

ANNEX A

Group A: Bangui/PK12

o Twenty-first transmission - ICC-01/05-01/08-2073-Conf-Exp-Anxs

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 29 October 2002, upon the arrival of Jean-Pierre Bemba's rebels in [REDACTED] many persons sought refuge in his compound. He further states that on 30 October 2002, a person knocked on his door and said in Sango that they were making sure that there were no soldiers affiliated to General Bozizé. When the applicant's wife opened the door, she was standing face-to-face with three men in military clothes who pointed her with their guns and asked her in Sango where her husband was. She brought them to the applicant's room and the soldiers pointed their guns at him and then asked them to leave the house. When they got out of the house, they saw two other armed soldiers, next to a person in civilian clothes. One of the two soldiers asked the civilian to leave the compound. One of the two soldiers threatened them and asked them to say their last prayer before asking them to give them a sum of 500,000 CFA. Subsequently, one of the three soldiers who had previously entered the house ordered the applicant and his wife in Sango to go back into the house. The applicant and his wife went back into the house and the soldiers pillaged their belongings. They asked the applicant to open the door of his bedroom and when the applicant said that he did not have the key, the soldier who was speaking to them in Sango got angry and threatened him with a knife. The applicant's wife tried to protect the applicant but she was beaten by the soldier

¹ ICC-01/05-01/08-2073-Conf-Exp-Anx1; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 3 to 4.

and fell on the applicant's daughters and other girls who were lying on the ground and who were also beaten. The applicant alleges that the soldier outside saved their lives because he took the knife away from the assailant. He further states that the soldiers then emptied his cupboards, and then five additional soldiers arrived, who carried all the items away. The applicant alleges that Jean-Pierre Bemba's rebels entered [REDACTED] on 29 October 2002 and three days later, on 1 November 2002, they came for the first time to [REDACTED] in the company of [REDACTED] and some soldiers of the Presidential Guard. Furthermore, in an additional statement appended to the application, the applicant clarifies that he holds the Banyamulengués responsible for the alleged events. He also claims that within the group of Banyamulengués who entered his house in [REDACTED] on 30 October 2002, only one soldier was speaking Sango whilst the others were speaking Lingala. He further adds that the soldier who spoke Sango did so poorly. He states that the following day, the Banyamulengués occupied a house in front of his and that he and his family stayed in their house while the other people fled. He further states that the Banyamulengués came to their house again later that day, but they did not take anything as there was nothing left. As a result of the alleged events the applicant claims to have suffered physical, psychological and material harm.²

Analysis and conclusion

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

The Chamber notes that the application has already been decided upon by the Pre-Trial Chamber in its decision of 15 December 2008, which rejected the

² ICC-01/05-01/08-2073-Conf-Exp-Anx1, pages 9 to 15 and 47 to 48.

application on the basis that “the fact that the aforementioned men spoke in Sango language rules out the probability that they came from Democratic Republic of the Congo from where the MLC troops were allegedly coming”.³ The Chamber further notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the VPRS did not provide any new document or information which would have had a material impact on the decision permitting the victim to participate.⁴

However, in the additional statement appended to the application in the present transmission, the applicant clearly explains that it was the Banyamulengués who came to his house and pillaged all his belongings. He further states that he had never indicated that all the men who came to his house spoke Sango and clarifies that only one of them was speaking Sango, but could only do so poorly, while the others were speaking Lingala.

In these circumstances, the Chambers 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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 30 October 2002.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 31 October 2002, six MLC soldiers came to his house, located in the village of [REDACTED] forced him to open the door, asked

³ ICC-01/05-01/08-320-Conf-Anx, page 26 to 27.

⁴ ICC-01/05-01/08-1590-Conf-Exp-AnxA, pages 85 to 89.

⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx5; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 5 to 6.

him to give them money and pillaged some goods and his money. He adds that later, two other soldiers came to his home and asked him for money and as he did not have any money left, he was shot in his left leg, fell and the men left. He further states that his shop was also pillaged and destroyed. As a result of the alleged events, the applicant claims to have physical, psychological and material harm.⁶

Analysis and conclusion

The Chamber notes a discrepancy of six years and seventeen days between the date of birth as appearing in the application form and on the identity card attached thereto. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form and that the applicant appends a declaration clarifying that the identity card provides the correct date of birth, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 31 October 2002.

Applicant [REDACTED]

Claim to victim status

⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx5, pages 9 to 11 and 22 to 23.

⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx6; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 7 to 8.

The applicant alleges in the application form that on 23 December 2002, the Banyamulengués pillaged his shop and his house in [REDACTED] in the [REDACTED]^h *arrondissement* of Bangui. He contends that they took his merchandise of an estimate value of 2,500,000 CFA, personal belongings which were in his house worth approximately 1,800,000 CFA as well as a sum of 2,100,000 CFA which he was carrying with him in order to put it on his bank account. In an additional statement, he adds that the soldiers, who were speaking Lingala, a language he did not understand, caught him, stepped on him and left him on the ground, and then proceeded to pillage his shop. He adds that after these events they also forced him to take them to his house, where he was living with his wife, their one-year-old son and his cousin, and they pillaged all his property and forced him and his cousin to carry the loot to the river, in [REDACTED]. According to the applicant, once they reached [REDACTED] the assailants started shooting in the air in order to scare them away. He lists his loss. Further, he clarifies that he dropped school early, in *classe de 5ème*, and started his own business with the help of his father who gave him a sum of 50,000 CFA. He adds that his wife was helping him at the shop as well. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁸

Analysis and conclusion

The Chamber notes a discrepancy of five years between the date of birth as appearing in the application form and on the birth certificate, and the date of birth appearing on the identity card appended to the additional statement. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form and that the applicant appends a statement clarifying the reasons of this discrepancy, the

⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx6, pages 10 to 12 and 23, 25 to 26.

Chamber is satisfied that the documents provided sufficiently 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 pillage of merchandise and personal belongings of a total estimated value of 4,300,000 CFA as well as a sum of 2,100,000 CFA, whilst the applicant was only thirteen years old at the time of the events, undermined the credibility of the applicant's account.⁹ In the additional statement, the applicant clearly explains that he had dropped school early and had subsequently started to work to make a living. He further states that although he was only thirteen at the time of the events, he owned his shop. He adds that his wife was helping him with the merchandise and that his father had initially contributed with a sum of money so that he could start his business.

Under these circumstances, the Chambers 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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on 23 December 2002.

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that on 8 November 2002, the Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED]. She further states that they proceeded

⁹ ICC-01/05-01/08-1590-Conf-Exp-AnxA, pages 22 to 23.

¹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx8; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 15 to 16.

to rape her sisters and her mother and that three of them raped her as well. She adds that they forced her father to watch the rapes. She states that they then pillaged the house. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹¹

Analysis and conclusion

The Chamber notes a discrepancy of five years between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with her sisters and her mother, only the applicant's rape and pillage will be considered for the purpose of the present assessment.

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

Applicant [REDACTED]²

¹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx8, pages 4 to 5.

¹² ICC-01/05-01/08-2073-Conf-Exp-Anx9; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 17 to 18.

Claim to victim status

The applicant submits that on 27 October 2002, the Banyamulengués invaded the [REDACTED] area of [REDACTED] and proceeded to break doors and threaten the population. He claims that the men took his family's belongings, as well as his belongings. He lists his loss. He further alleges that his brother was tortured and had a severe shock as a result. As a result of the alleged events, the applicant claims to have suffered material harm.¹³

Analysis and conclusion

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 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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 27 October 2002.

Applicant [REDACTED]⁴

Claim to victim status

¹³ ICC-01/05-01/08-2073-Conf-Exp-Anx9, pages 4 to 5.

¹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx10; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 19 to 20.

The applicant submits that in November 2002, the men of Mr Bemba entered her house, located in [REDACTED] and took her belongings and money. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁵

Analysis and conclusion

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 November 2002.

Applicant [REDACTED]⁶

Claim to victim status

The applicant claims that in January or February, the men of Jean-Pierre Bemba came to [REDACTED] and pillaged his belongings, his money and his wife's money. He further alleges that they took him and his wife hostage for three days without giving them any food. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁷

Analysis and conclusion

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

¹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx10, pages 4 to 5.

¹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx11; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 21 to 22.

¹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx11, pages 4 to 5.

The Chamber notes that the date provided by the applicant (in January or February) is broad and as such could fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués, as well as the fact that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués as of November 2002 and until 15 March 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]⁸

Claim to victim status

The applicant submits that in December 2002, he was in his compound in the [REDACTED] area of [REDACTED] when the armed men of Jean-Pierre Bemba came and threatened him and his family with their weapons. He states that they pillaged his belongings, which he lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁹

Analysis and conclusion

¹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx12; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 23 to 24.

¹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx12, 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 the [REDACTED] area of [REDACTED] on an unspecified date in December 2002.

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that on 31 October 2002, the Banyamulengués destroyed and pillaged his house, located in the [REDACTED] village of PK [REDACTED]. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²¹

Analysis and conclusion

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] PK [REDACTED] on 31 October 2002.

²⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx23; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 25 to 26.

²¹ ICC-01/05-01/08-2073-Conf-Exp-Anx23, pages 4 to 5.

Applicant [REDACTED]²**Claim to victim status**

The applicant alleges that on 8 March 2003, he fled and took refuge in the mountains. Upon his return to his house, located in [REDACTED] he was ambushed by Jean-Pierre Bemba's men. He states that they beat him, made him cook for them and pillaged his house. He also states that the furniture of his children was pillaged. The applicant further states that his family had to flee. He also claims that they forced him to smoke causing him to contract a lung infection. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²³

Analysis and conclusion

The Chamber notes a discrepancy of one day between the date of birth as appearing in the application form and on the electoral card attached thereto. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber 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] PK [REDACTED] on 8 March 2003.

²² ICC-01/05-01/08-2073-Conf-Exp-Anx24; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 27 to 28.

²³ ICC-01/05-01/08-2073-Conf-Exp-Anx24, pages 4 to 5.

Applicant [REDACTED]⁴

Claim to victim status

The applicant alleges that on 31 October 2002, he was in his house, located in the village of [REDACTED] PK [REDACTED] when six of Jean-Pierre Bemba's armed men came to his house and two of them took him outside. He states that the others started shooting at his house and then proceeded to pillage his and his wife's belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁵

Analysis and conclusion

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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 31 October 2002.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that between 1 November 2002 and 8 March 2003, the Banyamulengués came to her house, located in [REDACTED] and started shooting in

²⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx25; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 29 to 30.

²⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx25, pages 4 to 5.

²⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx26; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 31 to 32.

the air which caused them to flee. She alleges that in her absence, the men pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 1 November 2002.

Applicant [REDACTED]⁸

Claim to victim status

The applicant alleges that on 31 October 2002, he was at the cemetery when he heard bullets being fired causing him to flee and take refuge in his neighbour's house. He states that during this time, Jean-Pierre Bemba's men pillaged his belongings, money and livestock in his house, located in [REDACTED]. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁹

Analysis and conclusion

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

²⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx26, pages 4 to 5.

²⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx27; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 33 to 34.

²⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx27, 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] PK [REDACTED] on an unspecified date as of 31 October 2002.

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that on 31 October 2002, upon hearing the sounds of weapons being fired by the Banyamulengués, she fled and took refuge with her children in Bangui. She claims that while she was gone, her house, located in the village of [REDACTED] was pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³¹

Analysis and conclusion

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] PK [REDACTED] on an unspecified day as of 31 October 2002.

Applicant [REDACTED]²

³⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx28; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 35 to 36.

³¹ ICC-01/05-01/08-2073-Conf-Exp-Anx28, pages 4 to 5.

³² ICC-01/05-01/08-2073-Conf-Exp-Anx29; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 37 to 38.

Claim to victim status

The applicant alleges that on 8 March 2003, he fled from his house, located in the [REDACTED] village, and upon his return, he discovered 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.³³

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 8 March 2003.

Applicant [REDACTED]⁴**Claim to victim status**

The applicant alleges that on 8 March 2003, two Banyamulengués came to her house, located in [REDACTED] PK [REDACTED]. She further states that the men demanded money, and then raped her, her younger sister, and another woman in front of other people. She also asserts that they pillaged all her belongings. She adds that she is ashamed and that her husband abandoned her. As a result of the alleged events,

³³ ICC-01/05-01/08-2073-Conf-Exp-Anx29, pages 4 to 5.

³⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx30; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 39 to 40.

the applicant claims to have suffered physical, psychological and material harm.³⁵

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 8 March 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant alleges that between 30 October 2002 and 8 March 2003, when the Banyamulengués attacked, she had to flee from her house, located in PK [REDACTED] to take refuge in PK [REDACTED] and then in the fields, where she stayed for two months. She further states that upon her return, she found that her house and some livestock had been pillaged. She adds that she had a miscarriage and that she had to be hospitalised. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁷

Analysis and conclusion

³⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx30, pages 4 to 5.

³⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx31; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 41 to 42.

³⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx31, pages 4 to 5.

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 30 October 2002 and 8 March 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant alleges that on 8 March 2003, when the Banyamulengués came to [REDACTED] he fled from his house to take refuge in the bush. He further states that upon his return, he found that his house had been pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁹

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 8 March 2003.

³⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx32; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 43 to 44.

³⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx32, pages 4 to 5.

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that between 31 October 2002 and 10 March 2003, the Banyamulengués came to his house, located in [REDACTED]. He further states that they beat him as well as his seven-month-pregnant wife. He asserts that when he tried to fight back, they shot in the air and pillaged all his belongings and money. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴¹

Analysis and conclusion

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

The Chamber notes that the applicant provides three different dates for the alleged events, namely 31 October 2002, 1 November 2002 and 10 March 2003. However, in light of the intrinsic coherence of the application in all other respects and given that all three dates fall under the temporal scope of the present case, the Chamber considers that this discrepancy 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] PK [REDACTED] on an unspecified date between 31 October 2002 and 10 March 2003.

⁴⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx33; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 45 to 46.

⁴¹ ICC-01/05-01/08-2073-Conf-Exp-Anx33, pages 4 to 5.

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

The applicant alleges that on an unspecified date between 31 October 2002 and 8 March 2003, the Banyamulengués came to her compound, located in [REDACTED]. She states that they threatened her with their weapons and asked her to leave. She claims that she consequently fled from her house, together with her six children, to take refuge in the bush. She asserts that upon her return, she found that her house had been pillaged and she lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴³

Analysis and conclusion

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] PK [REDACTED] on an unspecified date between 31 October 2002 and 8 March 2003.

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

⁴² ICC-01/05-01/08-2073-Conf-Exp-Anx34; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 47 to 48.

⁴³ ICC-01/05-01/08-2073-Conf-Exp-Anx34, pages 4 to 5.

⁴⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx35; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 49 to 50.

The applicant alleges that on 8 March 2003, the Banyamulengués came to her house, located in [REDACTED] PK [REDACTED] and broke down her door. She states that she and her husband were hiding under the bed. She further states that they asked her for money, told them to leave but that her husband stayed under the bed. She asserts that one of the soldiers shot at the bed and killed her husband on the spot. She adds that the soldiers pillaged all her belongings, as well as her family's belongings and a sum of money belonging to the church. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁵

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 8 March 2003.

Applicant [REDACTED]⁶

Claim to victim status

⁴⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx35, pages 4 to 5.

⁴⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx36; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 51 to 52.

The applicant alleges that on 8 March 2003, a group of armed Banyamulengués came to his compound, located in [REDACTED] PK [REDACTED] where they threatened him and his family. He further states that they occupied his house and pillaged his belongings and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁷

Analysis and conclusion

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] PK [REDACTED] on 8 March 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant alleges that on 8 March 2003, when she heard the Banyamulengués firing their weapons, she fled from her house, located in [REDACTED] to take refuge in the bush, together with her two children. She further states that upon her return, she found that her house and livestock had been pillaged. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁹

Analysis and conclusion

⁴⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx36, pages 4 to 5.

⁴⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx37; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 53 to 54.

⁴⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx37, pages 4 to 5.

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on an unspecified date as of 8 March 2003.

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that on 31 October 2002, Jean-Pierre Bemba's men came to her compound, located in [REDACTED]. She further states that they were singing whilst they were eating the food her granddaughter had prepared. She alleges that subsequently, they pillaged her belongings and livestock. The applicant appends a document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵¹

Analysis and conclusion

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] PK [REDACTED] on 31 October 2002.

⁵⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx38; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 55 to 56.

⁵¹ ICC-01/05-01/08-2073-Conf-Exp-Anx38, pages 4 to 5 and 9.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 8 March 2003, when Mr Bemba's men came to [REDACTED] and started firing their weapons, she fled together with her family to take refuge in the bush. She further states that during her absence, the Banyamulengués pillaged all her belongings and money. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵³

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 8 March 2003.

Applicant [REDACTED]⁴

Claim to victim status

The applicant states that on 31 October 2002, the Banyamulengués came to her house, located in [REDACTED] and pillaged her belongings and livestock. She alleges that she was eight-month-pregnant at the time. She further alleges that her father

⁵² ICC-01/05-01/08-2073-Conf-Exp-Anx39; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 57 to 58.

⁵³ ICC-01/05-01/08-2073-Conf-Exp-Anx39, pages 4 to 5.

⁵⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx40; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 59 to 60.

was shot while he was trying to hide under the children's bed. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁵

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in ██████ PK ██████ on 31 October 2002.

Applicant ██████⁶

Claim to victim status

The applicant states that on 31 October 2002, the Banyamulengués, who were speaking only Lingala or French, arrived in ██████ while she was selling goods alongside the road. She claims that this caused her to flee to the village of ██████ where she stayed until the evening. She alleges that the same evening, four Banyamulengués broke into their house, threatened her and asked her to give them money, which her brother-in-law gave them. She further alleges that later that night three others came to the house and one of them raped her. As a result

⁵⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx40, pages 4 to 5.

⁵⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx41; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 61 to 62.

of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁷

Analysis and conclusion

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 and her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 31 October 2002.

Applicant [REDACTED]⁸

Claim to victim status

The applicant states that on 8 March 2003, in the village of [REDACTED] PK [REDACTED] he was intercepted by the Banyamulengués and held hostage for four days. He alleges that during this time they severely beat him by hitting him five hundred times with a stick and poured chemicals on his face which caused him to have a blind right eye. He further claims that he was only released on 12 March 2003, after his father had paid them a sum of money. He also alleges that his belongings were stolen. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁵⁹

Analysis and conclusion

⁵⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx41, pages 4 to 5.

⁵⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx42; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 63 to 64.

⁵⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx42, 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] PK [REDACTED] on an unspecified date between 8 and 12 March 2003.

Applicant [REDACTED]⁶⁰

Claim to victim status

The applicant states that on 8 March 2003, the Banyamulengués kidnapped him in [REDACTED] and forced him to draw water and catch some chickens for them. He alleges that they also stole his belongings and livestock. He lists his loss. As a result of the alleged events the applicant claims to have suffered psychological and material harm.⁶¹

Analysis and conclusion

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] PK [REDACTED] on 8 March 2003.

⁶⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx43; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 65 to 66.

⁶¹ ICC-01/05-01/08-2073-Conf-Exp-Anx43, pages 4 to 5.

Applicant [REDACTED]²

Claim to victim status

The applicant states that on 8 March 2003, when the Banyamulengués came to her village, [REDACTED] she fled to the bush. She alleges that they pillaged her belongings in her absence. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶³

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 8 March 2003.

Applicant [REDACTED]⁴

Claim to victim status

The applicant states that on 8 March 2003, the Banyamulengués drove her out of her house, located in [REDACTED] and that upon her return, on 15 March 2003, she discovered that her belongings had been pillaged. She lists her loss. As a result of

⁶² ICC-01/05-01/08-2073-Conf-Exp-Anx44; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 67 to 68.

⁶³ ICC-01/05-01/08-2073-Conf-Exp-Anx44, pages 4 to 5.

⁶⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx45; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 69 to 70.

the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁵

Analysis and conclusion

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] PK [REDACTED] on an unspecified date between 8 and 15 March 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that on 31 October 2002, the Banyamulengués drove him out of his house, located in [REDACTED] and he fled to the bush. He further claims that on 8 March 2003 they took his twelve-year-old son for 24 hours, after which he was released unharmed. He alleges that while he was absent his belongings were pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁷

Analysis and conclusion

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

⁶⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx45, pages 4 to 5.

⁶⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx46; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 71 to 72.

⁶⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx46, 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] PK [REDACTED] on an unspecified date as of 31 October 2002.

Applicant [REDACTED]⁸

Claim to victim status

The applicant states that on 31 October 2002, five Banyamulengués came to his house, located in [REDACTED] threatened him with weapons, and raped his wife one after the other. He alleges that one of them then approached him, forced him to put his pants down and raped him in front of his wife and children. He further alleges that they pillaged his belongings and livestock, which he lists. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁶⁹

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his wife, only the applicant's rape and the pillage of his belongings 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 his rape and the pillage of his belongings by the

⁶⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx47; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 73 to 74.

⁶⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx47, pages 4 to 5.

Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 31 October 2002.

Applicant [REDACTED]⁰

Claim to victim status

The applicant states that on 31 October 2002, the Banyamulengués came to her house, located in [REDACTED] drove the people out of the village, and pillaged her belongings. She further alleges that on 8 March 2003, her house was pillaged again. She claims that her son was taken hostage for three days and beaten with a bat. She lists her loss from both alleged incidents. As a result of the alleged events, the applicant claims to have suffered material harm.⁷¹

Analysis and conclusion

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 village of [REDACTED] on an unspecified date as of 31 October 2002 and on 8 March 2003.

Applicant [REDACTED]²

⁷⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx48; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 75 to 76.

⁷¹ ICC-01/05-01/08-2073-Conf-Exp-Anx48, pages 4 to 5.

