while she was in the bush, the Banyamulengués burnt one of her two houses that was made out of straw. In a document appended to the application, the applicant lists the items pillaged during the events. In this document, it is specified that her bed linen and kitchen utensils have been burned and that her goats have been pillaged. The applicant further appends a declaration of death signed and stamped by the *chef de quartier*, confirming that her husband died on [REDACTED] February 2003. As a result of the alleged events, the applicant claims to have suffered material harm.³¹

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the documents provided failed to demonstrate the identity of and kinship with her husband, and that the harm suffered by the applicant was the result of the

³⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx3; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 389 to 390.

³¹ ICC-01/05-01/08-1884-Conf-Exp-Anx3, pages 9 to 11 and 25 to 26.

burning of her house which is not related to the charges confirmed against the accused.³²

As the applicant subsequently submitted a death certificate signed and stamped by the *chef de quartier* which indicates that the applicant was the wife of the deceased, the Chamber is satisfied that the identity of and kinship with her husband is sufficiently demonstrated. The Chamber further notes that in the original application, it is stated that the events occurred on 19 February 2003, while in the death certificate appended to the application, it is indicated that her husband died on ■ February 2003. However, in light of the proximity of the two dates and given that the alleged events occurred over eight years ago, the Chamber is of the view that this discrepancy should not serve to exclude the applicant's claim.

However, the Chamber notes a series of inconsistencies in the original application and the document subsequently submitted concerning the circumstances of the loss of the applicant's property. While it is stated in the original application that the applicant lost six goats and eighteen metal plates, it is stated in the document subsequently provided that she lost twelve goats and fifty metal plates. The Chamber is of the view that these inconsistencies undermine the intrinsic coherence of the application and the credibility of the applicant. As a consequence, only the murder of the applicant's husband will be considered for the purpose of the present assessment.

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

³² ICC-01/05-01/08-1017-Conf-Exp-AnxC, pages 38 to 39.

confirmed against the accused, namely the murder of her husband by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 19 or 20 February 2003.

Applicant [REDACTED]³³

Claim to victim status

The applicant states that on 8 March 2003, as he could no longer endure the sound of gunfire, he fled from his house, located in [REDACTED] to the bush. He claims that during his absence, the Banyamulengués pillaged his property and livestock. The applicant states that at the time, the Banyamulengués took control over the area of [REDACTED] and only left after clashes with the regular forces. 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.³⁴

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 8 March 2003.

Applicant [REDACTED]³⁵

³³ ICC-01/05-01/08-1884-Conf-Exp-Anx21; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 397 to 398.

³⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx21, pages 4 to 5 and 9.

³⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx23; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 399 to 400.

Claim to victim status

The applicant states that on 12 February 2003, around ten Banyamulengués entered his house, located in the [REDACTED] area of [REDACTED] and started shooting in the air. According to the applicant, they pillaged his belongings and his livestock. 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.³⁶

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 12 February 2003.

Applicant [REDACTED]³⁷

Claim to victim status

The applicant states in the application form that in January 2003, Mr Bemba's Banyamulengués invaded her house, located in [REDACTED]. She adds that they were armed and demanded a sum of one million while others pillaged her belongings. She recalls that they were speaking Lingala and one spoke French. However, in a document appended to the application form, it is stated that on 8 March 2003, the applicant fled from her house and when she returned on 15

³⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx23, pages 4 to 5 and 10.

³⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx24; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 401 to 402.

March 2003, she found that her belongings and part of her livestock had been pillaged. The applicant appends a document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁸

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.

The Chamber also notes a series of discrepancies in the application form and in the document appended to the form. While in the application form it is stated that the events occurred in January 2003, the document appended to the application indicates that the events occurred on 8 March 2003. In addition, in the application it is stated that the Banyamulengués came to the applicant’s house, demanded money and pillaged her belongings in her presence. In the document appended to the application, on the other hand, it is indicated that the applicant fled from her house and when she returned on 15 March 2003, she found that her belongings and part of her livestock had been pillaged. In the absence of any explanation for these inconsistencies, the Chamber is of the view that the discrepancies undermine the credibility of the applicant and the application for participation in the proceedings is rejected.

Applicant [REDACTED]³⁹

³⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx24, pages 4 to 5 and 9.

³⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx25; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 403 to 404.

Claim to victim status

The applicant states that from February 2003 to 8 March 2003, Mr Bemba's men occupied [REDACTED]. He states that on 8 March 2003, he fled to the bush and they pillaged his house in his absence. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁰

Analysis and conclusions

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

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 8 March 2003.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant states that on 18 February 2003, Jean-Pierre Bemba's men pillaged her house, located in [REDACTED]. She further states that the Banyamulengués broke into her house and threatened her with a gun until she gave them all her money. She alleges that they subsequently pillaged her belongings and that she fled to the bush. According to the applicant, upon her return, she found that her goats had been killed. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴²

⁴⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx25, pages 4 to 5; ICC-01/05-01/08-1884-Conf-Exp-Anx26, page 8.

⁴¹ ICC-01/05-01/08-1884-Conf-Exp-Anx26; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 405 to 406.

⁴² ICC-01/05-01/08-1884-Conf-Exp-Anx26, pages 4 to 5 and 10.

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 18 February 2003.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant states that on 23 February 2003, Mr Bemba's soldiers broke into his house, located in [REDACTED] forced him and his family to leave using their guns and occupied the house until 8 March 2003. The applicant claims that upon their return, they found that all his belongings and livestock had been pillaged. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁴

Analysis and conclusions

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

⁴³ ICC-01/05-01/08-1884-Conf-Exp-Anx27; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 407 to 408.