⁷² ICC-01/05-01/08-2073-Conf-Exp-Anx49; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 77 to 78.

Claim to victim status

The applicant alleges that on 8 March 2003, the Banyamulengués took her belongings from her house, located in [REDACTED] PK [REDACTED] and destroyed her administrative documents. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷³

Analysis and conclusion

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] PK [REDACTED] on 8 March 2003.

Applicant [REDACTED]⁴**Claim to victim status**

The applicant alleges that on 31 October 2002, three Banyamulengués came to her house, located in [REDACTED] PK [REDACTED] and raped her one after the other in front of her two sons and pillaged her belongings. She further claims that on 8 March 2003, she was raped for the second time by a rebel while she was fleeing with her husband. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁷⁵

Analysis and conclusion

⁷³ ICC-01/05-01/08-2073-Conf-Exp-Anx49, pages 4 to 5.

⁷⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx50; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 79 to 80.

⁷⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx50, 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 ██████ PK ██████ on 31 October 2002 and 8 March 2003.

Applicant ██████⁶

Claim to victim status

The applicant alleges that on 31 October 2002, when the Banyamulengués came to ██████ PK ██████ she fled from her house to Bangui, whereupon her belongings were pillaged. She lists her loss. She claims that after acquiring more items, her belongings were pillaged for a second time on 8 March 2003. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁷

Analysis and conclusion

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-

⁷⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx51; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 81 to 82.

⁷⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx51, pages 4 to 5.

Pierre Bemba in [REDACTED] PK [REDACTED] on an unspecified date as of 31 October 2002 and on 8 March 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant alleges that on 31 October 2002, the Banyamulengués came to her house, located in [REDACTED] PK [REDACTED] where she was with her five daughters. She states that they separated her from her daughters and three of them raped her one after the other while threatening her with their weapons. She states that they proceeded to rape her five daughters in another room, and one of them was infected with HIV and died in 2005. She further claims that her belongings were stolen and she lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁷⁹

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with her five daughters, only the applicant's rape and the pillage of her belongings 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] PK [REDACTED] on 31 October 2002.

⁷⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx52; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 83 to 84.

⁷⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx52, pages 4 to 5.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 31 October 2002, five Banyamulengués came to her house, located in [REDACTED] PK [REDACTED] and tried to rape her. She states that upon the arrival of her brothers-in-law, the men let her go but took her money, her goats and her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁸¹

Analysis and conclusion

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] PK [REDACTED] on 31 October 2002.

Applicant [REDACTED]²

Claim to victim status

The applicant alleges that on 31 October 2002, the Banyamulengués came to her house located in [REDACTED] PK [REDACTED] and took her belongings. She lists her loss. As a

⁸⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx53; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 85 to 86.

⁸¹ ICC-01/05-01/08-2073-Conf-Exp-Anx53, pages 4 to 5.

⁸² ICC-01/05-01/08-2073-Conf-Exp-Anx54; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 87 to 88.

result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸³

Analysis and conclusion

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 ██████ PK ██████ on 31 October 2002.

Applicant ██████⁴

Claim to victim status

The applicant alleges that on 31 October 2002, Jean-Pierre Bemba's Banyamulengués came to her house, located on the road to ██████ in PK ██████ where they beat her and pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁸⁵

Analysis and conclusion

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

⁸³ ICC-01/05-01/08-2073-Conf-Exp-Anx54, pages 4 to 5.

⁸⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx55; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 89 to 90.

⁸⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx55, pages 9 to 11.

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 PK [REDACTED] on 31 October 2002.

Applicant [REDACTED]⁶

Claim to victim status

The applicant alleges that on 23 December 2002, when Mr Bemba's Banyamulengués came to PK [REDACTED] firing their weapons, he was at his shop. He claims that he fled with his merchandise and returned to his house, located in PK [REDACTED] on the road to [REDACTED]. He states that the Banyamulengués came to his house and he subsequently fled. He further states that the men occupied his house and ate some of his merchandise. He claims that upon their departure on 15 March 2003, he returned to his house and discovered that his house had been destroyed and his belongings, his merchandise and a sum of money had been pillaged. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁷

Analysis and conclusion

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-

⁸⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx56; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 91 to 92.

⁸⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx56, pages 9 to 11.

Pierre Bemba in PK [REDACTED] on an unspecified date between 23 December 2002 and 15 March 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant alleges that on 31 October 2002, the Banyamulengués came to her house, located in the village of [REDACTED] and took her belongings. She further states that twelve of them raped her younger sister one after the other, and she died due to loss of blood. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸⁹

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 31 October 2002.

Applicant [REDACTED]

⁸⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx57; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 93 to 94.

⁸⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx57, pages 4 to 5.

⁹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx72; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 95 to 96.

Claim to victim status

The applicant alleges that between 23 October 2002 and 15 March 2003, she and her children fled from her house, located in the [REDACTED] area of Bangui, and upon her return, she discovered that her belongings had been pillaged by the Banyamulengués. The applicant appends a document in which her loss is listed and valued. Further, the applicant claims that she escaped from being raped. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁹¹

Analysis and conclusion

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

The Chamber notes that the applicant states that the alleged events started on 23 October 2002, as confirmed in the list of pillaged items signed and stamped by the *chef de quartier* appended to the application form. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,⁹² the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. However, as the applicant states that the events lasted until 15 March 2003, the Chamber is of the view that this discrepancy should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the

⁹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx72, pages 4 to 5, 8 and 10 to 12.

⁹² Decision on the defence application for corrections to the Document Containing the Charges and for the prosecution to file a Second Amended Document Containing the Charges, 20 July 2010, ICC-01/05-01/08-836, paragraphs 84 to 86.

██████████ area of Bangui on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant ██████████³

Claim to victim status

The applicant alleges that on 15 March 2003, upon hearing shots being fired, he fled from his plantation, located in the village of ██████████ but on the way, he cut his left thigh on barbed wire. He states that Mr Bemba's troops followed him and caught him and the others and made them carry the loot to the Oubangui River. He states that his belongings and money were pillaged, that his livestock was killed and that his wound become infected and he eventually contracted tetanus causing him to spend three months in hospital. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁹⁴

Analysis and conclusion

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 ██████████ Bangui on 15 March 2003.

Applicant ██████████⁵

⁹³ ICC-01/05-01/08-2073-Conf-Exp-Anx73; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 97 to 98.

⁹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx73, pages 4 to 5 and 10.

⁹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx84; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 99 to 100.

Claim to victim status

The applicant states that on 23 October 2002, the Banyamulengués pillaged his house, located in the [REDACTED] area of Bangui. The applicant appends a document in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁹⁶

Analysis and conclusion

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

The Chamber notes that the applicant states that the alleged events started on 23 October 2002, as confirmed in the list of pillaged items signed and stamped by the *chef de quartier* appended to the application form. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,⁹⁷ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on or about 26 October 2002.

Applicant [REDACTED]⁹⁸

⁹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx84, pages 4 to 5 and 10 to 11.

⁹⁷ ICC-01/05-01/08-836, paragraphs 84 to 86.

⁹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx85; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 101 to 102.

Claim to victim status

The applicant alleges that on 31 October 2002, in [REDACTED] the Banyamulengués pillaged his belongings and his livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁹

Analysis and conclusion

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 31 October 2002.

Applicant [REDACTED]⁰⁰**Claim to victim status**

The applicant states that on 7 November 2002, when the Banyamulengués entered the [REDACTED] area of [REDACTED] he was hiding with his family in his house. He claims that the men were shooting and committing pillage from house to house. He alleges that they broke his front door, whilst he and his family escaped through the back door, but they were stopped one hundred metres away from the house. He claims that he had to pay a sum of money to save his and his family's lives. He states that when he returned to his house three days later, he found that all his belongings had been taken away by the Banyamulengués. The applicant appends a document where his loss is listed and valued. As a result of

⁹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx85, pages 4 to 5.

¹⁰⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx88; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 103 to 104.

the alleged events, the applicant claims to have suffered psychological and material harm.¹⁰¹

Analysis and conclusion

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 7 November 2002.

Applicant [REDACTED]²

Claim to victim status

The applicant states that on 19 November 2002, she was at her neighbour's house when the armed Banyamulengués wearing uniforms entered the [REDACTED] area of [REDACTED]. She claims that her neighbour told her to flee with his wife and she fled to the fields. She alleges that the men pillaged her belongings and forced people to carry the loot on their rickshaws. She appends a document in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰³

Analysis and conclusion

¹⁰¹ ICC-01/05-01/08-2073-Conf-Exp-Anx88, pages 4 to 5 and 10.

¹⁰² ICC-01/05-01/08-2073-Conf-Exp-Anx89; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 105 to 106.

¹⁰³ ICC-01/05-01/08-2073-Conf-Exp-Anx89, pages 4 to 5 and 9.

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 19 November 2002.

Applicant [REDACTED]⁰⁴

Claim to victim status

The applicant states that on 29 November 2002, he was in the workshop, located in [REDACTED] with his colleague and two brothers, when Jean-Pierre Bemba's men who were armed and wearing uniforms arrived. He claims that they broke the door and started pillaging the workshop. He further states that his colleague tried to stop them, whereupon they tied him to an electric pole. The applicant further alleges that he attempted to stop them from taking his machines but they beat him up and threw him in a freezer. He states that subsequently, they put him and his colleague in their car and as they thought that they were dead, they threw them off the [REDACTED] bridge. The applicant appends a document in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁰⁵

Analysis and conclusion

¹⁰⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx90; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 107 to 108.

¹⁰⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx90, pages 4 to 6 and 9.

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

The Chamber notes that the applicant states that he was beaten up, thrown in a freezer and finally thrown off a bridge, on the assumption that he was dead. In this regard, the Chamber recalls that it has already ruled that “depending on the specific circumstances, certain acts could amount to an attempt to commit one of the crimes under the confirmed charges and as such could be reflected in those charges.”¹⁰⁶ In the present case, the Chamber is of the view that “it can *prima facie* be inferred that the alleged perpetrator had the intent to cause the death of the applicant and has accordingly taken action commencing the execution of the charged crime of murder, by means of a substantial step,” namely by beating up the applicant, throwing him in a freezer and throwing him off a bridge. 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 his attempted murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 29 November 2002.

Applicant [REDACTED]⁰⁷

Claim to victim status

The applicant submits that on 24 November 2002, she and her children were in her house, located in the [REDACTED] area of [REDACTED] when the armed men of Jean-Pierre Bemba were patrolling the area and pillaging. She states that before

¹⁰⁶ ICC-01/05-01/08-1091, paragraph 30.

¹⁰⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx91; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 109 to 110.

the soldiers reached her house, she fled with her children to the village of [REDACTED] located [REDACTED] kilometres away. Upon her return five months later, the applicant noted that the Banyamulengués had pillaged all her belongings and her livestock. She appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁸

Analysis and conclusion

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 24 November 2002.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant states that on 3 December 2002, Jean-Pierre Bemba's troops committed various crimes in the [REDACTED] area of [REDACTED] and pillaged her belongings. The applicant appends a document signed and stamped by the *chef de quartier*, in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹¹⁰

¹⁰⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx91, pages 4 to 5 and 9.

¹⁰⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx92; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 111 to 112.

¹¹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx92, pages 4 to 5 and 9 to 10.

Analysis and conclusion

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 3 December 2002.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant states that in October 2002, whilst her children had fled to [REDACTED] she was in her house, located in the [REDACTED] area of [REDACTED] when the Banyamulengués entered and took her belongings and asked for money. She alleges that she refused to give them money, whereupon one of the men stabbed her in her leg. She adds that she still has a scar. The applicant lists her loss. She further states that her brother was evacuated to Chad and that he died as a consequence of a stray bullet. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹²

Analysis and conclusion

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

The Chamber notes that the date provided by the applicant (October 2002) is broad and as such might fall outside the temporal scope of the present case.

¹¹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx93; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 113 to 114.

¹¹² ICC-01/05-01/08-2073-Conf-Exp-Anx93, pages 4 to 5.

However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués as well as the fact that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués as of 26 October 2002, 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 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 26 and 31 October 2002.

Applicant [REDACTED]¹³

Claim to victim status

The applicant states that on 31 October 2002, she fled with her children from her house, located in the [REDACTED] area of [REDACTED] to the [REDACTED] area. She alleges that upon her return, she found that the Banyamulengués had broken her door and taken her belongings. She lists her loss. She states that her husband died in Chad as a consequence of a stray bullet. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹¹⁴

Analysis and conclusion

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

¹¹³ ICC-01/05-01/08-2073-Conf-Exp-Anx94; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 115 to 116.

¹¹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx94, pages 4 to 5.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 31 October 2002.

Applicant [REDACTED]¹⁵

Claim to victim status

The applicant submits that on 6 December 2002, when Jean-Pierre Bemba's rebels entered her house, located in [REDACTED] she fled to a [REDACTED] in PK [REDACTED]. She states that the Banyamulengués found her there and six men raped her and other individuals. She further alleges that she was with them for two weeks until they let her go. She states that she is now HIV positive as a consequence of the rape. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹¹⁶

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date on and as of 6 December 2002.

¹¹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx95; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 117 to 118.

¹¹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx95, pages 4 to 5.

Applicant [REDACTED]¹⁷

Claim to victim status

The applicant states that on 11 November 2002, as he was returning from [REDACTED] with food supplies, he was intercepted by the Banyamulengués on the road to [REDACTED] in the area of PK [REDACTED]. He alleges that he and his driver were told to get out of the car. He further states that they took the car and its contents, abandoning them on the road. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹⁸

Analysis and conclusion

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 PK [REDACTED] on 11 November 2002.

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that on 13 November 2002, nine Banyamulengués came to his house, located in [REDACTED] PK [REDACTED] where they raped his mother and three

¹¹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx96; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 119 to 120.

¹¹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx96, pages 4 to 5.

¹¹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx98; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 121 to 122.

sisters. He further alleges that they pillaged his belongings and used him as a carrier. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹²⁰

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his mother and sisters, only the pillage of the applicant's personal belongings 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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in ██████ PK████ on 13 November 2002.

Applicant ██████²¹

Claim to victim status

The applicant alleges that on 9 November 2002, as tension was rising in PK████ she decided to flee to the village of ██████ but she was intercepted and searched by a group of Banyamulengués on the road to ██████ close to PK████ She states that they threw her to the ground, beat and raped her before pillaging her

¹²⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx98, pages 4 to 5.

¹²¹ ICC-01/05-01/08-2073-Conf-Exp-Anx99; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 123 to 124.

bag and her money. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.¹²²

Analysis and conclusion

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 the vicinity of PK [REDACTED] on 9 November 2002.

Applicant [REDACTED]²³

Claim to victim status

The applicant alleges that on 8 November 2002, whilst she was travelling together with other passengers from [REDACTED], Cameroon, to Bangui, the vehicle she was travelling in was intercepted by the Banyamulengués in PK [REDACTED]. She states that they took them to [REDACTED] where they searched the passengers for money, even by putting their hands in her and other passengers' vaginas. She further alleges that the Banyamulengués proceeded to pillage her merchandise and belongings. She lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²⁴

¹²² ICC-01/05-01/08-2073-Conf-Exp-Anx99, pages 4 to 5.

¹²³ ICC-01/05-01/08-2073-Conf-Exp-Anx100; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 125 to 126.

¹²⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx100, pages 4 to 5.

Analysis and conclusion

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 PK[REDACTED] on 8 November 2002.

Applicant [REDACTED]²⁵

Claim to victim status

The applicant alleges that when the Banyamulengués came to PK[REDACTED] she, her husband and children were renting a house in PK[REDACTED]. The applicant further alleges that on 9 November 2002, whilst her husband was in [REDACTED] she took her children and some of her belongings and fled from her house to take refuge near [REDACTED]. She further claims that on her way to [REDACTED] in PK[REDACTED] she was stopped and raped by three of the Banyamulengués, who then proceeded to pillage her belongings. She lists her loss and states that her husband abandoned her. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²⁶

Analysis and conclusion

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

¹²⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx101; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 127 to 128.

¹²⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx101, pages 4 to 5.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on 9 November 2002.

Applicant [REDACTED]²⁷

Claim to victim status

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

It is alleged that on 10 November 2002, when the Banyamulengués came to PK [REDACTED] the person acting on behalf of the applicant fled from his house, located in [REDACTED] together with his wife and children whilst his parents - the applicant and his wife - stayed behind. It is further stated that at the time, the applicant and his wife were both sick and were living with their son, who was taking care of them. The person acting on behalf of the applicant alleges that the Banyamulengués entered his house in order to pillage it, but when the applicant and his wife tried to resist them, the Banyamulengués shot at them and killed them and then proceeded to pillage their belongings. The person acting on behalf of the applicant appends a death certificate certifying that the applicant's death occurred on 10 November 2002. As a result of the alleged events, it is claimed that the applicant suffered physical harm. In addition, the person acting on

¹²⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx102; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 129 to 130.

behalf of the applicant claims to have suffered material and psychological harm.¹²⁸

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant and his son, who is acting on his behalf, as well as the kinship between them.

The Chamber considers that sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a), on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his murder by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 10 November 2002. The Chamber further considers that, overall, the person acting on behalf of the applicant has also provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his father and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 10 November 2002.

Applicant [REDACTED]²⁹

Claim to victim status

The applicant is deceased and the application is introduced on her behalf by her son.

It is alleged that on 10 November 2002, when the Banyamulengués came to PK [REDACTED] the person acting on behalf of the applicant fled from his house, located in

¹²⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx102, pages 4 to 5.

¹²⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx103; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 131 to 132.

██████ together with his wife and children whilst his parents, the applicant and her husband, stayed behind. It is further stated that at the time, the applicant and her husband were both sick and were living with their son, who was taking care of them. The person acting on behalf of the applicant alleges that the Banyamulengués entered his house in order to pillage it, but when the applicant and her husband tried to resist them, the Banyamulengués shot at them and killed them and then proceeded to pillage their belongings. The person acting on behalf of the applicant appends a death certificate certifying that the applicant's death occurred on 10 November 2002. As a result of the alleged events, it is claimed that the applicant suffered physical harm. In addition, the person acting on behalf of the applicant claims to have suffered material and psychological harm.¹³⁰

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant, and her son, who is acting on her behalf, as well as the kinship between them. Given that the pillage of the person acting on behalf of the applicant's belongings as well as the murder of the applicant's husband has already been assessed by the Chamber,¹³¹ only the murder of the applicant will be considered for the purpose of the present assessment.

The Chamber considers that sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant 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 murder by the Banyamulengués of Jean-Pierre Bemba in ██████ PK██████ on 10 November 2002. The Chamber further considers that, overall, the person acting on behalf of the applicant has also provided

¹³⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx103, pages 4 to 5 and 10.

¹³¹ See ██████.

sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his mother by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 10 November 2002.

Applicant [REDACTED]³²

Claim to victim status

The applicant states that on 9 November 2002, Mr Bemba's MLC troops came to her house, located in the [REDACTED] area of PK [REDACTED]. She alleges that four of them forced her to undress and then raped her one after the other. The applicant further alleges that they pillaged her house. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³³

Analysis and conclusion

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 the [REDACTED] area of PK [REDACTED] on 9 November 2002.

¹³² ICC-01/05-01/08-2073-Conf-Exp-Anx174; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 133 to 134.

¹³³ ICC-01/05-01/08-2073-Conf-Exp-Anx174, pages 4 to 5.

Applicant [REDACTED]⁴

Claim to victim status

The applicant states that on 8 November 2002, she was at her aunt's house, located in the [REDACTED] area of PK [REDACTED] where she was taking care of the household and her children. She states that the Banyamulengués came to the house and four of them pillaged the house and threw her to the ground and raped her one after the other. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³⁵

Analysis and conclusion

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, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] [REDACTED] area of PK [REDACTED] on 8 November 2002.

Applicant [REDACTED]³⁶

Claim to victim status

¹³⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx175; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 135 to 136.

¹³⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx175, pages 4 to 5.

¹³⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx176; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 137 to 138.

The applicant states that on 8 November 2002, the Banyamulengués came to the [REDACTED] area of PK [REDACTED]. He alleges that they came to his house and pillaged his belongings and those of his wife and children. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³⁷

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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of PK [REDACTED] on 8 November 2002.

Applicant [REDACTED]³⁸

Claim to victim status

The applicant states that on 15 March 2003, he was setting up computer equipment for an office in the [REDACTED] area of Bangui, not far from [REDACTED]. He alleges that the Banyamulengués came, asked him to leave, and then pillaged his equipment and his money. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁹

¹³⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx176, pages 4 to 5.

¹³⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx179; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 139 to 140.

¹³⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx179, pages 4 to 5.

Analysis and conclusions

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

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

Applicant [REDACTED]⁴⁰

Claim to victim status

The applicant states that on 6 January 2003, ten Banyamulengués came to his house located in the [REDACTED] area of [REDACTED] PK [REDACTED] which caused his family to flee. He alleges that four Banyamulengués beat him and pillaged his house. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁴¹

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

¹⁴⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx181; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 141 to 142.

¹⁴¹ ICC-01/05-01/08-2073-Conf-Exp-Anx181, pages 4 to 5 and 9 to 10.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre in the [REDACTED] area of [REDACTED] on 6 January 2003.

Applicant [REDACTED]⁴²

Claim to victim status

The applicant states that on 7 December 2002, five Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. She alleges that she fled, together with her children, to the fields, and upon her return she discovered that her belongings had been pillaged. She appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴³

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 in the [REDACTED] area of [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁴⁴

¹⁴² ICC-01/05-01/08-2073-Conf-Exp-Anx182; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 143 to 144.

¹⁴³ ICC-01/05-01/08-2073-Conf-Exp-Anx182, pages 4 to 5 and 9.

¹⁴⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx183; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 145 to 146.

Claim to victim status

The applicant is deceased and the application is introduced on her behalf by her father.

It is stated that on 3 November 2002, when [REDACTED] PK [REDACTED] was occupied by the Banyamulengués, the applicant's family's compound was besieged. It is stated that the applicant was taken hostage, raped and used by the leader of the rebels and his assistant as their wife and as a domestic servant. It is further alleged that when the rebels left for [REDACTED] the applicant managed to escape and she was brought to the hospital, where she was diagnosed as being HIV positive. It is further claimed that she died of hepatitis which was linked to the HIV. It is added that the applicant's and her family's belongings were pillaged. The person acting on behalf appends a document in which he lists and values their loss. Further, the person acting on behalf appends a death certificate stating that the applicant died on [REDACTED] July 2006. As a result of the alleged events, it is claimed that the applicant suffered physical, psychological and material harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological and material harm.¹⁴⁵

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identities of both the applicant and her father, who is acting on her behalf as well as the kinship between them.

Having considered the application as a whole, the Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis

¹⁴⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx183, pages 4 to 5 and 11 to 12.

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 in [REDACTED] PK [REDACTED] on and as of 3 November 2002. Furthermore, the Chamber considers that, overall, the person acting on behalf of the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his daughter and the pillage of his belongings by the Banyamulengués of Jean-Pierre in [REDACTED] PK [REDACTED] on and as of 3 November 2002.

Applicant [REDACTED]⁴⁶

Claim to victim status

The applicant states that on 31 October 2002, when she was washing her children, she saw four Banyamulengués in military uniforms coming to her house, located in [REDACTED]. She states that one of the men spoke to her in a language she did not understand and the four of them raped her one after the other. She alleges that she had to have an abortion as a consequence of the rape. She further claims that her husband abandoned her. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁴⁷

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

¹⁴⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx185; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 147 to 148.

¹⁴⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx185, pages 4 to 5.

inadvertent error in filling in the form and therefore the identity of the applicant is sufficiently demonstrated.

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] PK [REDACTED] on 31 October 2002.

Applicant [REDACTED]⁴⁸

Claim to victim status

The applicant states that during the month of November 2002, when she saw her neighbours being chased by armed men in uniform in PK [REDACTED] she, her sister and her niece fled but were caught by three men. She alleges that she, her sister and her ten-year-old niece were raped by these men. She also alleges that her belongings were pillaged by the Banyamulengués. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁴⁹

Analysis and conclusions

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

¹⁴⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx186; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 149 to 150.

¹⁴⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx186, pages 4 to 5.

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

Applicant [REDACTED]⁵⁰

Claim to victim status

The applicant states that in December 2002, the Banyamulengués, who spoke Lingala, English, and [REDACTED] entered her house located in the [REDACTED] area of Bangui. She alleges that when they saw that she had two hen houses they demanded money and when she told them that she did not have any money, they broke the door of her house and started pillaging her belongings. She further states that they took her to the hen house where they raped her. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁵¹

Analysis and conclusions

The Chamber notes a discrepancy of one year and one month between the date of birth as appearing in the application form and on the membership card attached thereto. However, given that the remainder of the information provided in the membership card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error

¹⁵⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx187; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 151 to 152.

¹⁵¹ ICC-01/05-01/08-2073-Conf-Exp-Anx187, pages 4 to 5.

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

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

Applicant [REDACTED]⁵²

Claim to victim status

The applicant states that in January 2003, the Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED] took her husband and pointed him with a gun, which provoked a cardiac arrest and led to his death. She adds that they raped her daughter and pillaged all their belongings which she lists. She further alleges that she was beaten with the firearms and suffered from hemorrhages for five days. She further claims that her daughter contracted HIV. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁵³

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

¹⁵² ICC-01/05-01/08-2073-Conf-Exp-Anx188; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 153 to 154.

¹⁵³ ICC-01/05-01/08-2073-Conf-Exp-Anx188, pages 4 to 5.

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

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

Applicant [REDACTED]⁵⁴

Claim to victim status

The applicant states that in November 2002, due to the tension in the country and in his area, he had to leave his house located in the [REDACTED] area of [REDACTED]. He alleges that the Banyamulengués entered his house and pillaged his belongings during his absence. The applicant appends a document in which he lists and values his loss and where it is stated that the pillage occurred on 14 November 2002. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁵

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

¹⁵⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx189; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 155 to 156.

¹⁵⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx189, pages 4 to 5 and 10.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 14 November 2002.

Applicant [REDACTED]⁵⁶

Claim to victim status

The applicant states that on 5 November 2002, when Jean Pierre Bemba's armed men came to [REDACTED] dressed in military uniforms and speaking Lingala, he fled with his family to the fields with three bags of clothes. He alleges that upon his return, five months later, he discovered that all his belongings had been pillaged and that even his doors and windows were missing. 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.¹⁵⁷

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 5 November 2002.

Applicant [REDACTED]⁵⁸

¹⁵⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx190; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 157 to 158.

¹⁵⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx190, pages 4 to 5 and 9.

¹⁵⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx191; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 159 to 160.

Claim to victim status

The applicant states that on 16 November 2002, when Jean-Pierre Bemba's armed men, who were wearing military uniforms and speaking Lingala, came to his house, located in [REDACTED] he fled together with his daughter to the [REDACTED] area, without taking any of his belongings. He states that the rest of his family fled to the [REDACTED] village, and when they returned to their house five months later, nothing remained. The applicant appends a document in which he lists and values the items pillaged by Jean-Pierre Bemba's troops. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁹

Analysis and conclusions

The Chamber notes 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 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 16 November 2002.

Applicant [REDACTED]⁶⁰

Claim to victim status

¹⁵⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx191, pages 4 to 5 and 9.

¹⁶⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx192; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 161 to 162.

The applicant states that on 21 November 2002, while she was at her house, located in the [REDACTED] area of [REDACTED] she heard her children crying and went to see what was happening outside. She states that when Jean-Pierre Bemba's men saw her, they proceeded to tear her clothes and beat her. She adds that seven armed men came over to her, three of whom raped her while the others searched her house and took her money. She states that she was ridiculed in front of everyone and was forced to leave her area. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁶¹

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 the [REDACTED] area of [REDACTED] on 21 November 2002.

Applicant [REDACTED]⁶²

Claim to victim status

The applicant states that on 25 October 2002, when Jean-Pierre Bemba's armed men, who were wearing military uniforms and speaking Lingala, arrived in

¹⁶¹ ICC-01/05-01/08-2073-Conf-Exp-Anx192, pages 4 to 5 and 9.

¹⁶² ICC-01/05-01/08-2073-Conf-Exp-Anx193; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 163 to 164.

██████ he and his family fled from their house to the fields with a bag of clothes. He states that upon his return five months later on 17 March 2003, he discovered that his house was empty. The applicant appends a document in which he lists and values the items pillaged by the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁶³

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 events took place on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,¹⁶⁴ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in ████████ on an unspecified between on or about 26 October 2002 and 15 March 2003.

Applicant ████████⁶⁵

Claim to victim status

¹⁶³ ICC-01/05-01/08-2073-Conf-Exp-Anx193, pages 4 to 5 and 9.

¹⁶⁴ ICC-01/05-01/08-836, paragraphs 84 to 86.

¹⁶⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx194; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 165 to 166.

The applicant states that on 26 October 2002, he and his family fled from their house, located in [REDACTED] to take refuge at a family farm located [REDACTED] kilometres away, while Jean-Pierre Bemba's men, who were wearing military uniforms and speaking Lingala, occupied his area. He states that upon his return five months later, he discovered that his house was empty. The applicant appends a document in which he lists and values the items pillaged by the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁶⁶

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 26 October 2002.

Applicant [REDACTED]⁶⁷

Claim to victim status

The applicant states that on 28 October 2002, while she was at her house, located in [REDACTED] she heard the sound of weapons being fired. She states that the Banyamulengués broke down the door to her house and took her outside where they beat her and demanded that she give them money. She further claims that

¹⁶⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx194, pages 4 to 5 and 9.

¹⁶⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx195; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 167 to 168.

they told her to leave, and fired bullets in her direction. She states that two months later, her house was empty and all of her belongings had been taken. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁶⁸

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 28 October 2002.

Applicant [REDACTED]⁶⁹

Claim to victim status

The applicant states that on 27 October 2002, Jean-Pierre Bemba's men came to his house, located in [REDACTED] PK [REDACTED] where they broke down the door and beat him. He states that some of the men were speaking French, while the majority was speaking Lingala. He claims that they searched his house and stole money before he was beaten, fainted and woke up two days later at his aunt's house. He further claims that when he returned home, he discovered that his belongings and livestock had been pillaged. He states that his wife left him, and appends a document in which he lists and values his loss. As a result of the alleged events,

¹⁶⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx195, pages 4 to 5 and 9.

¹⁶⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx196; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 169 to 170.

the applicant claims to have suffered physical, psychological, and material harm.¹⁷⁰

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 on and as of 27 October 2002.

Applicant [REDACTED]⁷¹

Claim to victim status

The applicant states that on 15 March 2003, when he learned that the Banyamulengués had entered and invaded Bangui, he fled to his family's farm in [REDACTED] on the road to [REDACTED]. He states that on 16 March, when the men entered [REDACTED] they raided the house on their farm and stole his belongings and merchandise. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁷²

Analysis and conclusions

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

¹⁷⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx196, pages 4 to 5 and 9 to 11.

¹⁷¹ ICC-01/05-01/08-2073-Conf-Exp-Anx199; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 171 to 172.

¹⁷² ICC-01/05-01/08-2073-Conf-Exp-Anx199, pages 4 to 5.

The Chamber notes the date provided by the applicant for the alleged events (16 March 2003) falls outside the temporal scope of the case. However, in light of the intrinsic coherence of the application as a whole, notably the reference to the occupation of Bangui by the Banyamulengués, the Chamber is of the view that this discrepancy 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] Bangui on or about 15 March 2003.

Applicant [REDACTED]⁷³

Claim to victim status

The applicant states that on 15 November 2002, fifteen Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] where they beat her and took her money. She states that she then fled to the fields with her children, and upon her return, she discovered that her house had been pillaged. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁷⁴

Analysis and conclusions

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

¹⁷³ ICC-01/05-01/08-2073-Conf-Exp-Anx200; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 173 to 174.

¹⁷⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx200, pages 4 to 5.

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

Applicant [REDACTED]⁷⁵

Claim to victim status

The applicant states that on 3 November 2002, when the Banyamulengués came to PK [REDACTED] he fled from his house. He further states that upon his return, he found that his house had been pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁷⁶

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 PK [REDACTED] on an unspecified date as of 3 November 2002.

¹⁷⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx201; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 175 to 176.

¹⁷⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx201, pages 4 to 5.

Applicant [REDACTED]⁷⁷

Claim to victim status

The applicant states that on 11 December 2002, nine Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED]. She further states that they pillaged her belongings and that five of them raped her one after the other. She adds that she now has health problems and that her husband divorced her. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁷⁸

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 the [REDACTED] area of [REDACTED] on 11 December 2002.

Applicant [REDACTED]⁷⁹

Claim to victim status

The applicant states that on 30 October 2002, armed Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] and asked her for money. She

¹⁷⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx202; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 177 to 178.

¹⁷⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx202, pages 4 to 5.

¹⁷⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx203; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 179 to 180.

further states that they asked her to leave the house and that she consequently fled to take refuge in the fields. She asserts that upon her return, she found that her house had been pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁸⁰

Analysis and conclusions

The Chamber notes a discrepancy of ten days between the date of birth as appearing in the application form and on the identity card attached thereto. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber 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 and as of 30 October 2002.

Applicant [REDACTED]⁸¹

Claim to victim status

The applicant states that on 28 November 2002, armed Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED]. She further states that they pillaged her merchandise and set up their base in her house for two weeks. She

¹⁸⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx203, pages 4 to 5.

¹⁸¹ ICC-01/05-01/08-2073-Conf-Exp-Anx204; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 181 to 182.

asserts that during this time, she asked them to give her her merchandise back, whereupon five of them tied her up and raped her one after the other. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁸²

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 the [REDACTED] area of [REDACTED] on and as of 28 November 2002.

Applicant [REDACTED]⁸³

Claim to victim status

The applicant states that on 2 December 2002, armed Banyamulengués came to her compound, located in the [REDACTED] area of [REDACTED]. She further states that three of them raped her and that she was forced to spend one month with them acting as their wife until she got pregnant. She adds that the baby was dead when she gave birth. She claims that she is now stigmatised as people call her the

¹⁸² ICC-01/05-01/08-2073-Conf-Exp-Anx204, pages 4 to 5.

¹⁸³ ICC-01/05-01/08-2073-Conf-Exp-Anx205; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 183 to 184.

Banyamulengués' wife and her husband left her. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁸⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on and as of 2 December 2002.

Applicant [REDACTED]⁸⁵

Claim to victim status

The applicant states that on 3 December 2002, armed Banyamulengués came to her compound, located in the [REDACTED] area of [REDACTED]. She further states that the men asked her to prepare food for them, that they beat her and used her as their wife for a month. She adds that one of them made her pregnant and that she is now stigmatised because she had a baby with a Banyamulengué. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁸⁶

Analysis and conclusions

¹⁸⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx205, pages 4 to 5.

¹⁸⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx206; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 185 to 186.

¹⁸⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx206, 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 by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on and as of 3 December 2002.

Applicant [REDACTED]⁸⁷

Claim to victim status

The applicant states that on 17 November 2002, armed Banyamulengués came to his house, located in [REDACTED]. He further states that one of them raped him and treated him like his wife for two weeks. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁸⁸

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 rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on and as of 17 November 2002.

¹⁸⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx207; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 187 to 188.

¹⁸⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx207, pages 4 to 5.

Applicant [REDACTED]⁸⁹

Claim to victim status

The applicant states that on 11 November 2002, when the Banyamulengués came to the [REDACTED] area of [REDACTED] she fled to take refuge in [REDACTED] located [REDACTED] kilometres away on the road to [REDACTED] and left everything behind. She further states that upon her return, she found that her house had been pillaged. She adds that her neighbours told her that the soldiers had used her house as a kitchen. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹⁰

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 11 November 2002.

Applicant [REDACTED]⁹¹

Claim to victim status

¹⁸⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx208; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 189 to 190.

¹⁹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx208, pages 4 to 5.

¹⁹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx209; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 191 to 192.

The applicant states that on 9 November 2002, armed Banyamulengués wearing military uniforms came to his house, located in the [REDACTED] area of [REDACTED]. He further states that the men pillaged his belongings and livestock and tortured him before using him to carry their loot to their base. He adds that they locked him in a cell for two days. 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 physical and material harm.¹⁹²

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 9 November 2002.

Applicant [REDACTED]⁹³

Claim to victim status

The applicant states that on 9 November 2002, when armed Banyamulengués came to the [REDACTED] area of [REDACTED] she fled to take refuge in [REDACTED] located 25 kilometres away on the road to [REDACTED] together with her children. She further states that upon her return, three months later, she found that her house had been pillaged and used as a slaughterhouse and a dump. The applicant appends

¹⁹² ICC-01/05-01/08-2073-Conf-Exp-Anx209, pages 4 to 5 and 8.

¹⁹³ ICC-01/05-01/08-2073-Conf-Exp-Anx210; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 193 to 194.

a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹⁴

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 9 November 2002.

Applicant [REDACTED]⁹⁵

Claim to victim status

The applicant states that on 30 October 2002, when the Banyamulengués came to the [REDACTED] area of Bangui, he had fled to the bush where he stayed for six months. He states that his wife told him what had happened, namely that the Banyamulengués had gone to his house and pillaged his belongings. He further claims that they locked his family in a room and threatened to kill them if they cried out for help. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹⁶

Analysis and conclusions

¹⁹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx210, pages 4 to 5 and 8.

¹⁹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx211; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 195 to 196.

¹⁹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx211, pages 4 to 5 and 9 to 10.

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 Bangui on an unspecified date as of 30 October 2002.

Applicant [REDACTED]⁹⁷

Claim to victim status

The applicant states that on 28 November 2002, she was at her sister's house located in the [REDACTED] area of PK [REDACTED] when five Banyamulengués suddenly entered the room. She alleges that she tried to escape but one of the Banyamulengués pinned her down and they raped her one after the other. She further alleges that five other men came out of her sister's room and pillaged her sister's belongings. She adds that her sister told her that they had brought her spouse to an unknown destination, and that his corpse was discovered 48 hours later. She states that five days after the rape, she started bleeding, so she went to the hospital as she was seven weeks pregnant, where she had a scraping. She alleges that because of the alleged events, she has not been able to conceive and her husband left her. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁹⁸

¹⁹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx234; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 197 to 198.

¹⁹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx234, pages 4 to 5.

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 the [REDACTED] area of Bangui on 28 November 2002.

Applicant [REDACTED]¹⁹⁹

Claim to victim status

The applicant states that on 1 November 2002, two Banyamulengués who were on their way back from PK [REDACTED] came to his house located in the [REDACTED] area of PK [REDACTED]. He states that after shooting twice in the air, they entered his house. He claims that one of them men was pointing his gun at him while the other searched the rooms in order to pillage his belongings. He adds that one of them raped his daughter in front of him. He claims that one of them shot at him but missed, and that since he was holding a baby in his arms, the other Banyamulengués persuaded him not to shoot at the applicant again. He adds that he kept the bullet. He further states that he has been interviewed by radio RFI about the alleged events. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁰⁰

¹⁹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx235; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 199 to 200.

²⁰⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx235, 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 daughter, only the applicant's attempted murder and the pillage of his belongings 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 his attempted murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of PK [REDACTED] on 1 November 2002.

Applicant [REDACTED]⁰¹

Claim to victim status

The applicant states that on 20 October 2002, when Mr Bozizé's rebels came to PK [REDACTED] she took her children and fled to [REDACTED]. She alleges that on 30 October 2002, she came back to PK [REDACTED] and she found that her house, located in [REDACTED] was occupied by the Banyamulengués. She claims that they occupied the house, stored their loot in her house, and pillaged her belongings. She further states that she returned to her house on 15 December 2002 after the war in [REDACTED] but that they only left the house when the troops of Mr Bozizé arrived on 15 March 2003. The applicant appends a document in which she lists

²⁰¹ ICC-01/05-01/08-2073-Conf-Exp-Anx236; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 201 to 202.

and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰²

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 PK [REDACTED] on an unspecified date as of 30 October 2002.

Applicant [REDACTED]⁰³

Claim to victim status

The applicant states that on 8 March 2003 after her neighbour and a Banyamulengué had a clash about a chicken, the neighbour managed to disarm the Banyamulengué and bring the weapon to the police station in PK [REDACTED]. She claims that two Banyamulengués alerted their base and a group of Banyamulengués came to retaliate in the [REDACTED] area of [REDACTED]. She alleges that they entered her house, that one man raped her in front of her seven-year-old child despite the fact that she was six months pregnant and the other one pillaged her belongings. She asserts that subsequently, she fled to the [REDACTED] river where her child got ill and died three days later. She further claims that two

²⁰² ICC-01/05-01/08-2073-Conf-Exp-Anx236, pages 4 to 5 and 8 to 9.

²⁰³ ICC-01/05-01/08-2073-Conf-Exp-Anx238; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 203 to 204.

days later she had a miscarriage. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁰⁴

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 the [REDACTED] area of [REDACTED] on an unspecified date as of 8 March 2003.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that at the end of October 2002, when the Banyamulengués entered the [REDACTED] area of Bangui, three men entered her house where she was alone. She claims that they shot three times in the air and then broke the front door and found her in the living room. She alleges that they asked her for money in Lingala and when she replied that she did not have any money, they raped her one after the other. She further states that she was bleeding heavily during two weeks and became infected. She further alleges that they pillaged her belongings.

²⁰⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx238, pages 4 to 5 and 8 to 9.

²⁰⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx239; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 205 to 206.

The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁰⁶

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 the [REDACTED] area of Bangui on an unspecified date between 26 and 31 October 2002.

Applicant [REDACTED]⁰⁷

Claim to victim status

The applicant states that on 16 November 2002, many Banyamulengués forced their way into her house, located in Bangui. She claims that she and her sister prepared fish for them. She alleges that on 17 November, a Banyamulengué, named [REDACTED] raped her and that another one, named [REDACTED] raped her cousin. She adds that the Banyamulengué who raped her left in November 2002 because he was transferred to [REDACTED]. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.²⁰⁸

Analysis and conclusions

²⁰⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx239, pages 4 to 5.

²⁰⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx240; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 207 to 208.

²⁰⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx240, pages 4 to 5.

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and the kinship with her cousin, 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 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 Bangui on an unspecified date as on and as of 17 November 2002.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant states that two days after the Banyamulengués arrived in PK [REDACTED] she heard a number of shots being fired and fled with her sister. The applicant alleges that they encountered two Banyamulengués and were forced to go to a field where both of them raped her though she was two months pregnant. She adds that she received first-aid treatment and she appends a medical document indicating that she was examined on [REDACTED] December 2002. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.²¹⁰

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

²⁰⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx241; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 209 to 210.

²¹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx241, pages 4 to 5.

inadvertent error in filling in the form and therefore the identity of the applicant is sufficiently demonstrated.