⁴⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx27, pages 4 to 5 and 9.

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 23 February 2003 and 8 March 2003.

Applicant [REDACTED]⁴⁵

Claim to victim status

The applicant states that on 19 February 2003, upon the arrival of the Banyamulengués in [REDACTED] she fled leaving everything behind. She further states that, during her absence, they pillaged her belongings, including her livestock. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶

Analysis and conclusions

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

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 19 February 2003.

⁴⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx36; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 409 to 410.

⁴⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx36, pages 4 to 5.

Applicant [REDACTED]⁴⁷

Claim to victim status

The applicant states that in February 2003, in the [REDACTED] area of [REDACTED] three days after she gave birth to her baby, three of Mr Bemba's men raped her. She further states that they neglected her baby and pillaged her house. The applicant claims that she got tested and she is HIV positive. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁸

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 in February 2003.

Applicant [REDACTED]⁴⁹

Claim to victim status

The applicant states that on 19 February 2003, after hearing gunshots, he fled from the [REDACTED] area of [REDACTED] together with his family. He further states that

⁴⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx37; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 411 to 412.

⁴⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx37, pages 4 to 5.

⁴⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx38; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 413 to 414.

the Banyamulengués came to his house a few days later and 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.⁵⁰

Analysis and conclusions

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events and states that the alleged events occurred a few days after 19 February 2003 but also refers to March 2003 without specifying the day. The Chamber notes that the second date of the alleged events provided by the applicant could fall outside the scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the fact that the applicant identified the alleged perpetrators as the Banyamulengués, and given that other applicants referred to the attack of the Banyamulengués in ██████████ in February 2003, the Chamber is of the view that this discrepancy might be the result of inadvertent error in filling in the form and 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 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 ██████████ area of ██████████ on an unspecified date as of 19 February 2003.

Applicant ██████████⁵¹

⁵⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx38, pages 4 to 5.

⁵¹ ICC-01/05-01/08-1884-Conf-Exp-Anx39; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 415 to 416.

Claim to victim status

The applicant states that in February 2003, having heard that the Banyamulengués were coming to his area, he fled from his house to the bush, about eight kilometres away from [REDACTED]. The applicant contends that three days after the city of [REDACTED] was captured, the Banyamulengués found him and forced him to carry all their loot. The applicant further states that they pillaged his belongings and his livestock and killed his two oxen. He lists his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵²

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]⁵³

Claim to victim status

The applicant states that on 19 February 2003, he went to the weekly market of [REDACTED] located [REDACTED] kilometres away from [REDACTED]. According to the applicant,

⁵² ICC-01/05-01/08-1884-Conf-Exp-Anx39, pages 4 to 5 and 8.

⁵³ ICC-01/05-01/08-1884-Conf-Exp-Anx40; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 417 to 418.

four days after the city of ██████████ was captured, he fled to the bush, where he was found by the armed Banyamulengués, who threatened him and took his belongings. According to the applicant, upon his return, he found that his property had also been looted. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 ██████████ on an unspecified date as of 19 February 2003.

Applicant ██████████⁵⁵

Claim to victim status

The applicant states that on 19 February 2003, he was in his house, located in ██████████ when he heard the Banyamulengués shooting their weapons, which determined his family and him to flee to the bush. According to the applicant, three weeks after the city of ██████████ was captured, his daughter returned to their house and found that their belongings had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁶

⁵⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx40, pages 4 to 5 and 8.

⁵⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx41; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 419 to 420.

⁵⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx41, 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 19 February 2003.

Applicant [REDACTED]⁵⁷

Claim to victim status

The applicant states that on 19 February 2003, he fled from his house, located in [REDACTED] to the bush. According to the applicant, on 21 February 2003, when he returned to his house to get supplies along with other people, they caught sight of five armed men who were soldiers of Jean-Pierre Bemba. The applicant claims that they tried to escape but he got shot in the ankle and lost consciousness. According to the applicant, his family came to rescue him. He then states to have been treated by a traditional healer in the bush. The applicant claims that his belongings were pillaged and he lists his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁸

Analysis and conclusions

⁵⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx42; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 421 to 422.

⁵⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx42, pages 4 to 5 and 8.

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings and his attempted murder by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] between 19 February 2003 and 21 February 2003.

Applicant [REDACTED]⁵⁹

Claim to victim status

The applicant states that on the night of 19 February 2003, he rushed out of his house, located in [REDACTED] after he heard gun shots. According to the applicant, after three days of forced exodus with his family in the bush, he returned to his house to get supplies and he found that all his belongings had been pillaged. The applicant identifies Jean-Pierre Bemba and his men, the Banyamulengués, as responsible for the events. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁰

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

⁵⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx43; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 423 to 424.

⁶⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx43, 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 [REDACTED] between 19 February 2003 and 22 February 2003.

Applicant [REDACTED]⁶¹

Claim to victim status

The applicant states that in February 2003, upon the arrival of the Banyamulengués, he and his family fled from their house, located in [REDACTED] to the bush. According to the applicant, three days after the city of [REDACTED] was captured, six Banyamulengués found him in the bush, beat him up and took all the belongings he had in his possession. The applicant alleges that the men beat him until he lost consciousness. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶²

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.

⁶¹ ICC-01/05-01/08-1884-Conf-Exp-Anx44; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 425 to 426.

⁶² ICC-01/05-01/08-1884-Conf-Exp-Anx44, pages 4 to 5 and 8.

Applicant ██████████⁶³

Claim to victim status

The applicant states that in February 2003, when he was working in the fields he heard gunshots. He contends that when he returned to his house, located in ██████████ he found that the city had been captured and fled to the bush. The applicant claims that three days after having fled, the Banyamulengués came to the bush to look for the population. The applicant states that they found the place where the applicant and his family were hiding so they had to flee again. According to the applicant, the Banyamulengués took the belongings he left behind. As they fled, the applicant contends that his wife fell on their new born baby which led the baby to be paralyzed on one half of his body until today. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁴

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 ██████████ on an unspecified date in February 2003.

Applicant ██████████⁶⁵

⁶³ ICC-01/05-01/08-1884-Conf-Exp-Anx45; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 427 to 428.

⁶⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx45, pages 4 to 5 and 8.

⁶⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx46; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 429 to 430.

Claim to victim status

The applicant states that as of 19 February 2003, the Banyamulengués invaded [REDACTED]. Having heard that the Banyamulengués were coming, the night before [REDACTED] was captured, the applicant states that she and her husband fled to the bush. According to the applicant, four days later, her husband returned to their house and on his way, two armed men beat him and one of them hit him in the neck with a machete, which resulted in her husband losing consciousness and bleeding profusely. The applicant states that when her husband regained consciousness he returned to the bush. According to the applicant, two weeks after this event, on her way home, she met two armed men, who spoke to her in a language she did not understand, started undressing her and raped her. At the time, the applicant contends that she was seven months pregnant and she could not move for several hours after the rape. The applicant states that her husband died of his injuries and that she and her born child are sick. The applicant claims having had a medical examination showing she is HIV positive. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁶⁶

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 husband, only the applicant's rape 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

⁶⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx46, pages 4 to 5 and 8.

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 19 February 2003.

Applicant [REDACTED]⁶⁷

Claim to victim status

The applicant states that in February 2003, he was hunting when the Banyamulengués captured [REDACTED]. Fearing for his life, the applicant states that he did not want to go home and he also heard that his family had already fled to the bush. The applicant declares that after the takeover of François Bozizé, he returned to his home and noticed that his belongings had been taken. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁸

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]⁶⁹

⁶⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx47; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 431 to 432.

⁶⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx47, pages 4 to 5.

⁶⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx48; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 433 to 434.

Claim to victim status

The applicant states that on 19 February 2003, she fled together with her family and took refuge in the bush. She claims that the following day, on 20 February 2003, her older brother went back to their house, located in [REDACTED] and that he was killed by the Banyamulengués. The applicant states that when they heard about the murder, she went with some of her brothers to find his body in order to bury it, but on the way she was intercepted by five Banyamulengués and four of them raped her. She states that she is now stigmatized as being “the woman of the Banyamulengués”. She also claims to have been pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁰

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 brother, only pillage and the applicant’s rape 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 on and as of 19 February 2003 and 20 February 2003.

⁷⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx48, pages 4 to 5 and 8.

Applicant [REDACTED]⁷¹

Claim to victim status

The applicant states that on 19 February 2003, when he heard a group of Jean-Pierre Bemba's Banyamulengués firing their heavy weapons, he fled from [REDACTED] together with his family and hid in the bush. He states that two days later, his mother and him wanted to see whether it was safe to return to their house, when they came across five heavily armed men who were speaking Lingala. According to the applicant, they threatened to kill him if he fled and two of the rebels hit his mother. He adds that he was also beaten to the point where he was bleeding. He alleges that during this time, two of Jean-Pierre Bemba's men entered his house, pillaged his belongings and made him and his mother carry the loot. He adds that later seven Banyamulengués came and pillaged his livestock. The applicant lists and values his loss. The applicant also states that his mother died two months later as a result of the beating, which causes him to suffer severely. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷²

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 mother, 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

⁷¹ ICC-01/05-01/08-1884-Conf-Exp-Anx49; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 435 to 436.

⁷² ICC-01/05-01/08-1884-Conf-Exp-Anx49, pages 4 to 5 and 8.

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 19 February 2003.

Applicant [REDACTED]⁷³

Claim to victim status

The applicant states that in February 2003, they heard detonations going off which forced her family to hide in the bush. She claims that two days later, when she wanted to return to [REDACTED] with her husband to find provisions, they were intercepted by four armed Banyamulengués, who beat her husband causing him to be sick for a number of years afterwards and who eventually died, leaving her in charge of nine minors. She also claims that all her belongings were pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 in February 2003.

⁷³ ICC-01/05-01/08-1884-Conf-Exp-Anx50; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 437 to 438.

⁷⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx50, pages 4 to 5 and 8.

Applicant [REDACTED]⁷⁵

Claim to victim status

The applicant states that on 19 February 2003, he was in the fields when Jean-Pierre Bemba's Banyamulengués, came to his house, located in [REDACTED] and killed his younger son, which has caused him severe suffering. He states that he was not able to bury the body as this was done by the the Red Cross, who had come from Bangui. The applicant also claims that his belongings were pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷⁶

Analysis and conclusions

The Chamber notes the date of birth of the applicant as appearing in his electoral card is illegible. 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 the documents provided sufficiently demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with his son, 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 19 February 2003.

⁷⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx51; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 439 to 440.

⁷⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx51, pages 4 to 5.

Applicant [REDACTED]

Claim to victim status

The applicant states that while he was hunting, the Banyamulengués arrived in [REDACTED] and his family fled. According to the applicant, he did not return to his house until the Banyamulengués had left. He claims that upon his return, he found that his house had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁸

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any date for the alleged events. However, taking into consideration the intrinsic coherence of the application, notably the fact that the alleged perpetrators were identified as the Banyamulengués and that the alleged events took place in [REDACTED] where according to other applicants the alleged events 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. 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.

⁷⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx52; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 441 to 442.

⁷⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx52, pages 4 to 5 and 8.