The Chamber notes that the applicant does not provide any date for the alleged events but merely states that they occurred two days after the Banyamulengués arrived in PK[REDACTED]. However, in light of the intrinsic coherence of the application as whole, notably the reference to the occupation of PK[REDACTED] by the Banyamulengués and given that the medical document appended to the application indicates that she was tested for sexually transmitted diseases on [REDACTED] December 2002, the Chamber is of the view that the failure to provide a precise date shall not serve to exclude the applicant. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in the vicinity of PK[REDACTED] on an unspecified date between 26 October and [REDACTED] December 2002.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant states that two days after the Banyamulengués' arrival in [REDACTED] in the end of October 2002, she encountered a group of Banyamulengués patrolling the [REDACTED] area while she was fleeing with her sisters and other people. She alleges that they took her by force to a coffee field and she was forced to lie on the ground and beaten with a rifle butt. The applicant further alleges that

²¹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx242; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 211 to 212.

three Banyamulengués raped her. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.²¹²

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in the vicinity of PK [REDACTED] on an unspecified date between 26 and 31 October 2002.

Applicant [REDACTED]¹³

Claim to victim status

The applicant states that on 28 November 2002, a group of Banyamulengués came to her house in the [REDACTED] area of [REDACTED] PK [REDACTED]. She alleges that five of them entered the main house and two took her partner outside. She further alleges that one hit her with the butt of his gun, as a consequence of which she lost a tooth, and three of them raped her one after the other. She claims that the two who had taken her partner outside returned and raped her as well. She adds that her sister was also raped. She further claims that when they were done they pillaged her belongings, and two days later she found the dead body of her

²¹² ICC-01/05-01/08-2073-Conf-Exp-Anx242, pages 4 to 5.

²¹³ ICC-01/05-01/08-2073-Conf-Exp-Anx243; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 213 to 214.

partner on the route to [REDACTED] As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.²¹⁴

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with her sister and her partner, only the applicant's rape and pillage will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 28 November 2002.

Applicant [REDACTED]¹⁵

Claim to victim status

The applicant states that on 15 November 2002, when the Banyamulengués arrived in PK [REDACTED] he closed his store, located on the road to [REDACTED] and went to his house, located in [REDACTED] He alleges that two days later, he decided to return to his store and found that it had been destroyed and that his merchandise was lost. He further states that he saw the Banyamulengués in the area and thus decided to return to his house. The applicant lists and values his loss. Furthermore, in a declaration appended to the application form, the applicant

²¹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx243, pages 4 to 5.

²¹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx341; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 9 to 10.

adds that the Banyamulengués broke into his shop and pillaged all his merchandise, as well as his household belongings. As a result of the alleged events, the applicant claims to have suffered material harm.²¹⁶

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 applicant stated that his property was destroyed and did not provide any indication that it had been pillaged.²¹⁷ In the additional statement, it is stated that the Banyamulengués broke into his shop and pillaged all his merchandise, as well as his household belongings.

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

Applicant [REDACTED]¹⁸

Claim to victim status

The applicant is a minor and the application is introduced on his behalf by his father.

²¹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx341, pages 9 to 11, 22 and 24 to 25.

²¹⁷ ICC-01/05-01/08-1590-Conf-Exp-AnxA, pages 39 to 40.

²¹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx347; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 11 to 12.

It is stated that on 26 October 2002 in the [REDACTED] area in PK [REDACTED] the elements of Jean-Pierre Bemba shot the applicant in the stomach. It is claimed that the applicant still suffers from the injury. The person acting on behalf of the applicant further claims that his house was pillaged by the troops of Jean-Pierre Bemba and he appends a document that lists and values the pillaged goods. Furthermore, in a declaration appended to the applicant form, the person acting on behalf of the applicant states that when the Banyamulengués arrived in PK [REDACTED] around 26 October 2002, the population fled and so did he, together with his wife and the applicant. He adds that when they heard gunshots, the applicant and his mother went inside a house and the Banyamulengués started shooting at the house. According to the person acting on behalf of the applicant, the applicant was shot in the stomach and the same bullet hit another girl in the house and killed her. He alleges that the same evening, another group of armed Banyamulengués came to their house, located in PK [REDACTED] asked them for money and pillaged all their belongings. A medical document appended to the application indicates that the applicant was injured by gunshot on 26 October 2002. As a result of the alleged events, it is claimed that the applicant suffered physical harm. Furthermore, the person acting on behalf of the applicant claims to have suffered material harm.²¹⁹

Analysis and conclusions

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 person acting on the applicant's behalf did not submit any document to establish his identity.²²⁰ Given that the person acting on behalf has now submitted copies of

²¹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx347, pages 9 to 11, 20 and 22 to 23.

²²⁰ ICC-01/05-01/08-1091-Conf-Exp-AnxA, pages 265 to 266.

the applicant's birth certificate and of his own national identity card and that the person acting on behalf also explains the discrepancies between his year of birth as appearing on the application form and on the identity document attached thereto, the Chamber considers that the documents provided demonstrate both the identity of the applicant and his father, who is acting on his behalf, as well as the kinship between them.

Having considered the application as a whole, the Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his attempted murder by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of PK [REDACTED] on 26 October 2002.

Further, the Chamber considers that, overall, the person acting on behalf of 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 PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]²¹

Claim to victim status

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

²²¹ ICC-01/05-01/08-2073-Conf-Exp-Anx349; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 13 to 14.

It is stated that at the end of October 2002, the applicant was at home, in Bangui, together with his son and nephews, when the Banyamulengués came and started to savagely beat him and loot all his belongings, including the applicant's bibles. According to the person acting on behalf, the assailants asked them for money, using some French words. The person acting on behalf adds that he could not understand their language and that they were coming from Zaire. It is stated that when the Banyamulengués left, they took the applicant with them, but that he later managed to escape. As a result of the alleged events, it is claimed that the applicant suffered physical, psychological and material harm.²²²

Analysis and conclusions

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

Having considered the application as a whole, the Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in Bangui on an unspecified date as of 26 October 2002.

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Applicant [REDACTED]²³

²²² ICC-01/05-01/08-2073-Conf-Exp-Anx349, pages 9 to 11, 20 to 21.

²²³ ICC-01/05-01/08-2130-Conf-Exp-Anx2; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 45 to 46.

Claim to victim status

The applicant states that between 26 and 30 October 2002, nine MLC soldiers of Jean-Pierre Bemba came to his compound, located in [REDACTED] PK [REDACTED] and forced him to open the door to his house and consequently pillaged his livestock. He claims that they brought his livestock to their headquarters, located on the road to [REDACTED] PK [REDACTED]. According to the applicant, he subsequently fled from the area together with his family. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²²⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 and 30 October 2002.

Applicant [REDACTED]²⁵

Claim to victim status

The applicant states that between 26 and 30 October 2002, during confrontations between the Banyamulengués soldiers of Jean-Pierre Bemba and the Central African forces in [REDACTED] her merchandise, which was stocked at the market located in PK [REDACTED] was pillaged. She contends that, fearing for her life, she fled

²²⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx2, pages 4 to 5 and 10.

²²⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx3; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 47 to 48.

from the area, together with her children. She further states that one month after the alleged events, two of her children died due to lack of food and health care. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²²⁶

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 PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]²⁷

Claim to victim status

The applicant states that between 26 and 30 October 2002, during the confrontations in [REDACTED] PK [REDACTED] he fled the area. He further contends that, during his absence, his house, located in Bangui, was entirely pillaged by the Banyamulengués soldiers. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²²⁸

Analysis and conclusions

²²⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx3, pages 4 to 5 and 10.

²²⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx4; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 49 to 50.

²²⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx4, pages 4 to 5 and 10.

The Chamber notes a discrepancy of one day between the date of birth as appearing in the application form and on the identity card attached thereto. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber 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 Bangui on an unspecified date as of 26 October 2002.

Applicant [REDACTED]²⁹

Claim to victim status

The applicant states that between 26 and 30 October 2002, the Banyamulengués came to his warehouse where he sold drinks in [REDACTED] PK [REDACTED] and took his merchandise. He states that the men forced him to flee to a different area where there was no fighting. He alleges that upon his return a few weeks later, he discovered that his money and merchandise from his warehouse had been pillaged. He further claims that his twelve-year-old son died two months after the alleged events because he could not seek proper medical care. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²³⁰

²²⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx5; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 51 to 52.

²³⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx5, 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 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 PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]³¹

Claim to victim status

The applicant states that between 26 and 30 October 2002, Jean-Pierre Bemba's men invaded his house, located in [REDACTED] PK [REDACTED] and pillaged his livestock, which he lists. The applicant states that, after interrogating him and his family, they forced him and his family to flee from the area. He contends that, during his absence, they pillaged all his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²³²

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

²³¹ ICC-01/05-01/08-2130-Conf-Exp-Anx6; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 53 to 54.

²³² ICC-01/05-01/08-2130-Conf-Exp-Anx6, pages 4 to 5 and 10.

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 PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]³³

Claim to victim status

The applicant states that between 27 and 30 October 2002, upon the arrival of the Banyamulengués troops in [REDACTED] PK [REDACTED] he fled from the area together with his family. He contends that, during their absence, the Banyamulengués broke into his house and pillaged all his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²³⁴

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 PK [REDACTED] on an unspecified date as of 27 October 2002.

Applicant [REDACTED]³⁵

Claim to victim status

²³³ ICC-01/05-01/08-2130-Conf-Exp-Anx7; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 55 to 56.

²³⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx7, pages 4 to 5 and 10.

²³⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx8; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 57 to 58.

The applicant states that between 26 October and 30 October 2002, the Banyamulengués came to his shop, located in the [REDACTED] area of [REDACTED] and told him to leave without taking anything. He states that when he fled, they pillaged his shop. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²³⁶

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 26 October 2002.

Applicant [REDACTED]³⁷

Claim to victim status

The applicant states that between 26 October and 31 October 2002, eight Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] threw her onto the bed and proceeded to rape her one after the other in front of her children. She states that as her children were crying, they were locked in another room and the men continued to rape her until she lost consciousness. Afterwards, she states that they took her belongings and that she and her

²³⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx8, pages 4 to 5 and 10.

²³⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx9; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 59 to 60.

husband divorced following the events. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²³⁸

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 the [REDACTED] area of [REDACTED] on an unspecified date between 26 and 31 October 2002.

Applicant [REDACTED]³⁹

Claim to victim status

The applicant states that between 26 and 30 October 2002, when Mr Bemba's men were fighting against the FACA, he fled from [REDACTED]. He further states that his house was entirely pillaged during his absence and that he is now a hopeless man. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁴⁰

Analysis and conclusions

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

²³⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx9, pages 4 to 5 and 10.

²³⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx10; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 61 to 62.

²⁴⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx10, pages 4 to 5 and 10.

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] PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant states that between 26 and 30 October 2002, during the confrontations between the Banyamulengués and the Central African forces, in [REDACTED] PK [REDACTED] she fled the area. She contends that, during her absence, her house, located in [REDACTED] was destroyed by gunshots and all her belongings were pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁴²

Analysis and conclusions

The Chamber notes a discrepancy of one year, on month and one day between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

²⁴¹ ICC-01/05-01/08-2130-Conf-Exp-Anx11; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 63 to 64.

²⁴² ICC-01/05-01/08-2130-Conf-Exp-Anx11, pages 4 to 5 and 10.

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 PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant states that between 26 and 30 October 2002, she fled from her house, located in [REDACTED] PK [REDACTED] in order to take refuge in an area where the Banyamulengués were not fighting. She alleges that during this time, her house was pillaged, leaving her with nothing. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁴⁴

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] PK [REDACTED] on an unspecified date as of 26 October 2002.

²⁴³ ICC-01/05-01/08-2130-Conf-Exp-Anx12; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 65 to 66.

²⁴⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx12, pages 4 to 5 and 10.

Applicant [REDACTED]⁴⁵

Claim to victim status

The applicant states that between 26 October and 31 October 2002, seven MLC soldiers came to his house, located in [REDACTED] PK [REDACTED] threatened him and then one of the men beat him and threw him out of his bed. Afterwards, he states that they took his belongings and livestock back to their base near PK [REDACTED]. He claims that once they had left, he fled and took refuge in areas where the fighting had not broken out at that time. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁴⁶

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] PK [REDACTED] on an unspecified date between 26 and 31 October 2002.

Applicant [REDACTED]⁴⁷

Claim to victim status

²⁴⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx13; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 67 to 68.

²⁴⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx13, pages 4 to 5 and 10.

²⁴⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx14; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 69 to 70.

The applicant states that between 25 and 30 October 2002, during the confrontations between the FACA and the Banyamulengués in the [REDACTED] area of Bangui, a significant part of the population, including the applicant and his family, fled the area. He contends that, while fleeing, he was intercepted by nine Banyamulengués soldiers who took him to their base, located in PK [REDACTED] on the road to [REDACTED] where he was held prisoner for five days, under suspicion of being a soldier of General Bozizé. The applicant claims that on 1 November 2002 he was handed over to a presidential guard patrol. He states that, after the events, he found that all his belongings had been pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁴⁸

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,²⁴⁹ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of

²⁴⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx14, pages 4 to 5, 9 and 11.

²⁴⁹ ICC-01/05-01/08- 836, paragraphs 84 to 86.

Jean-Pierre Bemba in the vicinity of the [REDACTED] area of Bangui on an unspecified date between on or about 26 October and 1 November 2002.

Applicant [REDACTED]⁵⁰

Claim to victim status

The applicant states that between 26 and 30 October 2002, Jean Pierre Bemba's MLC soldiers came to his shop, located at the PK [REDACTED] market, and pillaged his merchandise. He further states that they threatened him and forced him to flee the area and that, during his absence, they also looted his house. The applicant lists part of his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁵¹

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 PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]⁵²

Claim to victim status

²⁵⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx15; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 71 to 72.

²⁵¹ ICC-01/05-01/08-2130-Conf-Exp-Anx15, pages 4 to 5 and 10.

²⁵² ICC-01/05-01/08-2130-Conf-Exp-Anx17; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 73 to 75.

The applicant states in the original application that on 15 March 2003, the Banyamulengués came to Bangui and pillaged her house. She states that she was at the market at the time and that the Banyamulengués also came to the market and pillaged a sum of money she was keeping in her shop. She appends a document where her loss is listed and valued. In an additional statement, the applicant states that on 30 October 2002, while she was out buying food, the Banyamulengués entered her house located in the [REDACTED] area of Bangui. She claims that they ate the food her children were eating and pillaged everything in the house, including a large sum of money that was partly hers, and partly belonging to others. She further states that she had to leave because the Banyamulengués were armed. She claims that she went to the market and that the Banyamulengués, who may have followed her there, entered her boutique and pillaged everything. The applicant claims that her children have been traumatised by the events, and that she suffered considerably, surviving only thanks to the support of her two brothers, who are now deceased. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁵³

Analysis and conclusions

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

The Chamber notes that in the original application the applicant states that the alleged events occurred on 15 March 2003 whilst in the additional statement it is stated that the events occurred on 30 October 2002. However, in light of the intrinsic coherence of the additional statement in all other respects, and noting

²⁵³ ICC-01/05-01/08-2130-Conf-Exp-Anx17, pages 4 to 5 and 19 to 25.

that both dates provided fall under the temporal scope of the present case, and given that the VPRS does not have any fundamental doubt regarding the reliability of the applicant's statement, the Chamber is of the view that this discrepancy should not serve to exclude the applicant.

Under these circumstances, the Chamber is satisfied 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, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in Bangui on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁵⁴

Claim to victim status

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

It is stated, in the application form, that on 27 October 2002 Jean-Pierre Bemba's armed men, who were wearing military uniforms and speaking Lingala, came to the applicant's house, located in [REDACTED] and six of them and their superior raped the applicant. It is stated that this situation continued during the following five months. It is further stated that the applicant underwent medical tests and that the HIV test results were positive and she later died, leaving seven children behind. The person acting on behalf appends a declaration of death, which confirms that the applicant died on 10 March 2007. The person acting on behalf further appends a document in which she lists and values the belongings

²⁵⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx24; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 76 to 77.

which had been pillaged from her house. Furthermore, in an additional statement, the person acting on behalf states that in the end of October 2002, when the Banyamulengués arrived in Bangui, she was in the hospital, and her two daughters, one of which is the applicant, refused to flee with the rest of the population and stayed behind in order to take care of her. It is stated that the family house was pillaged and the applicant was raped whilst her sister was taken away to [REDACTED] by the Banyamulengués and was raped as well. As a result of the alleged events, it is claimed that the applicant suffered physical and psychological harm. Furthermore, the person acting on behalf of the applicant claims to have suffered psychological and material harm.²⁵⁵

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identities of the applicant, her sister and her mother, who is acting on her behalf, as well as the kinship between them.

Having considered the application as a whole, the Chamber considers that sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant 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 Bangui on an unspecified date as of 26 October 2002. Furthermore, the Chamber considers that, overall, the person acting on behalf of 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 rape of her daughters and the pillage of her belongings, to

²⁵⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx24, pages 4 to 5 and 15 to 16.

the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in Bangui on an unspecified date as of 27 October 2002.

Applicant [REDACTED]⁵⁶

Claim to victim status

The applicant alleges that during the events of 26 to 30 October 2002 in Bangui, she could not leave. She states that five soldiers came to her house and threatened to kill her before taking her belongings and money. She states that she then fled with her children [REDACTED] kilometres away from Bangui, on the road to [REDACTED] and that when she returned, she found that her house was empty. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁵⁷

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 Bangui on an unspecified date as of 26 October 2002.

Applicant [REDACTED]⁵⁸

²⁵⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx25; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 78 to 79.

²⁵⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx25, pages 4 to 5 and 11.

²⁵⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx27; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 80 to 81.

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, when Jean-Pierre Bemba's soldiers came to Bangui, PK [REDACTED] he fled and took refuge [REDACTED] kilometres away on the route to [REDACTED]. He alleges that the Banyamulengués pillaged his car. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁵⁹

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,²⁶⁰ the accused is charged with the crimes of murder, rape and pillage committed from "on or about" 26 October 2002 to 15 March 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 Bangui on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁶¹

Claim to victim status

²⁵⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx27, pages 4 to 5 and 10.

²⁶⁰ ICC-01/05-01/08-836, paragraphs 84 to 86.

²⁶¹ ICC-01/05-01/08-2130-Conf-Exp-Anx28; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 82 to 83.

The applicant alleges that between 25 and 30 October 2002, four of Jean-Pierre Bemba's MLC soldiers came to her house, located in the [REDACTED] area of PK [REDACTED] and asked her where her husband was, whereupon she replied that he was travelling. She alleges that they came into the house, threw her on the bed, undressed her and raped her one after the other. She states that once they were finished they covered her eyes with a black cloth and when they left she took her children and fled to [REDACTED]. The applicant further states that her husband divorced her. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.²⁶²

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,²⁶³ the accused is charged with the crimes of murder, rape and pillage committed from "on or about" 26 October 2002 to 15 March 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 her rape by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of PK [REDACTED] on an unspecified date between on or about 26 October and 30 October 2002.

²⁶² ICC-01/05-01/08-2130-Conf-Exp-Anx28, pages 4 to 5 and 10.

²⁶³ ICC-01/05-01/08-836, paragraphs 84 to 86.

Applicant [REDACTED]⁶⁴

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, when Mr Bemba's men came to the [REDACTED] area of PK [REDACTED] he fled from his house, located in [REDACTED] to take refuge in another area of Bangui. He further states that during his absence his belongings were taken and his house was destroyed. As a result of the alleged events, the applicant claims to have suffered material harm.²⁶⁵

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] PK [REDACTED] on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁶⁶

Claim to victim status

The applicant alleges that between 25 October and 30 October 2002, seventeen Banyamulengués came to her shop, located in [REDACTED] PK [REDACTED] interrogated her and after a while, the chief told her to leave her shop without taking anything.

²⁶⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx29; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 84 to 85.

²⁶⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx29, pages 4 to 5 and 10.

²⁶⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx30; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 86 to 87.

She claims that she fled and took refuge in areas where the fighting had not broken out at that time and upon her return she discovered that her belongings and money had been stolen. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁶⁷

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,²⁶⁸ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 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] PK [REDACTED] on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁶⁹

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, when Mr Bemba’s men came to the [REDACTED] area of Bangui, she fled from her house to take refuge

²⁶⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx30, pages 4 to 5 and 10.

²⁶⁸ ICC-01/05-01/08-836, paragraphs 84 to 86.

²⁶⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx31; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 88 to 89.

in [REDACTED] kilometres away from Bangui. She further states that upon her return, she found that her house had been pillaged and burned. She appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷⁰

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 Bangui on an unspecified date as of 26 October 2002.

Applicant [REDACTED]⁷¹

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, the Banyamulengués came to [REDACTED] PK [REDACTED] and she took refuge in another area. She alleges that while she was absent, her warehouse, which contained the goods that she was selling at the market, was completely pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.²⁷²

Analysis and conclusions

²⁷⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx31, pages 4 to 5, 8 and 18.

²⁷¹ ICC-01/05-01/08-2130-Conf-Exp-Anx32; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 90 to 91.

²⁷² ICC-01/05-01/08-2130-Conf-Exp-Anx32, pages 4 to 5, 10 and 12.

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 ██████ PK ██████ on an unspecified date as of 26 October 2002.

Applicant ██████⁷³

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, she fled from her house, located in ██████ PK ██████. She further states that during her absence, her house was pillaged by the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷⁴

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 ██████ PK ██████ on an unspecified date as of 26 October 2002.

²⁷³ ICC-01/05-01/08-2130-Conf-Exp-Anx33; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 92 to 93.

²⁷⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx33, pages 4 to 5 and 11.

Applicant [REDACTED]⁷⁵

Claim to victim status

The applicant alleges that between 25 October and 30 October 2002, he was in his house, located in Bangui, when six Banyamulengués threatened him and pillaged his belongings and livestock. Afterwards, he claims that they transported the loot back to their base in Bangui and he fled with his children to take refuge in [REDACTED]. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷⁶

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,²⁷⁷ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in Bangui on an unspecified date between on or about 26 October and 30 October 2012.

²⁷⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx34; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 94 to 95.

²⁷⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx34, pages 4 to 5 and 10.