Applicant ██████████⁷⁹

Claim to victim status

The applicant states that in February 2003, the potential arrival of Jean-Pierre Bemba's Banyamulengués in ██████████ caused him and his family to take refuge in the bush two days before the Banyamulengués occupied the city. He states that one month later, he went back to check on his house and found that his belongings and livestock had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸⁰

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 ██████████ on an unspecified date in and as of February 2003.

Applicant ██████████⁸¹

Claim to victim status

The applicant states that in February 2003, when cotton was being harvested and she was preparing to leave for the fields, she heard gunshots which forced her to

⁷⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx53; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 443 to 444.

⁸⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx53, pages 4 to 5 and 8.

⁸¹ ICC-01/05-01/08-1884-Conf-Exp-Anx54; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 445 to 446.

flee to the bush and abandon her house, located in [REDACTED]. She states that two weeks later, she returned to her house and found that her belongings and livestock had been pillaged by Jean-Pierre Bemba's Banyamulengués. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁸²

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 in February 2003.

Applicant [REDACTED]⁸³

Claim to victim status

The applicant states that in February 2003, when Jean-Pierre Bemba's Banyamulengués came to [REDACTED] the entire population fled to the bush. The applicant states that two days later, she and two of her brothers went back to town to determine the condition of their house when they came across a group of two armed women and one man. According to the applicant, they were forced to carry the loot back to the rebels' base. The applicant states that afterwards, her

⁸² ICC-01/05-01/08-1884-Conf-Exp-Anx54, pages 4 to 5 and 8.

⁸³ ICC-01/05-01/08-1884-Conf-Exp-Anx55; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 447 to 448.

belongings and livestock were pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁴

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 in and as of February 2003.

Applicant [REDACTED]⁸⁵

Claim to victim status

The applicant states that in February 2003, Jean-Pierre Bemba's men arrived in [REDACTED] and seven armed men speaking Lingala broke down the door of his house. He alleges that he was hiding under his bed and the rest of the family was hiding outside. The applicant claims that once the men found him under the bed, they rushed over and hit him on the head, and proceeded to stab him in the chest. However, he states that he was able to move quickly out of the way and only sustain a non life threatening chest injury. He alleges that the men proceeded to tie him up and pillage all of his belongings before leaving his house. He states that he then received a treatment for his wound in the bush. As a result of the

⁸⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx55, pages 4 to 5 and 8.

⁸⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx56; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 449 to 450.

alleged events, the applicant claims to have suffered physical, psychological and material harm.⁸⁶

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 his attempted murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]⁸⁷

Claim to victim status

The applicant states that in February 2003, he fled from his house, located in [REDACTED] under the gunshots of the Banyamulengués, who were speaking Lingala, and took refuge in the bush for one month. He adds that his daughter who was sick died in the bush due to lack of care. The applicant claims that upon his return, he found that his house and livestock had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁸

Analysis and conclusions

⁸⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx56, pages 4 to 5 and 8.

⁸⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx57; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 451 to 452.

⁸⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx57, 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 in and as of February 2003.

Applicant [REDACTED]⁸⁹

Claim to victim status

The applicant states that on 9 January 2003, she was in her shop, located in the [REDACTED] of [REDACTED] when a 4x4 vehicle transporting both armed men and women in uniform stopped in front of the shop. The applicant claims that the armed Banyamulengués started pillaging her shop. Furthermore, the applicant alleges that when she asked them what they were doing, she was slapped by a Banyamulengué woman. She adds that she and her aunt got struck to the floor by the armed women and raped by the men with the help of the Banyamulengué women who were keeping their legs apart. While they were being raped, the applicant contends that the other individuals took goods from the shop to put them in the car. The applicant declares that a person brought her and her aunt to her home to get treatments. She states that she got divorced from her husband as a consequence of the events. She appends a document dated 12 May 2003 which certifies that she is suffering from sexually transmitted diseases as well as a *procès verbal* dated 10 January 2003 that states the applicant was a victim of sexual violence and pillage on 9 January 2003. The looted items are

⁸⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx58; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 453 to 454.

listed and valued in the appended document. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁹⁰

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 aunt, only pillage and the rape of the applicant 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 9 January 2003.

Applicant [REDACTED]⁹¹

Claim to victim status

The applicant states that on 9 January 2003, she was in her niece's shop, located in the [REDACTED] of [REDACTED] when a vehicle transporting a total of eleven armed persons in uniform, seven men and four women, stopped in front of the shop. The applicant claims that she did not understand the language the armed individuals were speaking and that they were looking for money they could not find. Furthermore, the applicant alleges that she and her niece were slapped and stroke to the floor and that they were raped and hit by these individuals. She

⁹⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx58, pages 4 to 5 and 8 to 9.

⁹¹ ICC-01/05-01/08-1884-Conf-Exp-Anx59; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 455 to 456.

adds the women were holding their feet so that the men could rape them more easily. She also states that whenever she would cry and open her mouth, the women would spit in her mouth. While they were being raped, the applicant contends that the other individuals took goods from the shop to put them in the car. The applicant declares that a person brought her and her niece home to get indigenous treatments and afterwards she took medical examinations in Bangui. She appends a document which certifies that she is suffering from sexually transmitted diseases. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁹²

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 niece, only the rape of the applicant 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 by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 9 January 2003.

Applicant [REDACTED]⁹³

Claim to victim status

⁹² ICC-01/05-01/08-1884-Conf-Exp-Anx59, pages 4 to 5 and 8.

⁹³ ICC-01/05-01/08-1884-Conf-Exp-Anx136; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 457 to 458.

The applicant claims that in February 2003, when she heard the Banyamulengués firing their weapons, she fled from her house, located in [REDACTED] and took refuge in the bush. The applicant states that upon her return, she found that her belongings and livestock had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁴

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]⁹⁵

Claim to victim status

The applicant claims that in February 2003, when she heard gunshots, she left her house, located in [REDACTED] and when she returned, a few days later, her neighbors informed her that the Banyamulengués had pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁶

Analysis and conclusions

⁹⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx136, pages 4 to 5.

⁹⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx137; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 459 to 460.

⁹⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx137, pages 4 to 5 and 8.

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]⁹⁷

Claim to victim status

The applicant claims that on a Tuesday in February 2003, prior to the arrival of the Banyamulengués, they fled to take refuge in the fields. The applicant states that when she returned to her house, located in [REDACTED] she discovered that her belongings and livestock had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁸

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.

⁹⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx138; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 461 to 462.

⁹⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx138, pages 4 to 5 and 8.

Applicant [REDACTED]⁹⁹**Claim to victim status**

The applicant claims that on 19 February 2003, the Banyamulengués broke into his house, located in [REDACTED]. The applicant states that the Banyamulengués pillaged his belongings and livestock and forced him to carry the pillaged items back to their camp. The applicant states that on the way, he met his younger brother who had also been held hostage by the Banyamulengués. The applicant states that two days later, he heard that his younger brother was walking through the city with his nose and cheeks cut. The applicant states that he and his brothers tried to find the younger family member but still do not know where he died or by whom he was buried. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁰⁰

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 his younger brother and the kinship between them, 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 19 February 2003.

⁹⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx139; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 463 to 464.

¹⁰⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx139, pages 4 to 5 and 8.

Applicant [REDACTED]¹⁰¹

Claim to victim status

The applicant claims that on 22 February 2003, she heard the Banyamulengués firing their weapons whereupon she fled together with her family. The applicant states that upon their return, she found that her house, located in the [REDACTED] area of [REDACTED] had been pillaged. The applicant states that people on the street informed her that the Banyamulengués, who were speaking Lingala, had committed the pillage. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁰²

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 22 February 2003.

Applicant [REDACTED]³

Claim to victim status

¹⁰¹ ICC-01/05-01/08-1884-Conf-Exp-Anx140; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 465 to 466.

¹⁰² ICC-01/05-01/08-1884-Conf-Exp-Anx140, pages 4 to 5 and 8.

¹⁰³ ICC-01/05-01/08-1884-Conf-Exp-Anx141; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 467 to 468.

The applicant claims that in February 2003, when the Banyamulengués arrived in [REDACTED] he was in the fields together with his family. He states that they heard gunshots and decided to stay in the fields. He further states that during his absence from his house located in the [REDACTED] area, the Banyamulengués pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁰⁴

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]¹⁰⁵

Claim to victim status

The applicant claims that in February 2003, when the Banyamulengués arrived in [REDACTED] he and his family fled to Bangui. The applicant states that upon their return, he discovered that his belongings and livestock had been pillaged. The

¹⁰⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx141, pages 4 to 5.

¹⁰⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx142; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 469 to 470.

applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁰⁶

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]¹⁰⁷

Claim to victim status

The applicant alleges that one evening, she heard gun shots near the road to Bangui causing her and her family to leave the [REDACTED] area of [REDACTED] and to take refuge in her village of birth. The applicant states that a man who had witnessed the events informed her that the Banyamulengués had pillaged her belongings. The applicant states that the events occurred between 2 and 10 March 2003. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁰⁸

Analysis and conclusions

¹⁰⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx142, pages 4 to 5.

¹⁰⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx143; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 471 to 472.

¹⁰⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx143, pages 4 to 5 and 8.

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 between 2 and 10 March 2003.

Applicant [REDACTED]¹⁰⁹

Claim to victim status

The applicant claims that in February 2003, after hearing gunshots on the other side of the [REDACTED] River, he left with his family to hide in the bush. The applicant states that when they returned to [REDACTED] he discovered that his belongings and livestock had been pillaged by the Banyamulengués. The applicant lists his loss. The applicant further states that one of his nephews who was guarding the house had been killed and his body has not been found. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹¹⁰

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

¹⁰⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx144; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 473 to 474.

¹¹⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx144, pages 4 to 5 and 8.

identity of his nephew and the kinship between them, 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 ██████████ on an unspecified date as of February 2003.

Applicant ██████████¹¹¹

Claim to victim status

The applicant claims that when he heard rumors that the Banyamulengués were entering ██████████ he fled, leaving everything behind. The applicant states that he was told by people on the street that the Banyamulengués had entered his shop and emptied it. The applicant values his loss. The applicant further states that the Banyamulengués first pillaged his house and livestock and then burned it down. The applicant lists his loss. The applicant states that the events occurred between 21 February 2003 and 4 March 2003. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹¹²

Analysis and conclusions

The Chamber notes a discrepancy of one year between the date of birth as appearing in the application form and on the identity document attached thereto. However, as the remainder of the information provided in the application form

¹¹¹ ICC-01/05-01/08-1884-Conf-Exp-Anx145; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 475 to 476.

¹¹² ICC-01/05-01/08-1884-Conf-Exp-Anx145, pages 4 to 5 and 8.

is consistent with the information provided in the identity document, the Chamber is satisfied that the applicant's identity is sufficiently established.

The Chamber observes that the applicant states that her 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.¹¹³ In the present case, the applicant clearly states that the Banyamulengués first pillaged his house and livestock before they burned it down. 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 between 21 February 2003 and 4 March 2003.