²⁷⁷ ICC-01/05-01/08-836, paragraphs 84 to 86.

Applicant [REDACTED]⁷⁸

Claim to victim status

The applicant alleges that between 26 October and 30 October 2002, he was at work when his wife called to tell him that the area had been invaded by the Banyamulengués. He states that she joined him and they fled and took refuge in a location on the [REDACTED] road. He claims that during their absence, his house, located in [REDACTED] was pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷⁹

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] PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]⁸⁰

Claim to victim status

The applicant alleges that while the Banyamulengués were fighting between 25 and 30 October 2002 in [REDACTED] PK [REDACTED] she lost all her merchandise she had stored in her warehouse at the market. She states that after all her belongings were

²⁷⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx35; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 96 to 97.

²⁷⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx35, pages 4 to 5 and 10.

²⁸⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx36; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 98 to 99.

pillaged by Jean-Pierre Bemba's men, she experienced many problems within her family. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁸¹

Analysis and conclusions

The Chamber notes a discrepancy of five months and 24 days between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that the applicant states that the events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,²⁸² the accused is charged with the crimes of murder, rape and pillage committed from "on or about" 26 October 2002 to 15 March 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] PK [REDACTED] on an unspecified date as of on or about 26 October 2002.

²⁸¹ ICC-01/05-01/08-2130-Conf-Exp-Anx36, pages 4 to 5 and 10.

²⁸² ICC-01/05-01/08-836, paragraphs 84 to 86.

Applicant ██████████⁸³

Claim to victim status

The applicant alleges that between 26 October and 30 October 2002, twelve Banyamulengués came to her house, located in ██████████ PK ██████████ broke down her door and proceeded to pillage her belongings. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁸⁴

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 ██████████ PK ██████████ on an unspecified date between 26 and 30 October 2002.

Applicant ██████████⁸⁵

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, nine Banyamulengués came to his house, located in ██████████ PK ██████████ and demanded that he give them the key to his car or his family would be killed. He states that

²⁸³ ICC-01/05-01/08-2130-Conf-Exp-Anx37; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 100 to 101.

²⁸⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx37, pages 4 to 5, 9 and 11.

²⁸⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx38; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 102 to 103.

he complied and that, afterwards, they ordered them to leave the house, whereupon he took his children and they fled to conflict-free areas. He states that during his absence, the door to his house was broken and his belongings were taken. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁸⁶

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 ████████ PK ██████ on an unspecified date as of 26 October 2002.

Applicant ████████⁸⁷

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, Jean-Pierre Bemba's MLC soldiers came to Bangui which caused him and his family to flee to another area. The applicant alleges that the Banyamulengués broke the door to his house and pillaged his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁸⁸

Analysis and conclusions

²⁸⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx38, pages 4 to 5 and 15.

²⁸⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx39; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 104 to 105.

²⁸⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx39, pages 4 to 5 and 10.

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

The Chamber notes that the applicant states that the events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,²⁸⁹ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in Bangui on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁹⁰

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, Mr Bemba’s men came to his house located in PK [REDACTED]. He states that they asked him to lie on the ground and pillaged his belongings before raping his two daughters. He asserts that he consequently fled from his house, together with his family, to take refuge [REDACTED] kilometres away from Bangui, on the road to [REDACTED]. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁹¹

Analysis and conclusions

²⁸⁹ ICC-01/05-01/08-836, paragraphs 84 to 86.

²⁹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx40; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 106 to 107.

²⁹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx40, pages 4 to 5 and 11.

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 daughters, 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 PK [REDACTED] on an unspecified date between 26 and 30 October 2002.

Applicant [REDACTED]⁹²

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, the Banyamulengués invaded Bangui and she took refuge in another area. The applicant alleges that during her absence, her house was completely pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁹³

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the

²⁹² ICC-01/05-01/08-2130-Conf-Exp-Anx41; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 108 to 109.

²⁹³ ICC-01/05-01/08-2130-Conf-Exp-Anx41, pages 4 to 5 and 10.

Chamber,²⁹⁴ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 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 Bangui on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁹⁵

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, nine of Mr Bemba’s men came to his house, located in Bangui, asked him for the key of his warehouse and ordered him to leave. He further states that he fled from his house and that upon his return, he found that his belongings and livestock had been pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁹⁶

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the

²⁹⁴ ICC-01/05-01/08-836, paragraphs 84 to 86.

²⁹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx42; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 110 to 111.

²⁹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx42, pages 4 to 5 and 10.

Chamber,²⁹⁷ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in Bangui on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁹⁸

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, she fled from her house, located in Bangui, to take refuge in another area where the Banyamulengués were not fighting. She claims that her belongings and livestock were pillaged during her absence. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁹⁹

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the

²⁹⁷ ICC-01/05-01/08-836, paragraphs 84 to 86.

²⁹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx43; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 112 to 113.

²⁹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx43, pages 4 to 5 and 10.

Chamber,³⁰⁰ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 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 Bangui on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁰¹

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, Jean-Pierre Bemba’s MLC soldiers came to her house located in the [REDACTED] area of Bangui, PK [REDACTED]. The applicant alleges that they pillaged her belongings and a sum of money. She states that she then fled to another area. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁰²

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the

³⁰⁰ ICC-01/05-01/08-836, paragraphs 84 to 86.

³⁰¹ ICC-01/05-01/08-2130-Conf-Exp-Anx44; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 114 to 115.

³⁰² ICC-01/05-01/08-2130-Conf-Exp-Anx44, pages 4 to 5 and 10.

Chamber,³⁰³ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 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 Bangui on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]⁰⁴

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, eight of Jean-Pierre Bemba’s MLC soldiers came to his house, located in the [REDACTED] area of Bangui, PK [REDACTED] looking for money. The applicant alleges that he gave them a sum of money to save his life, but that they beat and insulted him and proceeded to pillage his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁰⁵

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

³⁰³ ICC-01/05-01/08-836, paragraphs 84 to 86.

³⁰⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx45; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 116 to 117.

³⁰⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx45, pages 4 to 5 and 10.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date as of 26 October 2002.

Applicant [REDACTED]⁰⁶

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, the armed Banyamulengués came to his house, located in [REDACTED] PK [REDACTED] and asked for the person in charge of the house. He claims that after he told them that he was responsible, the men pointed their weapons at him and demanded money, whereupon he responded that he did not have any money. He further states that they ordered him to leave and that they took his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁰⁷

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] PK [REDACTED] on an unspecified date as of 26 October 2002.

³⁰⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx46; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 118 to 119.

³⁰⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx46, pages 4 to 5 and 10.

Applicant [REDACTED]³⁰⁸

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, eleven soldiers came to his house, located in the [REDACTED] area of Bangui, PK [REDACTED] and pillaged his two motorbikes. The applicant states that after this, he fled with his children to take refuge in [REDACTED] located [REDACTED] kilometres away on the route to [REDACTED]. As a result of the alleged events, the applicant claims to have suffered material harm.³⁰⁹

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,³¹⁰ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between on or about 26 October 2002 and 30 October 2002.

³⁰⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx47; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 120 to 121.

³⁰⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx47, pages 4 to 5 and 10.

³¹⁰ ICC-01/05-01/08-836, paragraphs 84 to 86.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant alleges that between 26 and 30 October 2002, Mr Bemba's men came to his house, located in [REDACTED]. He further states that they pillaged his belongings and money and that they raped his two daughters in front of him. He asserts that he consequently fled to another area of Bangui. He adds that he then divorced his wife and that his sister died because of the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³¹²

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 daughters and his sister, only the crime of 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] PK [REDACTED] on an unspecified date between 26 and 30 October 2002.

Applicant [REDACTED]¹³

³¹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx48; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 122 to 123.

³¹² ICC-01/05-01/08-2130-Conf-Exp-Anx48, pages 4 to 5 and 10.

³¹³ ICC-01/05-01/08-2130-Conf-Exp-Anx49; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 124 to 125.

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, he was held at gunpoint by five Banyamulengués in his compound, located in Bangui. He states that they took a sum of money and his livestock. He claims having had to leave the area and to find refuge in another area. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³¹⁴

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,³¹⁵ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in Bangui on an unspecified date between on or about 26 October 2002 and 30 October 2002.

Applicant [REDACTED]¹⁶

Claim to victim status

³¹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx49, pages 4 to 5 and 10.

³¹⁵ ICC-01/05-01/08-836, paragraphs 84 to 86.

³¹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx50; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 126 to 127.

The applicant alleges that between 26 and 30 October 2002, two Banyamulengués came to her house, located in PK [REDACTED] and she dropped her key. She states that during her absence, the men took her key and pillaged her house and a sum of money. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³¹⁷

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 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 PK [REDACTED] on an unspecified date as of 26 October 2002.

Applicant [REDACTED]¹⁸

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, he fled from the [REDACTED] area of Bangui with his family, along with the majority of the population, to areas where there was no fighting. He claims that during his absence, the Banyamulengués broke down the door of his house and took his money and

³¹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx50, pages 4 to 5 and 10.

³¹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx51; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 128 to 129.

belongings, which he lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³¹⁹

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 events started on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,³²⁰ the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date as of on or about 26 October 2002.

Applicant [REDACTED]²¹

Claim to victim status

The applicant alleges that on 23 November 2002, she was on the bank of the Oubangui River, together with her children, when five members of the MLC forces of Mr Jean-Pierre Bemba raped her and her daughter. She further contends that after the rape, they brought her to her house and pillaged all her belongings.

³¹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx51, pages 4 to 5, 9 and 11.

³²⁰ ICC-01/05-01/08-836, paragraphs 84 to 86.

³²¹ ICC-01/05-01/08-2130-Conf-Exp-Anx52; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 130 to 131.

As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³²²

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with her daughter, only the rape of the applicant and pillage will be considered for the purpose of the present assessment.

The Chamber notes that the applicant does not provide a precise location for the alleged events but only refers to the bank of the Oubangui River and 'at home'. Nevertheless, in light of the intrinsic coherence of the application as a whole, notably the reference to the occupation by the Banyamulengués in November 2002, as well as the fact the applicant was born in Bangui and the application form was filled in in Bangui, the Chamber infers that the alleged events occurred in Bangui.

Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in Bangui on and as of 23 November 2002.

Applicant [REDACTED]²³

Claim to victim status

³²² ICC-01/05-01/08-2130-Conf-Exp-Anx52, pages 4 to 5.

³²³ ICC-01/05-01/08-2130-Conf-Exp-Anx53-Corr; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 3 to 5.

The applicant states in the original application that on 3 November 2002, whilst her husband was away on transhumance, Mr Bemba's men came to her house, located in the [REDACTED] area of [REDACTED] and threatened her with their gun. She states that they pillaged a sum of money and her belongings. However, in an additional statement, the applicant states that at the time when the Banyamulengués had their base in the PK [REDACTED], and they stayed in Bangui until Mr Bozizé came to power, they invaded her place, located in the [REDACTED] area of [REDACTED]. She states that at the time her husband had fled because he had heard rumours that they were coming, and she had stayed at home together with her children. According to the applicant, the Banyamulengués asked her for her money, and when she said she did not have any, they brutalized her and pillaged all her property and money. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³²⁴

Analysis and conclusions

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 applicant only provided a vaccination card as proof of her identity and such document has been consistently rejected by the Chamber as proof of identity.³²⁵ In the additional statement, the applicant explains that her vaccination card is the only document she has and provides a statement signed by two witnesses as well as their respective identity documents. Therefore, the Chamber considers that the documents provided demonstrate the identity of the applicant.

The Chamber notes that in the additional statement, the applicant states that she does not remember the date for the alleged events. However, in light of the

³²⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx53-Corr, pages 9 to 11 and 21.

³²⁵ ICC-01/05-01/08-1091-Conf-Exp-AnxA, pages 45 to 46.

intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of Bangui, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. For these reasons, 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 26 October 2002 and 15 March 2003.

Applicant [REDACTED]²⁶

Claim to victim status

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

In the original application, it is stated that when the Banyamulengués invaded PK [REDACTED] the applicant was in the bush with his cattle. It is stated that on 4 November 2002, the Banyamulengués intercepted the applicant in the [REDACTED] area of PK [REDACTED] demanded money and shot and killed him. It is further stated that they shot at the cattle and transported it with their vehicle towards their camp. The person acting on behalf of the applicant states that she was informed of the murder and went to the place of the alleged crime and saw her husband's body which was shaking and covered in blood with a bullet in the head. The loss is listed and valued and a death certificate stating that the death occurred on 3 November 2002 is appended. In an additional statement it is stated that at the time of the events, the person acting on behalf of the applicant, who was living in

³²⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx99; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 6 to 8.

the [REDACTED] area, had escaped with her children. It is claimed that the Banyamulengués killed the applicant at the market and pillaged their house located in the [REDACTED] area of PK [REDACTED]. The person acting on behalf of the applicant clarifies that she is acting on behalf of the applicant as well as on her own behalf and that there is a mistake in the application form as to do the date of birth of her husband. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm. Furthermore, the person acting on behalf of the applicant claims to have suffered psychological and material harm.³²⁷

Analysis and conclusions

The Chamber considers that the documents provided establish the identity of the applicant. In relation to the identity of the person acting on behalf, the Chamber notes that the person acting on behalf of the applicant provides a vaccination card which has been rejected as valid means of identification.³²⁸ However, given that the death certificate signed and stamped by the *chef de quartier* and appended to the application indicates that the death was declared by the applicant's wife, who is the person acting on behalf of the applicant, the Chamber is satisfied that the documents provided sufficiently demonstrate the identity of the person acting on behalf and her kinship with the applicant.

The Chamber notes that in the additional statement, the person acting on behalf of the applicant does not provide any precise date for the alleged events. However, given that the death certificate appended to the application indicates that the death occurred on 3 November 2002, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the application. Under these circumstances, the Chamber considers that, overall, sufficient

³²⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx99, pages 9 to 11, 19 and 21 to 25.

³²⁸ Decision on 772 applications by victims to participate in the proceedings, 18 November 2010, ICC-01/05-01/08-1017, paragraph 42.

evidence has been provided on behalf of the applicant 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 murder by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 3 November 2002. In addition, the Chamber considers that, overall, the person acting on behalf of the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her husband and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 3 November 2002.

Applicant [REDACTED]²⁹

Claim to victim status

The applicant states that on 29 October 2002, when the Banyamulengués entered her house, located in PK [REDACTED] on the road to [REDACTED] they told her to leave the house and started pillaging her belongings. She appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued for a total amount of 3,180,000 CFA. In a second application form appended to the original application,³³⁰ the applicant states that in November 2002, whilst she was at her house in the [REDACTED] area of [REDACTED] a group of Banyamulengués entered her house and threatened her, whereupon she fled together with her children. She states that upon her return two weeks later, she noticed that her house and her shop had been pillaged. She appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued for a total amount of 5,720,000

³²⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx119; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 9 to 10.

³³⁰ In this application form, the applicant number is [REDACTED]

CFA. As a result of the alleged events, the applicant claims to have suffered material harm.³³¹

Analysis and conclusions

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

The Chamber notes slight inconsistencies between the two application forms, notably in relation to the precise date of the events and the alleged value of the pillaged belongings. However, given the proximity of the dates provided (29 October 2002 and November 2002), the consistency of the items listed in both lists and noting that the two applications were completed with the assistance of two different intermediaries, the Chamber is of the view that these inconsistencies 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 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 November 2002.

Applicant [REDACTED]³²

Claim to victim status

³³¹ ICC-01/05-01/08-2130-Conf-Exp-Anx119, pages 9 to 11, 19 and 31.

³³² ICC-01/05-01/08-2130-Conf-Exp-Anx120; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 11 to 12.

The applicant states that on 3 November 2002, four Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED] where she was together with her children, and addressed her in Lingala saying “yaka”. According to the applicant, they pillaged her belongings, which she lists. She also alleges that they tried to rape her, but they stopped when they found money. She adds that her partner abandoned her because he assumed that she had been raped. However, in an additional statement appended to the application form, the applicant states that the Banyamulengués raped her, in the presence of her children, and that she is now HIV positive. She also appends medical documents. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³³³

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 notes that in the original application the applicant states that the Banyamulengués attempted to rape her but did not rape her and insists on the fact that they only pillaged her belongings and that her husband abandoned her because of the rumours that she was raped. However, in the additional statement, the applicant states that the Banyamulengués raped her in front of her children and that she was abandoned by her husband and received medical treatment. In the absence of any explanation for this discrepancy, the Chamber is not in a

³³³ ICC-01/05-01/08-2130-Conf-Exp-Anx120, pages 9 to 11, 21 and 36.

position to determine whether rape occurred and therefore, only pillage will be considered for the purpose of the present assessment.

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

Applicant [REDACTED]³⁴

Claim to victim status

The applicant states that on 6 November 2002, Mr Bemba's armed men, who were wearing military uniforms and speaking Lingala, came to his house, located in the [REDACTED] area of [REDACTED]. He further states that they broke the door, beat him and started pillaging his house. He asserts that he consequently fled to take refuge in the fields, together with his family. He appends a document signed and stamped by the *chef de quartier* in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³³⁵

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

³³⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx121; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 132 to 133.

³³⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx121, pages 4 to 5 and 9.

inadvertent error in filling in the form and therefore the identity of the applicant is sufficiently demonstrated.

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 PK [REDACTED] on 6 November 2002.

Applicant [REDACTED]³⁶

Claim to victim status

The applicant states that on 1 November 2002, three of Mr Bemba's rebels, who were speaking Lingala, came to her house, located in [REDACTED] PK [REDACTED]. She further states that two of them raped her one after the other before pillaging her house. She asserts that she then fled to take refuge in [REDACTED] and that upon her return she found that her house was empty. She adds that she is now stigmatised. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³³⁷

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

³³⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx122; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 134 to 135.

³³⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx122, pages 4 to 5 and 10.

accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 1 November 2002.

Applicant [REDACTED]³³⁸

Claim to victim status

The applicant states that in October 2002, she was on her way to take refuge in PK [REDACTED] when she was intercepted by the Banyamulengués in PK [REDACTED] on the road to [REDACTED]. She further asserts that they threatened her with their weapons and raped her. The applicant appends a medical document certifying that she suffers from HIV. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.³³⁹

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (October 2002) is broad and as such might fall outside the temporal scope of the case. However, in light of the intrinsic coherence of the application as a whole, notably the reference to the occupation of PK [REDACTED] by the Banyamulengués, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber 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

³³⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx123; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 136 to 137.

³³⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx123, pages 4 to 5 and 10.

accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 26 and 31 October 2002.

Applicant [REDACTED]⁴⁰

Claim to victim status

The applicant states that on 4 December 2002, the Banyamulengués came to his house located in the [REDACTED] area of [REDACTED]. He claims that they made him lie on the floor and asked who was in charge. He further states that when he told them he was in charge they started to ask him questions and slapped him. He states that five of them stayed while the other Banyamulengués pillaged his belongings. He appends documents in which he lists and values his loss. He further claims that he is separated from his wife. As a result of the alleged events, the applicant claims to have suffered material harm.³⁴¹

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 4 December 2002.

³⁴⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx132; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 138 to 139.

³⁴¹ ICC-01/05-01/08-2130-Conf-Exp-Anx132, pages 4 to 5, 8 and 13.

Applicant [REDACTED]⁴²

Claim to victim status

The applicant states that on 26 November 2002, fifteen Banyamulengués, including four women, came to his house, located in the [REDACTED] area of [REDACTED]. He claims that the four women began to speak in Lingala and threatened him. He alleges that they beat him with sticks and that the other eleven Banyamulengués pillaged his belongings. He 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.³⁴³

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 26 November 2002.

Applicant [REDACTED]⁴⁴

Claim to victim status

The applicant states that on 10 December 2002, ten Banyamulengués encircled his house, located in the [REDACTED] area of [REDACTED]. He states that one of them hit him

³⁴² ICC-01/05-01/08-2130-Conf-Exp-Anx133; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 140 to 141.

³⁴³ ICC-01/05-01/08-2130-Conf-Exp-Anx133, pages 4 to 5 and 9 to 10.

³⁴⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx134; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 142 to 143.

and others started to hit him with sticks. He claims that the seven others entered his house, causing his wife and children to flee, and proceeded to pillage his belongings. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁴⁵

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 10 December 2002.

Applicant [REDACTED]⁴⁶

Claim to victim status

The applicant states that on 5 February 2003, when a group of Jean-Pierre Bemba's militiamen came to his house, located in the [REDACTED] area of [REDACTED] he fled together with his wife and children. He states that upon their return two days later, they found that their belongings had been pillaged. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁴⁷

³⁴⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx134, pages 4 to 5 and 9 to 10.

³⁴⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx135; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 144 to 145.

³⁴⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx135, pages 4 to 5 and 9.

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 5 February 2003.

Applicant [REDACTED]⁴⁸

Claim to victim status

The applicant states that on 17 December 2002, eight armed Banyamulengués encircled his house, located in the [REDACTED] area. He claims that five of the men entered his house and proceeded to pillage his belongings while the other three beat him with sticks. He states that his wife and children fled and that afterwards, he had to stay in his house for one week to recover from the beatings. Further, he claims that they pillaged his shop. 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 physical, psychological and material harm.³⁴⁹

Analysis and conclusions

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

³⁴⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx136; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 146 to 147.

³⁴⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx136, pages 4 to 5 and 8 to 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 the [REDACTED] area of [REDACTED] on 17 December 2002.

Applicant [REDACTED]⁵⁰

Claim to victim status

The applicant states that on 22 November 2002, when the Banyamulengués came to the [REDACTED] area of Bangui, he fled with his family and found refuge in [REDACTED]. He claims that the Banyamulengués pillaged his belongings and his house in his absence. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁵¹

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 Bangui on an unspecified date as of 22 November 2002.

³⁵⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx137; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 148 to 149.

³⁵¹ ICC-01/05-01/08-2130-Conf-Exp-Anx137, pages 4 to 5.

Applicant [REDACTED]⁵²

Claim to victim status

The applicant states that on 23 November 2002, when the Banyamulengués came to the [REDACTED] area of the [REDACTED]^h *arrondissement* of Bangui, they started shooting everywhere. She claims that her brother-in-law was shot in the foot. She further submits that she fled to the fields, together with her children, for a period of one week. She claims that upon her return, she found that her house had been pillaged and she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁵³

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-in-law, only pillage will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date as of 23 November 2002.

Applicant [REDACTED]⁵⁴

³⁵² ICC-01/05-01/08-2130-Conf-Exp-Anx138; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 150 to 151.

³⁵³ ICC-01/05-01/08-2130-Conf-Exp-Anx138, pages 4 to 5.

³⁵⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx139; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 152 to 153.

Claim to victim status

The applicant states that on 12 November 2002, when the Banyamulengués came to the [REDACTED] area of [REDACTED] he fled for two weeks to the bush. He alleges that the Banyamulengués pillaged all his belongings and that upon his return, his house was totally empty. He appends a document signed and stamped by the *chef de quartier* in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁵⁵

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 12 November 2002.

Applicant [REDACTED]⁵⁶**Claim to victim status**

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

It is stated that in October 2002, the applicant was hit by a stray bullet shot by a Banyamulengué, behind the [REDACTED] in Bangui. It is further alleged that

³⁵⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx139, pages 4 to 5 and 9.

³⁵⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx140; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 154 to 155.

the applicant was wounded on his right arm and that he bled to death. The death certificate appended to the application indicates that the applicant died on 28 October 2002 as a result of a stray bullet wound. As a result of the alleged events, it is claimed that the applicant suffered physical harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological harm.³⁵⁷

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. In relation to the person acting on behalf of the applicant, the Chamber notes a discrepancy of five months and four days between the date of birth as appearing in the application form and on the birth certificate of the person acting on behalf of the applicant attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the person acting on behalf of the applicant as well as the kinship with her deceased nephew.

The Chamber notes that it is stated that the applicant was hit in the arm by a stray bullet, which is confirmed by the death certificate appended to the application. In the absence of any indication that a crime falling under the scope of the case occurred, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁵⁸

³⁵⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx140, pages 9 to 11 and 24.

³⁵⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx141; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 156 to 157.

Claim to victim status

The applicant states that on 26 November 2002, she was in her house located in [REDACTED] when Jean-Pierre Bemba's armed men, who were speaking Lingala and wearing military uniforms, entered the area. She states that when she saw them, she fled with her family to the fields, located 18 kilometres away, without taking any of her belongings, for a period of five months. She claims that upon her return, she found that her belongings had been taken. She appends a document signed and stamped by the *chef de quartier*, in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁵⁹

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 26 November 2002.

Applicant [REDACTED]⁶⁰

Claim to victim status

³⁵⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx141, pages 4 to 5 and 9 to 10.

³⁶⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx142; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 158 to 159.

The applicant states that on 23 November 2002, three days after she gave birth to her baby, Jean-Pierre Bemba's men who were speaking Lingala came to her house, located in [REDACTED]. She further states that they ordered her nephew to rape her, which he did. She asserts that three Banyamulengués then raped her one after the other before pillaging her belongings and livestock. She adds that she consequently fled from her house and took refuge in the village of [REDACTED] for five months, where her baby contracted a disease and died. She appends a document certifying that she now suffers from HIV. She also appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁶¹

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 23 November 2002.

Applicant [REDACTED]⁶²

Claim to victim status

³⁶¹ ICC-01/05-01/08-2130-Conf-Exp-Anx142, pages 4 to 5, 8 and 11.

³⁶² ICC-01/05-01/08-2130-Conf-Exp-Anx161; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 160 to 161.

The applicant alleges that on 5 December 2002, the Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] and pillaged his belongings. He claims that he fled with his family and took refuge in the fields. He states that he did not return until after 15 March 2003. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁶³

Analysis and conclusion

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 and as of 5 December 2002.

Applicant [REDACTED]⁶⁴

Claim to victim status

The applicant alleges that on 7 November 2002, six Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] and raped her in front of her family. She states that this led to a divorce between her and her husband and that she is stigmatised. Further, she claims that they took her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁶⁵

Analysis and conclusion

³⁶³ ICC-01/05-01/08-2130-Conf-Exp-Anx161, pages 4 to 5.

³⁶⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx162; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 162 to 163.

³⁶⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx162, 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 the [REDACTED] area of [REDACTED] on 7 November 2002.

Applicant [REDACTED]⁶⁶

Claim to victim status

The applicant alleges that on 13 December 2002, seven Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] and took her belongings. She further states that four of them raped her which led to a divorce between her and her husband. Further, she claims that she now experiences health problems as a result and has been rejected by her community. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁶⁷

Analysis and conclusion

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

³⁶⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx163; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 164 to 165.

³⁶⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx163, pages 4 to 5.

accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 13 December 2002.

Applicant [REDACTED]⁶⁸

Claim to victim status

The applicant alleges that on 27 November 2002, the Banyamulengués, who were speaking local dialect, came to her house, located in [REDACTED] forced her door open and proceeded to pillage her belongings and destroy her house. She claims that they also tried to rape her, but she was rescued by some youths of the area who heard her screaming. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁶⁹

Analysis and conclusion

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 27 November 2002.

Applicant [REDACTED]⁷⁰

³⁶⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx164; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 166 to 167.

³⁶⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx164, pages 4 to 5 and 10.

³⁷⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx165; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 168 to 169.

Claim to victim status

The applicant alleges that in 2002, Jean-Pierre Bemba's men invaded the [REDACTED] area of Bangui causing him and his family to flee and take refuge on the road to [REDACTED] where they stayed for one month and fifteen days. He states that upon their return, they found that their house 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.³⁷¹

Analysis and conclusion

The Chamber notes a discrepancy of three months between the date of birth as appearing in the application form and on the identity card attached thereto. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that the date provided by the applicant (2002) is broad and as such could fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of the [REDACTED] area of Bangui by the Banyamulengués, as well as the fact that a number of applicants refer to the attacks in Bangui by the Banyamulengués as of 26 October 2002, 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

³⁷¹ ICC-01/05-01/08-2130-Conf-Exp-Anx165, pages 4 to 5 and page 10.

accused, namely the pillage of his belongings, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]⁷²

Claim to victim status

The applicant alleges in December 2002, Jean-Pierre Bemba's MLC troops, came to her house, located in the [REDACTED] area of Bangui. She claims that the men were speaking Lingala, French and English, and were of average or small height. She alleges that they asked her husband to give them his car and money and when he refused they broke both of his arms. She alleges that they undressed her, thrown her on the ground and four of them raped her one after the other in front of her children while covering her mouth. She further alleges that while she was being raped, others were pillaging the belongings from her house. She lists her loss. As a result of the alleged events the applicant claims to have suffered physical, psychological and material harm.³⁷³

Analysis and conclusion

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, to the extent of her

³⁷² ICC-01/05-01/08-2130-Conf-Exp-Anx176; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 170 to 171.

³⁷³ ICC-01/05-01/08-2130-Conf-Exp-Anx176, pages 4 to 5.

personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date in December 2002.

Applicant [REDACTED]⁴

Claim to victim status

The applicant states that in January 2003, the Banyamulengués came to his house, located in the [REDACTED] village of PK [REDACTED]. He alleges that ten Banyamulengués broke down his door and began to pillage his belongings. The applicant further alleges that four of them raped his wife and his two daughters, made his two sons carry their loot, and severely beat his children. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁷⁵

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his wife and two daughters, only the pillage of the applicant's personal belongings 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] PK [REDACTED] on an unspecified date in January 2003.

³⁷⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx177; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 172 to 173.

³⁷⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx177, pages 4 to 5.

Applicant [REDACTED]⁷⁶

Claim to victim status

The applicant states that in the month of February 2003, twelve Banyamulengués came to his house, located in the village of [REDACTED]. He alleges that the men were of average height and were speaking Lingala, therefore he did not understand what they said. The applicant alleges that they demanded money and food, broke the doors of his room and pillaged his belongings. He lists his loss. He further alleges that two Banyamulengués raped his ten-year-old daughter who died as a consequence. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁷⁷

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his daughter, only the pillage of the applicant's personal belongings 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] Ombella M'Poko on an unspecified date in February 2003.

³⁷⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx178; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 174 to 175.

³⁷⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx178, pages 4 to 5.

Applicant [REDACTED]⁷⁸

Claim to victim status

The applicant states that on 22 November 2002, Jean-Pierre Bemba's troops arrived at her house, located in the [REDACTED] area of Bangui, killed two of her pigs, took four others and three baskets of smoked fish. The applicant alleges that when she got out of under the bed where she was hiding with her children, the Banyamulengués closed her eyes and mouth to prevent her from screaming and raped her. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁷⁹

Analysis and conclusion

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 the [REDACTED] area of Bangui on 22 November 2002.

Applicant [REDACTED]⁸⁰

Claim to victim status

³⁷⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx179; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 176 to 177.

³⁷⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx179, pages 4 to 5.

³⁸⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx180; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 178 to 179.

The applicant states that in February 2003, the Banyamulengués arrived at her house, located in the village of [REDACTED] PK [REDACTED] and began to shoot the goats in the village. She states that they killed her goats and beat her in front of her children. She adds that they threw her to the ground behind her house, undressed her and raped her one after the other. She further alleges that they pillaged her belongings and livestock, and she lists her loss. She claims that she is now depressed and think of committing suicide. She claims that people taunt her in the streets as a result of the incident. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁸¹

Analysis and conclusion

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

Applicant [REDACTED]⁸²

³⁸¹ ICC-01/05-01/08-2130-Conf-Exp-Anx180, pages 4 to 5.

³⁸² ICC-01/05-01/08-2130-Conf-Exp-Anx181; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 180 to 181.

Claim to victim status

The applicant states that in March 2003, the Banyamulengués came to her house, located in [REDACTED]. The applicant alleges that they began to shoot at the population. She further alleges that when the population started to flee to the bush they killed her six goats and eight chickens. She claims that they found her in her house under a bed and raped her one after the other and she then lost consciousness for 24 hours. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁸³

Analysis and conclusion

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

The Chamber notes that the date provided by the applicant (March 2003) is broad and as such could fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués, as well as the fact that a number of applicants refer to the attacks in [REDACTED] by the Banyamulengués as of 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 and 15 March 2003.

³⁸³ ICC-01/05-01/08-2130-Conf-Exp-Anx181, pages 4 to 5.

Applicant [REDACTED]⁸⁴

Claim to victim status

The applicant alleges that on 22 November 2002, when the Banyamulengués came through the port of [REDACTED] to the [REDACTED] area of Bangui and started shooting at the population, he tried to flee, but they caught him in front of his house. He states that they ordered him to lie on the ground, they tied his hands behind his back and then entered his house and pillaged his belongings. He lists his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁸⁵

Analysis and conclusion

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 Bangui on 22 November 2002.

Applicant [REDACTED]⁸⁶

Claim to victim status

³⁸⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx184; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 182 to 183.

³⁸⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx184, pages 4 to 5.

³⁸⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx202; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 184 to 185.

The applicant alleges that on 11 November 2002, Mr Bemba's men came to her house, located in [REDACTED] PK [REDACTED] while she was away. She further states that they broke the door to her house, pillaged her belongings, burned her administrative documents and ate her livestock. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁸⁷

Analysis and conclusion

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] PK [REDACTED] on 11 November 2002.

Applicant [REDACTED]⁸⁸

Claim to victim status

The applicant alleges that on 8 November 2002, the Banyamulengués came to her house, located in [REDACTED] PK [REDACTED] and asked her for water. She further states that after she gave them some water they asked her for money and when she replied that she did not have any money, they began pillaging all of her and her children's belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁸⁹

³⁸⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx202, pages 4 to 5.

³⁸⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx203; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 186 to 187.

³⁸⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx203, pages 4 to 5.

Analysis and conclusion

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 ██████ PK ██████ on 8 November 2002.

Applicant ██████⁹⁰

Claim to victim status

The applicant alleges that on 14 November 2002, Mr Bemba's men came to his house, located in ██████ PK ██████ and asked him for money. He further states that when he told them that he did not have any money, one soldier fired a shot into the air and he consequently fled from his house at which time, the soldiers set up their base in his compound for one week. He asserts that upon his return, he found that his belongings had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.³⁹¹

Analysis and conclusion

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

³⁹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx204; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 188 to 189.

³⁹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx204, pages 4 to 5 and 10.

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] PK [REDACTED] on an unspecified date as of 14 November 2002.

Applicant [REDACTED]⁹²

Claim to victim status

The applicant alleges that on 10 November 2002, Mr Bemba's men came to his house located in [REDACTED] PK [REDACTED] while he was away. He further states that they beat his wife and occupied his house for five days. He asserts that he wants to kill himself because he cannot find his belongings and he adds that he is a victim of the Banyamulengués' extortions. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁹³

Analysis and conclusion

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

The Chamber notes that the applicant does not explicitly state that his belongings were pillaged. However, considering that the applicant states that he wants to commit suicide since he saved his entire life for the goods and the fact that the Banyamulengués occupied his house for five days, the Chamber infers from the application that the applicant's belongings were pillaged.

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

³⁹² ICC-01/05-01/08-2130-Conf-Exp-Anx205; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 190 to 191.

³⁹³ ICC-01/05-01/08-2130-Conf-Exp-Anx205, pages 4 to 5.

confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in ██████ PK ██████ on an unspecified date as of 10 November 2002.

Applicant ██████ ⁹⁴

Claim to victim status

The applicant alleges that on 11 November 2002, Mr Bemba's men came to her house, located in ██████ PK ██████ and asked her for money. She further states that when she said that she did not have any money, they broke the door to her house and pillaged all her belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁹⁵

Analysis and conclusion

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 ██████ PK ██████ on 11 November 2002.

Applicant ██████ ⁹⁶

Claim to victim status

³⁹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx206; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 192 to 193.

³⁹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx206, pages 4 to 5.

³⁹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx207; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 194 to 195.

The applicant alleges that on 31 October 2002, Jean-Pierre Bemba's men, who were speaking a Congolese language, came to her house, located in [REDACTED] PK [REDACTED]. She further states that they hit her with their gun and that she consequently fled from her house, together with her children. She asserts that the soldiers broke the door of their house and pillaged all her belongings, ate her livestock and burned what they could not take with them. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁹⁷

Analysis and conclusion

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.³⁹⁸ In the present case, the applicant clearly states that her belongings were pillaged before the Banyamulengués set her house on fire and left the area.

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] PK [REDACTED] on an unspecified date as of 31 October 2002.

³⁹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx207, pages 4 to 5.

³⁹⁸ ICC-01/05-01/08-1017, paragraph 56.

Applicant [REDACTED]⁹⁹

Claim to victim status

The applicant alleges that on 8 November 2002, Jean-Pierre Bemba's men came to his house, located in PK [REDACTED] [REDACTED] while he was away. He further states that they shot in the air and ordered his wife leave to leave, whereupon she fled, together with their children. He adds that the rebels set up their base in his house for four days and pillaged all his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁰⁰

Analysis and conclusion

The Chamber notes a discrepancy of one month and five days between the applicant's date of birth as appearing in the application form and on the identity card attached thereto. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of an inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

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

³⁹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx208; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 196 to 197.

⁴⁰⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx208, pages 4 to 5.

Applicant [REDACTED]⁰¹

Claim to victim status

The applicant alleges that on 23 November 2002, Mr Bemba's men came to her house, located in PK [REDACTED] [REDACTED] and she consequently fled while her husband stayed at home. She further states that the soldiers beat her son and her husband until he lost consciousness and then pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁰²

Analysis and conclusion

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] PK [REDACTED] on 23 November 2002.

Applicant [REDACTED]⁰³

Claim to victim status

The applicant alleges that on 19 November 2002, she was in the [REDACTED] area of Bangui when the Banyamulengués came to her house, located in [REDACTED]. She further states that her neighbours called her to tell that her house had been

⁴⁰¹ ICC-01/05-01/08-2130-Conf-Exp-Anx209; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 198 to 199.

⁴⁰² ICC-01/05-01/08-2130-Conf-Exp-Anx209, pages 4 to 5.

⁴⁰³ ICC-01/05-01/08-2130-Conf-Exp-Anx210; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 200 to 201.

pillaged. Upon her return, she found her house without doors or windows and she noticed that all her belongings and livestock had been pillaged. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁰⁴

Analysis and conclusion

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 ██████ PK ██████ on 19 November 2002.

Applicant ██████⁰⁵

Claim to victim status

The applicant alleges that on 17 November 2002, he stayed at his house, located in the ██████ area of ██████ PK ██████ in order to protect his property, when twelve men of Mr Bemba came to his house. He further states that the soldiers treated all the men as rebels and beat him before pillaging his house. The applicant indicates that he was lying on the ground for 24 hours until he was found by an eight-year-old boy. The applicant appends a document in which he

⁴⁰⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx210, pages 4 to 5 and 8.

⁴⁰⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx211; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 202 to 203.

lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁰⁶

Analysis and conclusion

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] PK [REDACTED] on 17 November 2002.

Applicant [REDACTED]⁰⁷

Claim to victim status

The applicant alleges that on 6 November 2002, Mr Bemba's men came to her house, located in [REDACTED] PK [REDACTED]. She further states that they pillaged her belongings and destroyed her house. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁰⁸

Analysis and conclusion

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

⁴⁰⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx211, pages 4 to 5 and 8.

⁴⁰⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx212; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 204 to 205.

⁴⁰⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx212, pages 4 to 5.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 6 November 2002.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant alleges that on 31 October 2002, he and his two wives were at the funeral of a five-year-old boy when the men wearing civilian clothes but having guns of war invaded PK [REDACTED] and some minutes later, there was fighting with the Banyamulengués. He further states that the soldiers were shooting in the air and that he hid in the house of the deceased child. He further alleges that one of his sons came to them and told them that the rebels had arrived and set up their arms of war in front of the station. The applicant alleges that when they started firing, he fled together with his family to take refuge in the fields where they spent a night. The applicant further states that on the next morning, he saw that twelve people had been killed in the fields; consequently, he fled to Bangui. He states that the Banyamulengués set up their base in his house and that upon his return, he found that 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 psychological and material harm.⁴¹⁰

⁴⁰⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx213; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 206 to 207.

⁴¹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx213, pages 4 to 5 and 9 to 13.

Analysis and conclusion

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 PK [REDACTED] on an unspecified date as of 31 October 2002.

Applicant [REDACTED]⁴¹¹

Claim to victim status

The applicant alleges that on 8 August 2002, he just came back from work when he heard men speaking in Lingala outside his house, located in the [REDACTED] area of Bangui. He further alleges that one of his children told him that the Banyamulengués were there. He states that he tried to escape with his motorcycle when the Banyamulengués intercepted him and asked him for money. The applicant further alleges that when he said that he did not have any money, the men hit him with a gun and broke into his house and started pillaging his belongings. He lists his loss. In the additional statement appended to the application, the applicant states that the alleged event took place in August or October 2002. The applicant added that he does not remember exact date of the alleged events, but it was during the period when the Banyamulengués came to support the president and to fight Mr Bozizé's rebels. As a result of the alleged

⁴¹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx214-Corr; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 208 to 209.

events, the applicant claims to have suffered physical, psychological and material harm.⁴¹²

Analysis and conclusion

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

The Chamber notes that the date provided by the applicant (August or October 2002) is broad and as such could 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 statement that the events took place when the Banyamulengués came to support the president and to fight Mr Bozizé's rebels, 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 the [REDACTED] area of Bangui on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]¹³

Claim to victim status

The applicant alleges that on 23 December 2001, Mr Bemba's men came to his shop, located in the [REDACTED] area of Bangui. He further states that they were

⁴¹² ICC-01/05-01/08-2130-Conf-Exp-Anx214-Corr, pages 9 to 11, 22 to 24 and 35 to 36.

⁴¹³ ICC-01/05-01/08-2130-Conf-Exp-Anx215-Corr; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 210 to 211.

shooting in the air and started pillaging his merchandise before burning down his shop. The applicant lists his loss. Further, in an additional statement, the applicant alleges that in December 2002, when the Banyamulengués came to the [REDACTED] area of Bangui, he fled from his house and that upon his return he found that his house and his shop had been pillaged and the livestock was killed. He adds that his house was empty but had not been burned down. As a result of the alleged events, the applicant claims to have suffered material harm.⁴¹⁴

Analysis and conclusion

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

The Chamber notes that in the original application, the applicant states that the alleged events occurred on 23 December 2001 which falls outside the temporal scope of the present case. However, since in the additional statement, he clarifies that the events occurred in December 2002, the Chamber is of the view 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 Bangui on an unspecified date in December 2002.

Applicant [REDACTED]¹⁵

Claim to victim status

⁴¹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx215-Corr, pages 7 to 9, 24 to 26 and 35 to 36.

⁴¹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx216-Corr; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 212 to 213.

The applicant alleges that on 20 December 2002, ten men broke into her house, located in the [REDACTED] area of Bangui and demanded for money. She further states that they wanted to rape her but she told them that she suffered from HIV. She asserts that they consequently beat her before pillaging her belongings and money and she lists her loss. The applicant further alleges, in an appended declaration, that the assailants were the Banyamulengués and that she did not understand their language. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴¹⁶

Analysis and conclusion

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 Bangui on 20 December 2002.

Applicant [REDACTED]¹⁷

Claim to victim status

The applicant alleges that on 3 January 2003, Mr Bemba's men came to her house, located in the [REDACTED] area of Bangui. She alleges that the men talked to her in Lingala which she did not understand. She further states that they started looting her belongings and when she tried to resist, they shot in the air and the applicant

⁴¹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx216-Corr, pages 8 to 10, 24 to 26 and 35 to 36.