Applicant [REDACTED]¹⁴

Claim to victim status

The applicant claims that in February 2003, when the Banyamulengués came to [REDACTED] the population fled to the fields, leaving all their belongings behind. The applicant states that she met ten Banyamulengués in the [REDACTED] area of [REDACTED]. The applicant states that they asked her if she had money and if she was related to Mr Bozizé, fired a gun and then started undressing her to look for money. The applicant states that they beat her with their guns and only abandoned her when she started vomiting blood. The applicant states that all her

¹¹³ ICC-01/05-01/08-1017, paragraph 56.

¹¹⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx146; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 477 to 478.

belongings she wanted to bring back to the fields were lost. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹¹⁵

Analysis and conclusions

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

The Chamber notes that the applicant states that she lost all her belongings without providing any information regarding the precise circumstances of this loss. However, the Chamber is of the view that the general information provided by the applicant, and notably the contention that she was attacked while carrying bags with her belongings which she lost as a result of the assault, suggests that the applicant's belongings were pillaged by the Banyamulengués. 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 pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]¹¹⁶

Claim to victim status

The applicant claims that in February 2003, when the Banyamulengués came to [REDACTED] he was in the fields and decided to go back home to take his family. The applicant states that when he arrived, he found that his family had been

¹¹⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx146, pages 4 to 5, 8.

¹¹⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx147; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 479 to 480.

taken hostage by five armed men, who told him that they were the Banyamulengués and that Mr Bemba had ordered them to “clean the slate”. He states that they raped his wife. The applicant states that they asked for money and started to severely beat him up with their guns. The applicant states that they pillaged his belongings and then burned the house down. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹¹⁷

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 his wife and the kinship between them, 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]¹¹⁸

Claim to victim status

The applicant claims that in February 2003, she wanted to flee to the bush when a group of five armed men, who were speaking Lingala, entered her house, located in [REDACTED]. The applicant states that two of the men started searching her

¹¹⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx147, pages 4 to 5 and 8.

¹¹⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx148; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 481 to 482.

house while the other three men undressed and raped her, although she was carrying a baby on her arms. The applicant states that they further took all her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹¹⁹

Analysis and conclusions

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

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

Applicant [REDACTED]¹²⁰

Claim to victim status

The applicant claims that in February 2003, when the Banyamulengués arrived in [REDACTED] she fled to the bush with her children and without taking any of her belongings. The applicant states that when she returned to her house in order to take some of her belongings, six Banyamulengués appeared at her doorstep and asked in Lingala for money. The applicant states that they threatened to kill her, raped her one after the other and pillaged her belongings. The applicant states that she was released when their chief arrived and returned to the bush empty

¹¹⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx148, pages 4 to 5.

¹²⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx149; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 483 to 484.

handed. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²¹

Analysis and conclusions

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

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

Applicant [REDACTED]²

Claim to victim status

The applicant claims that in February 2003, when the armed men entered [REDACTED] she heard gunshots. The applicant states that she was pregnant at that time and as she knew that her husband had gone to the fields, she took her children to go to the fields. However, she was intercepted by a group of six armed men who were speaking Lingala. The applicant states that they searched a parcel she was carrying and searched her. As they could not find anything valuable, they asked her son to hunt a goat. While her son was hunting the goat, they wanted to rape her but then started to discuss and asked her to give them money. When the applicant replied that she did not have any money, one of

¹²¹ ICC-01/05-01/08-1884-Conf-Exp-Anx149, pages 4 to 5 and 8.

¹²² ICC-01/05-01/08-1884-Conf-Exp-Anx150; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 485 to 486.

them slapped her and they beat her with the butt of a gun until she fell to the ground. The applicant states that they stopped when their chief arrived. The applicant states that she lost the belongings that were left in her house and a week later she gave birth to a stillborn child. As a result of the alleged events, the applicant claims that she has suffered physical, psychological and material harm.¹²³

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 soldiers wanted to rape her but then discussed and asked her for money. Regarding the loss of her belongings, the applicant states that she lost her belongings that she left behind in the house. In the absence of any indication that she was raped by the Banyamulengués and that her belongings were pillaged, since the applicant did not return to her home, the Chamber is not in a position to determine whether the applicant suffered harm as the result of a crime confirmed against the accused. Under these circumstances, the application for participation in the proceedings is rejected.

Applicant ██████████¹²⁴

Claim to victim status

The applicant states that in 2003, four armed men speaking Lingala, who had entered ██████████ and who had been sent by their leader to “clean the slate”,

¹²³ ICC-01/05-01/08-1884-Conf-Exp-Anx150, pages 4 to 5, 8.

¹²⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx151; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 487 to 488.

entered her home, located in [REDACTED] and started pillaging her goods. She claims that when they finished taking her belongings, they told her to undress and when she refused, they threatened her with a gun and a knife, hit her leg with a wooden stick and four men started raping her. She contends that after this, her husband left her and she lost two children and one cousin. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²⁵

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 armed men speaking Lingala who had entered [REDACTED] and who were sent by their leader to 'clean the slate', and given that a number of applicants referred to the attack on [REDACTED] by the Banyamulengués 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 her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between February 2003 and 15 March 2003.

¹²⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx151, pages 4 to 5 and 8.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that in February or March 2003, she heard gunshots and people screaming that the Banyamulengués had arrived in [REDACTED]. According to the applicant, because she was pregnant, she could not flee and she had to wait for her husband who was in the fields. She states that after a while, she decided to go to the fields to look for her husband, when she met five armed men speaking Lingala. She further claims that one slapped her and brought her back to her house where they broke down the door and entered. She alleges that they asked her for money, took her belongings, beat her, and then left. She claims that the next morning, she joined her husband in the bush and gave birth three days later to a child who died one week later. She claims that these abuses have led people to mock her. She adds that her husband left her. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹²⁷

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 or March 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 that a number of applicants referred to the attack on

¹²⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx152; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 489 to 490.