⁴¹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx217; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 214 to 215.

lost consciousness. The applicant alleges that the men pillaged her belongings and she lists her loss. She adds that she lost consciousness and that she now suffers from heart problems. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴¹⁸

Analysis and conclusion

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 Bangui on 3 January 2003.

Applicant [REDACTED]¹⁹

Claim to victim status

The applicant alleges that on 15 February 2003, she was at work when Mr Bemba's men came to her house, located in the [REDACTED] area of Bangui. She further states that one of her three children called her to tell her that Mr Bemba's men were in the area looking for houses to pillage. The applicant alleges that she immediately left her work and that she saw them pillaging her house when she arrived. She further alleged that she stayed in her neighbour's house and was able to see that the men were armed and speaking Lingala. The applicant lists her

⁴¹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx217, pages 7 to 9, 24 to 26 and 43 to 44.

⁴¹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx218; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 216 to 217.

loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴²⁰

Analysis and conclusion

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 Bangui on 15 February 2003.

Applicant [REDACTED]²¹

Claim to victim status

The applicant alleges that on 24 December 2002, Mr Bemba's men invaded [REDACTED] PK [REDACTED] where they set up their base. She further states in the context of the violent acts, she lost her house, located in the [REDACTED] area of [REDACTED] as well as all her belongings and her livestock which she lists. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴²²

Analysis and conclusion

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

⁴²⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx218, pages 7 to 9, 22 to 24 and 36 to 37.

⁴²¹ ICC-01/05-01/08-2130-Conf-Exp-Anx219; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 218 to 219.

⁴²² ICC-01/05-01/08-2130-Conf-Exp-Anx219, pages 9 to 11.

The Chamber notes that the applicant states that she lost her belongings, without specifying whether her belongings were pillaged. However, given that the applicant states that she lost her belongings in the context of the violent acts committed by the Banyamulengués and in the absence of any indication that the applicant abandoned her house or that her house was burned, the Chamber infers from the application that the applicant's belongings were pillaged.

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] PK [REDACTED] on 24 December 2002.

Applicant [REDACTED]³

Claim to victim status

The applicant alleges that on 12 September 2002, the Banyamulengués pillaged her plantations, located in [REDACTED]. She further alleges that she fled to the bush together with her children and stayed there for number of days. The applicant further explains, in an additional statement, that at the end of 2002 towards the beginning of the year of 2003, when the soldiers came to [REDACTED] she fled from her house, together with her husband. She asserts that upon her return, she found that the Banyamulengués had set up their base in her field, which was empty and destroyed. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴²⁴

⁴²³ ICC-01/05-01/08-2130-Conf-Exp-Anx220-Corr; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 220 to 221.

⁴²⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx220-Corr, pages 7 to 8 and 19 to 20.

Analysis and conclusion

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

The Chamber notes that the date provided by the applicant in the additional statement (in the end of 2002 towards the beginning of the year of 2003) is broad and as such could fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably that the events took place in [REDACTED] and that the alleged perpetrators are the Banyamulengués, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber 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 25 October and 31 December 2002.

Applicant [REDACTED]²⁵

Claim to victim status

The applicant alleges that on 29 October 2002, when the Banyamulengués came to her house, she fled to take refuge in [REDACTED] on the road to [REDACTED]. She further states that the soldiers intercepted her in [REDACTED] and two of them threw her on the ground, beat her with a stick and pillaged her money. As a result of the

⁴²⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx222; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 222 to 223.

alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴²⁶

Analysis and conclusion

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 29 October 2002.

Applicant [REDACTED]²⁷

Claim to victim status

The applicant alleges that on 29 October 2002, the Banyamulengués who were speaking Lingala came to her house, located in the [REDACTED] village, PK [REDACTED]. She further states that five of them threw her to the ground and raped her one after the other. She further alleges that they threw her child on the ground and pillaged the money she had hidden in her baby's diaper and some of her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴²⁸

Analysis and conclusion

⁴²⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx222, pages 4 to 5.

⁴²⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx223; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 224 to 225.

⁴²⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx223, 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] PK [REDACTED] on 29 October 2002.

Applicant [REDACTED]²⁹

Claim to victim status

The applicant alleges that on 14 March 2003, eighteen Banyamulengués, who were speaking Lingala, French and other languages, came to his house, located in the [REDACTED] village. He alleges that they forced him to take three pirogues, enabling them to cross the river to the DRC. He further states that some of them raped his daughter in front of her siblings before pillaging his belongings and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴³⁰

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his daughter, only the pillage of the applicant's

⁴²⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx224; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 226 to 227.

⁴³⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx224, pages 4 to 5.

personal belongings 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 14 March 2003.

Applicant [REDACTED]³¹

Claim to victim status

The applicant alleges that on 13 March 2003, while she was preparing the food for her children, Mr Bemba's men came to her house, located in the [REDACTED] village. She further states that they took the food, beat her in front of her children and pillaged her belongings and her livestock. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴³²

Analysis and conclusion

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

⁴³¹ ICC-01/05-01/08-2130-Conf-Exp-Anx225; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 228 to 229.

⁴³² ICC-01/05-01/08-2130-Conf-Exp-Anx225, pages 4 to 5.

accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 13 March 2003.

Applicant [REDACTED]³³

Claim to victim status

The applicant alleges that on 15 February 2003, Jean-Pierre Bemba's men invaded the [REDACTED] village and started shooting at his house and killed his goats. He further states that they pillaged his belongings and livestock and he lists his loss. He adds that the soldiers beat him with the butts of their guns and six of them raped his two sisters on the shore of the river. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴³⁴

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his two sisters, only the pillage of the applicant's personal belongings 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 15 February 2003.

⁴³³ ICC-01/05-01/08-2130-Conf-Exp-Anx227; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 232 to 233.

⁴³⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx227, pages 4 to 5.

Applicant [REDACTED]³⁵

Claim to victim status

The applicant alleges that in February 2003, when the armed Banyamulengués came to his compound, located in the [REDACTED] village, he tried to flee but he was intercepted by the men who took him back to his house. He states that they demanded money which he gave them. However, as it was not enough, they entered his house and proceeded to pillage his belongings. The applicant lists his loss. Further, he claims that they beat him and that they raped his three daughters. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴³⁶

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his three daughters, only the pillage of the applicant's personal belongings 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 day in February 2003.

⁴³⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx228; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 234 to 235.

⁴³⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx228, pages 4 to 5.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on 9 November 2002, she was raped by the Banyamulengués in the [REDACTED] area of PK [REDACTED]. She states that these acts have resulted in her being stigmatised. The applicant further states that the Banyamulengués pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁴³⁸

Analysis and conclusion

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 the [REDACTED] area of PK [REDACTED] on 9 November 2002.

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that on 9 November 2002, three Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED], took her by force and raped her. She states that her husband, who was not there at the time, abandoned her

⁴³⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx230; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 236 to 237.

⁴³⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx230, pages 4 to 5.

⁴³⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx231; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 238 to 239.

with their children when he found out that she had been raped and that she has become stigmatised. Further, she claims that the soldiers pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁴⁰

Analysis and conclusion

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 the [REDACTED] area of PK [REDACTED] on 9 November 2002.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant alleges that on 10 November 2002 the Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED] where she was with her sick mother. She states that three of the Banyamulengués raped her in front of her mother and took her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁴⁴²

⁴⁴⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx231, pages 4 to 5.

⁴⁴¹ ICC-01/05-01/08-2130-Conf-Exp-Anx232; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 240 to 241.

⁴⁴² ICC-01/05-01/08-2130-Conf-Exp-Anx232, pages 4 to 5.

Analysis and conclusion

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 the [REDACTED] area of PK [REDACTED] on 10 November 2002.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant alleges that on 1 November 2002, the Banyamulengués came to his house, located in the [REDACTED] area of PK [REDACTED] and beat him and his son. He states that the men then took his, his wife's and his children's belongings. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁴

Analysis and conclusion

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

⁴⁴³ ICC-01/05-01/08-2130-Conf-Exp-Anx234; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 242 to 243.

⁴⁴⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx234, pages 4 to 5.

accused, namely the pillage of his belongings, to extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of PK [REDACTED] on 1 November 2002.

Applicant [REDACTED]⁴⁴⁵

Claim to victim status

The applicant alleges that on 7 November 2002, on her way back to Bangui from [REDACTED] where she had bought merchandise to sell in Bangui, the vehicle she was travelling in was intercepted in PK [REDACTED] by Mr Bemba's troops. She states that the men searched everyone, forced them to get out of the vehicle, and separated the men from the women. She claims that they then raped her and pillaged her merchandise and her money. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁴⁴⁶

Analysis and conclusion

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 PK [REDACTED] on 7 November 2002.

⁴⁴⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx235; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 244 to 245.

⁴⁴⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx235, pages 4 to 5.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on 13 November 2002, she was raped by seven Banyamulengués at her sister's house in PK [REDACTED] where she was living at that time. She further claims that the men pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁴⁴⁸

Analysis and conclusion

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 PK [REDACTED] on 13 November 2002.

Applicant [REDACTED]⁴⁹

Claim to victim status

The applicant alleges that on 8 November 2002, he was in his beverage store in PK [REDACTED] when the Banyamulengués came and took all the drinks, raped the manager, stole the money, and completely destroyed his shop. As a result of the

⁴⁴⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx236; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 246 to 247.

⁴⁴⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx236, pages 4 to 5.

⁴⁴⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx237; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 248 to 249.

alleged events, the applicant claims to have suffered psychological and material harm.⁴⁵⁰

Analysis and conclusion

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 PK [REDACTED] on 8 November 2002.

Applicant [REDACTED]⁵¹

Claim to victim status

The applicant claims that on 8 November 2002, when she was on her way from [REDACTED] to Bangui, she was abducted by the Banyamulengués at the [REDACTED] in PK [REDACTED]. She states that she stayed in [REDACTED] for many days trying to find a way to Bangui, but it was difficult because PK [REDACTED] was occupied by Mr Bozizé's rebels. She claims that the Banyamulengués brought her to a house where they raped her and use her as a sex slave for three days before she was able to escape. She further alleges that her belongings and merchandise were pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁴⁵²

⁴⁵⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx237, pages 4 to 5.

⁴⁵¹ ICC-01/05-01/08-2130-Conf-Exp-Anx240; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 250 to 251.

⁴⁵² ICC-01/05-01/08-2130-Conf-Exp-Anx240, pages 4 to 5.

Analysis and conclusion

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 PK[REDACTED] on an unspecified date as of 8 November 2002.

Applicant [REDACTED]⁵³

Claim to victim status

The applicant alleges that on 8 November 2002, when she went to PK[REDACTED] to buy some merchandise to sell in front of her house, she was intercepted by a group of Banyamulengués. She states that four of the men raped her and took her money, whereupon her fiancé abandoned her. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁴⁵⁴

Analysis and conclusion

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

⁴⁵³ ICC-01/05-01/08-2130-Conf-Exp-Anx241; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 252 to 253.

⁴⁵⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx241, pages 4 to 5.

accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on 8 November 2002.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that on 8 November 2002, nine Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED] where she was with her three-year-old child and her husband's younger brother. She alleges that they took all her belongings, forced her to undress and six of them raped her. The applicant adds that her husband's younger brother was tortured. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁵⁶

Analysis and conclusion

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 the [REDACTED] area of PK [REDACTED] on 8 November 2002.

⁴⁵⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx243; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 254 to 255.

⁴⁵⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx243, pages 4 to 5.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on 9 November 2002, the Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED] and pillaged her belongings. She further alleges that four of them raped her. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁵⁸

Analysis and conclusion

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 the [REDACTED] area of PK [REDACTED] on 9 November 2002.

Applicant [REDACTED]⁵⁹

Claim to victim status

The applicant states that on 10 February 2003, five Banyamulengués, including two women came to his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant alleges that they pointed their guns at him and ordered not to move while the women pushed him to the ground. He alleges that they pillaged

⁴⁵⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx244; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 256 to 257.

⁴⁵⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx244, pages 4 to 5.

⁴⁵⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx245; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 258 to 259.

his belongings. The applicant appends a document signed and stamped by the *chef de quartier*, in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁶⁰

Analysis and conclusion

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 Bégoua, PK [REDACTED] on 10 February 2003.

Applicant [REDACTED]⁶¹

Claim to victim status

The applicant states that on 7 February 2003, the Banyamulengués occupied the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant alleges that they held him hostage and pillaged his belongings. He appends a document signed and stamped by the *chef de quartier*, in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶²

Analysis and conclusion

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

⁴⁶⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx245, pages 4 to 5 and 9.

⁴⁶¹ ICC-01/05-01/08-2130-Conf-Exp-Anx246; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 260 to 261.

⁴⁶² ICC-01/05-01/08-2130-Conf-Exp-Anx246, 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 the [REDACTED] area of [REDACTED] PK [REDACTED] on 7 February 2003.

Applicant [REDACTED]⁶³

Claim to victim status

The applicant states that on 30 December 2002, the Banyamulengués attacked the [REDACTED] area of [REDACTED] PK [REDACTED]. He alleges that when they came to his house, he fled, and upon his return, he discovered that his belongings had been pillaged. He appends a document signed and stamped by the *chef de quartier*, in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶⁴

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 30 December 2002.

⁴⁶³ ICC-01/05-01/08-2130-Conf-Exp-Anx247; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 262 to 263.

⁴⁶⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx247, pages 4 to 5 and 9.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that on 4 February 2003, the Banyamulengués came to the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant alleges that they came to his house, located in the [REDACTED] area and pillaged his belongings. He appends a document signed and stamped by the *chef de quartier*, in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶⁶

Analysis and conclusion

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] PK [REDACTED] on 4 February 2003.

Applicant [REDACTED]⁶⁷

Claim to victim status

The applicant states that on 3 January 2003, armed Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant alleges that

⁴⁶⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx248; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 264 to 265.

⁴⁶⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx248, pages 4 to 5 and 9.

⁴⁶⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx249; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 266 to 267.

he sent his family to his parents' house, located [REDACTED] kilometres away and that upon his return he discovered that the Banyamulengués had pillaged all his belongings from his house. He appends a document signed and stamped by the *chef de quartier*, in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶⁸

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 3 January 2003.

Applicant [REDACTED]⁶⁹

Claim to victim status

The applicant states that on 4 December 2002, the Banyamulengués occupied [REDACTED] PK [REDACTED]. The applicant alleges that they pillaged her belongings and she appends a document signed and stamped by the *chef de quartier*, in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁷⁰

⁴⁶⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx249, pages 4 to 5 and 9.

⁴⁶⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx250; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 268 to 269.

⁴⁷⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx250, pages 4 to 5 and 9.

Analysis and conclusion

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] PK [REDACTED] on 4 December 2002.

Applicant [REDACTED]⁷¹

Claim to victim status

The applicant states that on 10 January 2003, the Banyamulengués invaded the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant alleges that they pillaged her belongings. The applicant appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁷²

Analysis and conclusion

The Chamber notes a discrepancy of four months and one day between the date of birth as appearing in the application form and on the *transcriptions jugements supplétifs d'acte de naissance* attached thereto. However, given that the remainder of the information provided in the *transcriptions jugements supplétifs d'acte de naissance* is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the

⁴⁷¹ ICC-01/05-01/08-2130-Conf-Exp-Anx251; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 270 to 271.

⁴⁷² ICC-01/05-01/08-2130-Conf-Exp-Anx251, pages 4 to 5 and 9.

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

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

Applicant [REDACTED]⁷³

Claim to victim status

The applicant alleges that on 25 November 2002, when the Banyamulengués came to the [REDACTED] area of PK [REDACTED] they pillaged her belongings and beat her. The applicant appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁷⁴

Analysis and conclusion

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

⁴⁷³ ICC-01/05-01/08-2130-Conf-Exp-Anx252; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 272 to 273.

⁴⁷⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx252, pages 4 to 5 and 9.

accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] PK [REDACTED] on 25 November 2002.

Applicant [REDACTED]⁷⁵

Claim to victim status

The applicant alleges that on 20 November 2002, nine Banyamulengués arrived at his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. He states that three of his children fled and he was trying to leave, when three of the men caught and beat him until he lost consciousness. He states that afterwards, they pillaged his belongings. The applicant appends a document signed and stamped by the *chef de quartier* in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁷⁶

Analysis and conclusion

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] PK [REDACTED] on 20 November 2002.

⁴⁷⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx253; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 274 to 275.

⁴⁷⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx253, pages 4 to 5 and 9.

Applicant [REDACTED]⁷⁷

Claim to victim status

The applicant alleges that on 5 November 2002, the Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] causing him and his family to flee. He states that upon their return, they found that their belongings had been pillaged. The applicant appends a document signed and stamped by the *chef de quartier* in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁷⁸

Analysis and conclusion

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 PK [REDACTED] on an unspecified date as of 5 November 2002.

Applicant [REDACTED]⁷⁹

Claim to victim status

The applicant alleges that on 10 December 2002, seven armed Banyamulengués surrounded his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] causing

⁴⁷⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx254; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 276 to 277.

⁴⁷⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx254, pages 4 to 5 and 9.

⁴⁷⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx255; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 278 to 279.

him and his family to flee. Upon his return he found that his belongings were pillaged. The applicant appends a document signed and stamped by the *chef de quartier* in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁸⁰

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 10 December 2002.

Applicant [REDACTED]⁸¹

Claim to victim status

The applicant alleges that on 20 February 2003, the Banyamulengués came to the [REDACTED] area of [REDACTED] PK [REDACTED] beat her and killed her nephew. She claims that she was almost raped by three of them but that she was saved. Finally, she states that they pillaged all her belongings. The applicant appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued. As a

⁴⁸⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx255, pages 4 to 5 and 9.

⁴⁸¹ ICC-01/05-01/08-2130-Conf-Exp-Anx256; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 280 to 281.

result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁸²

Analysis and conclusion

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. However, in the absence of any document demonstrating the identity of and kinship with her nephew, only the pillage of the applicant's personal belongings will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] PK [REDACTED] on 20 February 2003.

Applicant [REDACTED]⁸³

Claim to victim status

The applicant alleges that on 9 January 2003, he was attacked by eight Banyamulengués who beat him with the butts of their guns all over his body. He claims that his family fled whereupon the men pillaged all his belongings in his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant appends a

⁴⁸² ICC-01/05-01/08-2130-Conf-Exp-Anx256, pages 4 to 5 and 8.

⁴⁸³ ICC-01/05-01/08-2130-Conf-Exp-Anx257; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 282 to 283.

document signed and stamped by the *chef de quartier* in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁸⁴

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 9 January 2003.

Applicant [REDACTED]⁸⁵

Claim to victim status

The applicant alleges that on 17 January 2003, five Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] and told him to lie on the ground and close his eyes. He states that they started to hit him with the butts of their guns and told him that if he shouted, they would kill him. His family fled. Afterwards, he claims that they took all his belongings. The applicant appends a document signed and stamped by the *chef de quartier* in which his loss is listed

⁴⁸⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx257, pages 4 to 5 and 9.

⁴⁸⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx258; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 284 to 285.

and valued. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁸⁶

Analysis and conclusion

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] PK [REDACTED] on 17 January 2003.

Applicant [REDACTED]⁸⁷

Claim to victim status

The applicant alleges that on 4 December 2002, five Banyamulengués armed with Kalashnikovs attacked him in the [REDACTED] area of [REDACTED] PK [REDACTED] and pillaged his belongings. The applicant appends a document signed and stamped by the *chef de quartier* in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁸⁸

Analysis and conclusion

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

⁴⁸⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx258, pages 4 to 5 and 9.

⁴⁸⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx259; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 286 to 287.

⁴⁸⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx259, 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 the [REDACTED] area of [REDACTED] PK [REDACTED] on 4 December 2002.

Applicant [REDACTED]⁸⁹

Claim to victim status

The applicant alleges that on 17 February 2003, eight Banyamulengués armed with Kalashnikovs came to her house, located in [REDACTED] PK [REDACTED] and started shooting in the air, causing her and her family to flee. She states that upon their return, they found that their belongings had been pillaged. The applicant appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁹⁰

Analysis and conclusion

The Chamber notes a discrepancy of one month between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the identity card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

⁴⁸⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx260; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 288 to 289.

⁴⁹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx260, pages 4 to 5 and 9.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] PK [REDACTED] on an unspecified date as of 17 February 2003.

Applicant [REDACTED]⁹¹

Claim to victim status

The applicant alleges that on 10 February 2003, the Banyamulengués pillaged his money and belongings in his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. He further states that they destroyed and pillaged his store. The applicant appends a document signed and stamped by the *chef de quartier* in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁹²

Analysis and conclusion

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] PK [REDACTED] on 10 February 2003.

⁴⁹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx261; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 290 to 291.

⁴⁹² ICC-01/05-01/08-2130-Conf-Exp-Anx261, pages 4 to 5 and 9 to 11.

Applicant [REDACTED]³

Claim to victim status

The applicant states that on 18 February 2003, four Banyamulengués surrounded her house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] and ordered her to put her hands in the air and not to move. She alleges that three of them pushed her to the ground and undressed her but she was saved. She further alleges that they pillaged her belongings. She appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁹⁴

Analysis and conclusion

The Chamber notes a discrepancy of five years between the date of birth as appearing in the application form and on the *transcriptions jugements supplétifs d'acte de naissance* attached thereto. However, given that the remainder of the information provided in the *transcriptions jugements supplétifs d'acte de naissance* is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

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

⁴⁹³ ICC-01/05-01/08-2130-Conf-Exp-Anx262; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 292 to 293.

⁴⁹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx262, pages 4 to 5 and 9.

accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] PK [REDACTED] on 18 February 2003.