¹²⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx152, pages 4 to 5 and 8.

Bossangoa by the Banyamulengués 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 [REDACTED] on an unspecified date between February 2003 and 15 March 2003.

Applicant [REDACTED]¹²⁸

Claim to victim status

The applicant states that in February, when the armed men arrived in [REDACTED] she was preparing to flee when she was intercepted by five Banyamulengués. She states that these men were speaking to her in Lingala and noticing that she did not understand, they spoke to her in French saying that they were Mr Bemba's Banyamulengués and that they had come to "clean the slate". She states that one man asked her for money and then they started undressing her and raped her one after the other, while others pillaged her belongings. She claims that these abuses have led people to mock her. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²⁹

Analysis and conclusions

¹²⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx153; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 491 to 492.

¹²⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx153, 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 provide any precise date for the alleged events and merely states that the events occurred in February. 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 refer to the attack on [REDACTED] by the Banyamulengués 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 [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]¹³⁰

Claim to victim status

The applicant states that in February 2003, he was in the fields when he heard that the Banyamulengués had come to [REDACTED]. According to the applicant, he went back home to take his wife and his belongings, but upon his return, he saw five men coming out of the house. He adds that the men saw him, undressed him, searched him but as they did not find anything, they beat him. The applicant further alleges that he had to make an effort to get into the house, where he found his wife who had been hurt by the men. The applicant states that he and

¹³⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx154; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 493 to 494.

his family then went to the bush and his wife had a miscarriage. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹³¹

Analysis and conclusions

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

However, in the absence of any indication that the applicant's belongings were pillaged, the Chamber is not in a position to determine whether the applicant suffered harm as a result of a crime confirmed against the accused. Accordingly, the application for participation in the proceedings is rejected.

Applicant ██████████¹³²

Claim to victim status

The applicant states that in February 2003, when armed men speaking Lingala arrived in ██████████ the population began to flee and hide. She alleges that she was packing her bags when five men came to her house, and asked her questions in Lingala. The applicant further alleges that one of them told her in French "I am a Banyamulengué, I will kill you." The applicant states that they slapped her, began to undress her and raped her one after the other. She adds that they then took items from her house. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³³

Analysis and conclusions

¹³¹ ICC-01/05-01/08-1884-Conf-Exp-Anx154, pages 4 to 5 and 8.

¹³² ICC-01/05-01/08-1884-Conf-Exp-Anx155; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 495 to 496.

¹³³ ICC-01/05-01/08-1884-Conf-Exp-Anx155, 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 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]¹³⁴

Claim to victim status

The applicant states that in February or March 2003, she was in the fields, in [REDACTED] on her way to the market in [REDACTED] when she encountered armed men who had been sent by Mr Bemba. She claims that they called her and that she could not understand the language they were speaking. She alleges that they took her to their base, located in [REDACTED] where she spent two days and where she was raped. She adds that her brother wanted to save her but was killed by these men. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹³⁵

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

¹³⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx156; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 497 to 498.

¹³⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx156, pages 4 to 5.

of and kinship with her brother, only rape will be considered for the purpose of the present assessment.

The Chamber notes that the date provided by the applicant (February or March 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 that a number of applicants referred to the attack on ██████████ by the Banyamulengués 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 her rape by the Banyamulengués of Jean-Pierre Bemba in ██████████ on an unspecified date between February and 15 March 2003.

Applicant ██████████¹³⁶

Claim to victim status

The applicant states that in February 2003, a group of five armed men came to her house, located in ██████████ and raped her and her children. She also claims that they pillaged her jewellery and beat her children before she was able to flee with them to the bush. The applicant states that people mock her and her daughters wherever they go. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³⁷

¹³⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx157; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 499 to 500.

¹³⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx157, pages 4 to 5.

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any documents establishing the identity of and kinship with her children, only the rape of the applicant 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]¹³⁸

Claim to victim status

The applicant states that in February 2003, he fled from [REDACTED] to the fields, together with his children and his wife, but they were later followed by Jean-Pierre Bemba's men, who were speaking Lingala, to a field seven kilometres away. He claims that three of the eight armed men began beating him with their weapons and wooden sticks and the others raped his wife one after the other while she was holding their baby. The applicant states that the baby died later. The applicant also states that due to his flight in the bush, everything in his house was pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³⁹

¹³⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx158; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 501 to 502.

¹³⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx158, pages 4 to 5.

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, 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]¹⁴⁰

Claim to victim status

The applicant states that in February 2003, she fled from [REDACTED] to the bush and while she was five kilometres away from town, four of Jean-Pierre Bemba's men, who were speaking Lingala, beat her, took her baby from her arms, and raped her. She also claims that they beat her husband with their weapons and pillaged her belongings. The applicant states that everyone mocked her after the events and that two months later, she lost her child. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁴¹

Analysis and conclusions

¹⁴⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx159; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 503 to 504.

¹⁴¹ ICC-01/05-01/08-1884-Conf-Exp-Anx159, pages 4 to 5.

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

The 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]¹⁴²

Claim to victim status

The applicant states that in February 2003, she was about to flee with her children when six men came to her house, located in [REDACTED] and asked her for money. She claims that after she told them she did not have any money, the men proceeded to search her bags and raped her one after another before returning to their barracks towards [REDACTED]. The applicant states that she suffered a miscarriage and lost her husband. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁴³

Analysis and conclusions

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

The Chamber notes that the applicant does not identify the precise perpetrators of the alleged events but merely states that men she cannot identify and their chief are responsible for the alleged events. However, in light of the intrinsic

¹⁴² ICC-01/05-01/08-1884-Conf-Exp-Anx160; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 505 to 506.

¹⁴³ ICC-01/05-01/08-1884-Conf-Exp-Anx160, pages 4 to 5.

coherence of the application in other respects, notably the reference to the barracks in [REDACTED] and given that the invasion of [REDACTED] in February 2003 by the Banyamulengués is corroborated by a number of applicants, the Chamber is of the view that the failure to identify the precise perpetrators should not serve to exclude the applicant.

The 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 in February 2003.

Applicant [REDACTED]¹⁴⁴

Claim to victim status

The applicant states that after the 2003 Tabaski celebration, she was living in the [REDACTED] area in [REDACTED] when the Banyamulengués captured the town. The applicant contends that she fled to [REDACTED] without taking her belongings from her house. She claims that upon her return, she found that all her goods had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁵

Analysis and conclusions

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

¹⁴⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx177; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 507 to 508.

¹⁴⁵ ICC-01/05-01/08-1884-Conf-Exp-Anx177, pages 4 to 5.

The Chamber notes that the applicant fails to provide a precise date for the alleged events and merely states that the events occurred after the Tabaski celebration in 2003. However, as she states that the events occurred after the Tabaski celebration and given that she refers to the invasion of [REDACTED] by the Banyamulengués, which according to a number of applicants occurred in February 2003, the Chamber infers from the application that the events occurred in February 2003. 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 the [REDACTED] area of [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]¹⁴⁶

Claim to victim status

The applicant states that after the 2003 Tabaski celebration, she was selling goods in [REDACTED] when the Banyamulengués arrived. She claims that she had to abandon her goods and flee with her family. She alleges that when she came back to her house, she found that it had been ransacked and that her belongings had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁷

Analysis and conclusions

¹⁴⁶ ICC-01/05-01/08-1884-Conf-Exp-Anx178; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 509 to 510.

¹⁴⁷ ICC-01/05-01/08-1884-Conf-Exp-Anx178, pages 4 to 5.

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events and merely states that the events occurred after the Tabaski celebration in 2002. However, in light of the reference to the invasion of [REDACTED] by the Banyamulengués which according to a number of applicants occurred at the time of the Tabaski celebration in February 2003, the Chamber infers from the application 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 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 in February 2003.

Applicant [REDACTED]¹⁴⁸

Claim to victim status

The applicant states that in 2002, during the night, he was at a funeral place in [REDACTED] when he heard gunshots. He states that he was scared and went back to his house, because he had left his children alone. The applicant states that as he saw his neighbours fleeing, he also sought refuge in the forest. According to the applicant, upon his return, he found that his belongings, which he lists and values, had been pillaged. The applicant holds the Banyamulengués responsible for the alleged events. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁹

¹⁴⁸ ICC-01/05-01/08-1884-Conf-Exp-Anx257; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 391 to 392.

¹⁴⁹ ICC-01/05-01/08-1884-Conf-Exp-Anx257, pages 9 to 11 and 23.

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 scope of the present case. In the absence of any information regarding the general circumstances of the alleged events, the Chamber is not in a position to determine whether the events took place within the temporal scope of the present case and therefore, the application for participation in the proceedings is rejected.

Applicant ██████████¹⁵⁰

Claim to victim status

The applicant states, in the application form, that on 19 February 2003, upon the arrival of Jean-Pierre Bemba's Banyamulengués in ██████████ she fled to the bush, seven kilometres away. According to the applicant, her mother stayed behind and the following day, on 20 February 2003, they returned to take her mother with them. She adds that on the same day, their house had been burned down which caused the loss of all their belongings. In an additional statement, appended to the application, the applicant states that when she returned to her house, it had already been burned down and she adds that she does not know whether the Banyamulengués pillaged the property before setting it on fire. The applicant also states that everybody was saying that the soldiers had pillaged the goods of the population. She adds that in her house, she found parts of her

¹⁵⁰ ICC-01/05-01/08-1884-Conf-Exp-Anx259; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 393 to 394.

burned sewing machine but that she could not find any remains of her bags of sesame, nuts and coffee. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁵¹

Analysis and conclusions

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

The Chamber observes that the applicant states that her 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.¹⁵² In the present case, the applicant states in the application form that she lost all her belongings due to the burning of her house and then states in the additional statement that she does not know whether her belongings were pillaged before her house was set on fire and that she found the burned remains of her sewing machine in the house. In the absence of any indication that her belongings were pillaged, the Chamber is of the view that the harm suffered by the applicant is not related to the charges confirmed against the accused. Under these circumstances, the application for participation in the proceedings is rejected.

Applicant [REDACTED]³

Claim to victim status

The applicant states that on 13 November 2002, on her way back from a business trip in [REDACTED] the vehicle she was travelling in was intercepted by the Mr

¹⁵¹ ICC-01/05-01/08-1884-Conf-Exp-Anx259, pages 9 to 11 and 20.

¹⁵² ICC-01/05-01/08-1017, paragraph 56.

¹⁵³ ICC-01/05-01/08-1884-Conf-Exp-Anx262; ICC-01/05-01/08-1886-Conf-Exp-Anx3, pages 395 to 396.

Bemba's soldiers in [REDACTED] According to the applicant, the soldiers killed the driver, pillaged all the merchandise, raped her and the other four women who were travelling with her and looted their money. She specifies that she was raped by three men. The applicant lists and values her loss. As a result of these alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁵⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 13 November 2002.

¹⁵⁴ ICC-01/05-01/08-1884-Conf-Exp-Anx262, pages 9 to 11 and 23.