Applicant [REDACTED]⁹⁵

Claim to victim status

The applicant submits that on 5 January 2003, when the armed Banyamulengués invaded the [REDACTED] area of [REDACTED] PK [REDACTED] he fled together with his family. He states that upon his return, he found that his belongings had been pillaged. He appends a document signed and stamped by the *chef de quartier*, in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁹⁶

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 5 January 2003.

Applicant [REDACTED]⁹⁷

⁴⁹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx263; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 294 to 295.

⁴⁹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx263, pages 4 to 5 and 9 to 10.

⁴⁹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx264; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 296 to 297.

Claim to victim status

The applicant alleges that on 10 December 2002, Jean-Pierre Bemba's Banyamulengués entered his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant alleges that he fled and the Banyamulengués pillaged his belongings. He appends a document signed and stamped by the *chef de quartier*, in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁹⁸

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 10 December 2002.

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

The applicant alleges that on 7 January 2003, the Banyamulengués entered her hen house, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. The applicant alleges that the Banyamulengués started firing in the air whereupon she fled. She further alleges that they pillaged her livestock and belongings. She appends a document

⁴⁹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx264, pages 4 to 5 and 9.

⁴⁹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx265; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 298 to 299.

signed and stamped by the *chef de quartier*, in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁰⁰

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 7 January 2003.

Applicant [REDACTED]⁰¹

Claim to victim status

The applicant states that on 15 February 2003, between ten to fifteen Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] and threatened him with a Kalashnikov. He alleges that they beat him until he lost consciousness and that his family fled. He further alleges that when he regained consciousness, he found that all his belongings had been pillaged by the Banyamulengués. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁰²

⁵⁰⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx265, pages 4 to 5 and 9.

⁵⁰¹ ICC-01/05-01/08-2130-Conf-Exp-Anx266; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 300 to 301.

⁵⁰² ICC-01/05-01/08-2130-Conf-Exp-Anx266, pages 4 to 5 and 9.

Analysis and conclusion

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] PK [REDACTED] on 15 February 2003.

Applicant [REDACTED]⁵⁰³

Claim to victim status

The applicant states that on 17 December 2002, he was attacked by ten Banyamulengués, three of whom were women. He claims that when the Banyamulengués entered his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] they started shooting with their Kalashnikovs in the air, whereupon he and his family fled, leaving all their belongings behind. He alleges that they beat him while he was fleeing. The applicant alleges that the Banyamulengués pillaged his belongings. He appends a document signed and stamped by the *chef de quartier*, in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁵⁰⁴

Analysis and conclusion

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

⁵⁰³ ICC-01/05-01/08-2130-Conf-Exp-Anx267; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 302 to 303.

⁵⁰⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx267, 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 the [REDACTED] area of [REDACTED] PK [REDACTED] on an unspecified date as of 17 December 2002.

Applicant [REDACTED]⁰⁵

Claim to victim status

The applicant states that on 6 January 2003, his family fled when eight Banyamulengués entered his house, located in the [REDACTED] area of [REDACTED] PK [REDACTED] firing their weapons. He alleges that they told him not to move, threatened him with a weapon, and then beat him. He further alleges that they pillaged his belongings. He appends a document signed and stamped by the *chef de quartier* in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁵⁰⁶

Analysis and conclusion

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

⁵⁰⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx268; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 304 to 305.

⁵⁰⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx268, pages 4 to 5 and 9.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] PK [REDACTED] on 6 January 2003.

Applicant [REDACTED]⁰⁷

Claim to victim status

The applicant states that on 26 November 2002, when ten armed Banyamulengués surrounded his hen house located in the [REDACTED] area of [REDACTED] PK [REDACTED] firing their weapons, he fled together with the employees. He alleges that upon his return he found that his hen house had been pillaged. He appends a document signed and stamped by the *chef de quartier*, in which his loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁰⁸

Analysis and conclusion

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] PK [REDACTED] on an unspecified date as of 26 November 2002.

⁵⁰⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx269; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 306 to 307.

⁵⁰⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx269, pages 4 to 5 and 9.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant submits that in February 2003, the Banyamulengués came to her house, started shouting at her and her children in a foreign language and told her to leave the house. She claims that upon her return, she found that her belongings had been taken. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵¹⁰

Analysis and conclusion

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

The Chamber notes that the applicant fails to provide a precise location for the alleged events and merely states that the alleged events occurred at her house. However, in light of the intrinsic coherence of the application in all other respects, and the fact that the applicant's address as appearing on the application form and on the identity card as well as the place where the application was signed is [REDACTED] the Chamber is of the view that the alleged events occurred in [REDACTED] and that the failure to provide a precise location should not serve to exclude 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.

⁵⁰⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx272; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 308 to 309.

⁵¹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx272, pages 4 to 5.

Applicant [REDACTED]¹

Claim to victim status

The applicant alleges that on 31 October 2002, he was with his family when the Banyamulengués came to the [REDACTED] of [REDACTED] PK [REDACTED]. He states that the men were shooting into the air, and a stray bullet hit and killed his three-year-old son. The applicant further claims that his belongings were taken, and he lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵¹²

Analysis and conclusion

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 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] [REDACTED] PK [REDACTED] on 31 October 2002.

Applicant [REDACTED]¹³

Claim to victim status

⁵¹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx273; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 310 to 311.

⁵¹² ICC-01/05-01/08-2130-Conf-Exp-Anx273, pages 4 to 5.

⁵¹³ ICC-01/05-01/08-2130-Conf-Exp-Anx282; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 13 to 15.

The applicant claims, in the additional statement, that between 12 and 15 February 2003, on his way back to Bangui from [REDACTED] he was intercepted close to the village of [REDACTED] before the river junction [REDACTED]. He states that the Banyamulengués forced him to shore the boat and took him and three women in the bush, where the women were abused and he was sodomised and tortured. He further states that they took his three boats, along with all the merchandise towards [REDACTED]. Upon his return to his house located in the [REDACTED] area, he found that the Banyamulengués had pillaged all his belongings. He further states that his two wives had been raped which caused their separation. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵¹⁴

Analysis and conclusion

The Chamber notes a discrepancy of two years between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form and since in the additional statement, the applicant clarifies that the date of birth appearing in the application form is erroneous while the birth certificate provides a correct date of birth, the Chamber is satisfied that the documents provided sufficiently demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his wives, only the pillage of the applicant's personal belongings will be considered for the purpose of the present assessment.

⁵¹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx282, pages 10 to 12 and 23 to 25.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁵¹⁵ Given that the applicant clearly states that the pillage of his merchandise and his rape occurred in [REDACTED] which is on DRC territory, only pillage of his house in [REDACTED] will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between 12 and 15 February 2003.

Applicant [REDACTED]¹⁶

Claim to victim status

The applicant submits that in 2002, while she was fleeing together with her children and a rickshaw loaded with her luggage towards [REDACTED] located on the road to [REDACTED] she saw a group of Banyamulengués fighting with the rebels. She contends they did not know how to flee with their luggage and in a forest she met a Banyamulengué who told her to give him money. She states that he pushed her on the ground and raped her in front of her children. Furthermore she claims that they took all her luggage which was in the rickshaw. As a result

⁵¹⁵ ICC-01/05-01/08-1017, paragraph 58.

⁵¹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx284; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 16 to 17.

of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵¹⁷

Analysis and conclusion

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 could fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the fight between the Banyamulengués and the rebels at PK [REDACTED] 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of PK [REDACTED] on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]¹⁸

Claim to victim status

The applicant states that her husband was killed at the [REDACTED] of PK [REDACTED] and that her belongings were pillaged, her house destroyed and her finger cut. In the application form, it is stated that [REDACTED] is responsible for the

⁵¹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx284, pages 9 to 11.

⁵¹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx285; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 18 to 19.

events. In the additional statement appended to the application, it is stated that the applicant does not remember the precise date of the alleged events and that the perpetrators were the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵¹⁹

Analysis and conclusion

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 the applicant's husband, only pillage will be considered for the present assessment.

The Chamber further notes that the applicant failed to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the attack on the [REDACTED] which according to a number of applicants occurred in November 2002,⁵²⁰ 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 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]²¹

⁵¹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx285, pages 9 to 11 and 20.

⁵²⁰ See for example applicants [REDACTED] and [REDACTED]

⁵²¹ ICC-01/05-01/08-2130-Conf-Exp-Anx287; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 20 to 21.

Claim to victim status

The applicant states that at the end of 2002, the Banyamulengués, who were speaking Lingala which he could not understand, came to his house, located in the [REDACTED] area of Bangui, where he was living together with his parents and his brothers and sisters. According to the applicant, they severely beat his parents. As everybody was handcuffed, they could not provide treatment to his parents and they died two days later as a result of their injuries. The applicant further alleges that some soldiers occupied their house for two days and pillaged part of their belongings and livestock, destroyed some belongings and set one of the three family houses on fire. Furthermore, two days later, they allegedly left to the DRC, taking the applicant with them. He adds that the soldiers killed people and forced him to eat their flesh. According to the applicant, he was held hostage for almost one year and he was given different chores in the kitchen. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵²²

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of the applicant and his parents, as well as the kinship between them.

Although the Chamber notes that the information provided indicates that the applicant was likely a 17 year-old minor at the time he filled in the application, the Chamber, on a *prima facie* basis, is of the view that it should not bar him from having his application considered by the Chamber. The Chamber observes that the applicant states that one of his parent's houses was burned. In this regard, the Chamber recalls that it has already ruled that in case of destruction of

⁵²² ICC-01/05-01/08-2130-Conf-Exp-Anx287, pages 9 to 11 and 20 to 21.

property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.⁵²³ In the present case, the applicant clearly states that the Banyamulengués first pillaged his belongings and then set one of his parent's houses on fire before leaving the area. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his parents and the pillage of his belongings, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]²⁴

Claim to victim status

The applicant is deceased and the application is introduced on his behalf by his sister. It is stated that on 4 November 2002, the armed men of Jean-Pierre Bemba came to the applicant's house, located in [REDACTED] PK [REDACTED] tortured and injured him and forced him to leave his house. It is further claimed that they occupied his house for a period of five months and pillaged all his belongings and his shop. The applicant's loss is listed and valued. As a result of the alleged events, it is claimed that the applicant has suffered psychological and material harm. Furthermore, in a declaration appended to the application form, the person acting on behalf of the applicant states that she was also present during the events of November 2002 as at the time they all lived in the same house and that

⁵²³ ICC-01/05-01/08-1017, paragraph 56.

⁵²⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx288; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 22 to 23.

she has also been injured by the Banyamulengués, when she returned to the house and tried to save the applicant. She states that she offered the soldiers some money and she and the applicant managed to flee. She adds that upon their return to the house they found that all the property, including her merchandise, had been pillaged. The person acting on behalf of the applicant appends a document in which she lists and values her loss. As a result of the alleged events, the person acting on behalf claims to have suffered material harm.⁵²⁵

Analysis and conclusion

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 two witnesses attesting the identity of the applicant did not provide any identity documents.⁵²⁶ Since the person acting on behalf of the applicant subsequently provided proof of identity for the two witnesses, the Chamber considers that the documents provided demonstrate the identities of both the applicant and his sister, who is acting on his behalf, as well as the kinship between them.

The Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant 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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on an unspecified date as of 7 November 2002. In addition, the Chamber considers that the person acting on behalf of 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

⁵²⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx288, pages 9 to 11 and 20 to 21.

⁵²⁶ ICC-01/05-01/08-1091-Conf-Exp-AnxA, pages 278 to 279.

the accused, namely the pillage of her belongings, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on an unspecified date as of 7 November 2002.

Applicant [REDACTED]²⁷

Claim to victim status

The applicant is living abroad and the additional statement has been completed by her brother on her behalf.

In the original application, the applicant claims that on 3 January 2003, the Banyamulengués entered her house located in PK [REDACTED]. She claims that they threatened her and her fiancé with their arms, asking for money and searching the premises. She claims that they took all their belongings and money, and that they raped her. She claims that as a consequence, she and her fiancé separated. She lists and values her loss. In the additional statement completed by the applicant's brother, the latter states that he does not remember the exact date of the events, but it was before Bozizé came to power on 15 March 2003. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵²⁸

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant and her brother, who is acting on her behalf, as well as the kinship between them.

⁵²⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx290; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 25 to 26.

⁵²⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx290, pages 9 to 11 and 21 to 22.

The Chamber notes that in the additional statement, the person acting on behalf of the applicant submits that he does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the statement that the events occurred before Mr Bozizé came into power on 15 March 2003, the Chamber is of the view that the failure to provide a precise date in the additional statement should not serve to exclude the applicant.

The Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]²⁹

Claim to victim status

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

It is stated that in December 2002, the applicant, who was at the time on mission, fell into an ambush of the Banyamulengués on the road from [REDACTED] to PK [REDACTED] in the area of Bangui. It is said that the applicant was shot while he was fleeing, and that his chauffeur was also wounded by gunshot. The death certificate appended to the application indicates that the death occurred on 12 December 2003 and was declared on [REDACTED] January 2003. In the additional statement, it is stated that the

⁵²⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx291; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 28 to 29.

applicant did not die immediately but only a few days later due to lack of medical care. It is further specified that the date of death appearing on the death certificate is erroneous and that the alleged events occurred on 12 December 2002 and that the death was declared on [REDACTED] January 2003. As a result of the alleged events, it is claimed that the applicant suffered physical harm.⁵³⁰

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant and his brother, who is acting on his behalf, as well as the kinship between them.

The Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant 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 murder by the Banyamulengués of Jean-Pierre Bemba in the vicinity of Bangui on 12 December 2002.

Applicant [REDACTED]³¹

Claim to victim status

The applicant alleges that between 25 and 30 October 2002, Jean Pierre Bemba's men came to the [REDACTED] area of PK [REDACTED] and beat and tortured her. She further states that they kidnapped her and held her hostage in their base in PK [REDACTED] for four days. Further, in an appended declaration, the applicant alleges that at the end of 2002, when armed men who did not speak Sango came to PK [REDACTED] her husband fled while she stayed at home with their children. She adds that her husband

⁵³⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx291, pages 9 to 11 and 21 to 22.

⁵³¹ ICC-01/05-01/08-2130-Conf-Exp-Anx294; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 30 to 31.

injured himself while he was fleeing and that he died as a result. She states that after her husband died armed men came to her house and pillaged all her belongings before kidnapping her and her children. She asserts that the soldiers took them to the forest and raped her as well as her daughter and that they used her son to carry their loot. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵³²

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with her daughter, only the applicant's rape and pillage of her belongings 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 PK [REDACTED] on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]³³

Claim to victim status

The applicant submits that the Banyamulengués pillaged her belongings and a sum of money at the [REDACTED] and in PK [REDACTED] on the road to [REDACTED]. She specifies that the crimes were committed by men dressed like Bemba who had

⁵³² ICC-01/05-01/08-2130-Conf-Exp-Anx294, pages 9 to 11 and 20 to 21.

⁵³³ ICC-01/05-01/08-2130-Conf-Exp-Anx295; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 32 to 33.

come to help Mr Patassé. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁵³⁴

Analysis and conclusion

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. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the arrival of Mr Bemba's men to support Mr Patassé and to the invasion of the [REDACTED] 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 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 at the [REDACTED] and in PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]³⁵

Claim to victim status

The applicant alleges that in October 2002, the Banyamulengués came to PK [REDACTED] and separated the women from the men. She states that she was separated from her husband and that her belongings and money were taken. Further, she claims

⁵³⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx295, pages 9 to 11 and 21 to 22.

⁵³⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx296; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 34 to 35.

that she discovered that her husband had died when his remains were brought to her. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵³⁶

Analysis and conclusion

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

The Chamber notes that the date provided by the applicant (October 2002) is broad and, as such, could fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the Banyamulengués' attack of PK [REDACTED] 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 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 PK [REDACTED] on an unspecified date between 26 and 31 October 2002.

Applicant [REDACTED]³⁷

Claim to victim status

⁵³⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx296, pages 9 to 11.

⁵³⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx297; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 36 to 37.

The applicant alleges that in 2002, Jean-Pierre Bemba's men came to her house, located in the [REDACTED] area of PK [REDACTED] slapped her husband and asked her for money. She further states that they started pillaging her belongings and livestock and that she consequently fled, together with her husband. Further, in an appended declaration the applicant alleges that at the end of 2002, when armed Banyamulengués speaking a language she did not understand came to PK [REDACTED] to help President Patassé and were fighting against Mr Bozizé's rebels, she fled from her house, located in the [REDACTED] area, to take refuge in another area of Bangui, together with her family. She further states that upon her return, she found that her belongings and livestock had been pillaged and that her house had been destroyed. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵³⁸

Analysis and conclusion

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 Bangui on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]³⁹

⁵³⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx297, pages 9 to 11 and 23 to 25.

⁵³⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx298; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 38 to 39.

Claim to victim status

The applicant is deceased and the application is introduced on his behalf by his mother, who also declares that she wants to participate in the proceedings on her own behalf.

It is stated that at the end of October 2002, Mr Bemba's men came to their house, located in PK [REDACTED] broke the door and raped the applicant's mother who is acting on the applicant's behalf. It is further stated that when the applicant tried to stop them, they shot and killed him. It is further stated that the house was pillaged, and the person acting on behalf lists their loss. As a result of the alleged events, it is claimed that the applicant suffered physical harm. Furthermore, the person acting on behalf of the applicant claims to have suffered physical, psychological and material harm.⁵⁴⁰

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant and his mother, who is acting on his behalf, as well as the kinship between them.

The Chamber notes that sufficient evidence has been provided on behalf of the applicant 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 murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between 26 and 31 October 2002. In addition, the Chamber considers that, overall, the person acting on behalf of the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on

⁵⁴⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx298, pages 9 to 11 and 23 to 24.

the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape, the murder of her son and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between 26 and 31 October 2002.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant states that she was travelling with her two sons on the Oubangui River from the [REDACTED] back to Bangui, and when they arrived in the waters behind the [REDACTED] close to the [REDACTED] district in Bangui, the boat they were travelling in was intercepted by a group of four MLC soldiers who were fleeing in the direction of the DRC and who forced them to shore on the island. The applicant contends that they tied up her son with a rope and raped her one after the other in front of her son. She further contends that they pillaged the goods which were in the boat. In the application form, it is stated that the alleged events occurred on 16 March 2003 and in an additional declaration appended to the original application, it is stated that the events occurred on 16 May 2003. In a further written declaration that was collected in November 2011, the applicant asserts that the discrepancies in the original application must be the result of an error by the intermediary and that the events occurred on 16 March 2003. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁴²

Analysis and conclusion

⁵⁴¹ ICC-01/05-01/08-2130-Conf-Exp-Anx300; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 40 to 41.

⁵⁴² ICC-01/05-01/08-2130-Conf-Exp-Anx300, pages 9 to 11 and 20 to 22.

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 applicant provided two dates of the alleged events and that both of them fall outside the temporal scope of the case.⁵⁴³ However, in the additional written declaration appended to the application the applicant explains that the alleged events happened on 16 March 2003. The Chamber notes that this date falls outside temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the facts that the Banyamulengués started fleeing Bangui on 15 March 2003, as well as the fact that the applicant states that the boat was intercepted when the soldiers were fleeing to the other side of the river, the Chamber is of the view that this should not serve to exclude the applicant.

The Chamber further recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁵⁴⁴ Given that the applicant clearly states that the alleged criminal acts occurred close to the [REDACTED] district in Bangui, 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 Bangui on or about 15 March 2003.

⁵⁴³ ICC-01/05-01/08-1091-Conf-Exp-AnxA, pages 278 to 279.

⁵⁴⁴ ICC-01/05-01/08-1017, paragraph 58.

Applicant [REDACTED]⁴⁵

Claim to victim status

The applicant states that the Banyamulengués came to the applicant's house located in PK [REDACTED] and asked for money. She alleges that the Banyamulengués took her money and pillaged her belongings. The applicant appends a document where she lists and values her loss. In the additional statement appended to the original application, the applicant states that she does not remember the precise date of the alleged events, but that it was at a time when Patassé was still in power and when the Banyamulengués were committing crimes in the different areas of Bangui and the CAR. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁴⁶

Analysis and conclusion

The Chamber notes discrepancies in the spelling of the applicant's name as appearing in the application and the identity card attached thereto. However, given that the applicant clarifies her name in the additional statement, the Chamber is of the view that this might be the result of inadvertent error in filling in the form. The Chamber further notes a discrepancy of ten years between the date of birth as appearing in the application form and on the national identity card attached thereto. However, given that in the additional statement, the applicant clarifies her date of her birth, the Chamber is of the view that this discrepancy might be the result of inadvertent error in filling in the form.

⁵⁴⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx301; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 42 to 44.

⁵⁴⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx301, pages 9 to 11, 18, 22 and 26 to 29.

Accordingly, the Chamber is satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that while in the original application, it is stated that the events occurred on 3 November 2002, in the additional statement, the applicant submits that he does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the time when Mr Patassé was still in power and when the Banyamulengués were committing crimes in the different areas of Bangui and the CAR, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

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Applicant [REDACTED]⁴⁷

Claim to victim status

The applicant states that on 8 November 2002, when the Banyamulengués invaded the [REDACTED] area of PK [REDACTED] they came to his house, pillaged and burned some of his and his family members' belongings and destroyed the house. He

⁵⁴⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx3; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 23 to 24.

claims that his children were violently beaten and that the soldiers tried to rape his daughter. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁴⁸

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 PK [REDACTED] on 8 November 2002.

Applicant [REDACTED]⁴⁹

Claim to victim status

The applicant states that at the end of October 2002, when the Banyamulengués came to Bangui, she left with a younger family member and they made their way to the fields. She claims that when they reached [REDACTED] PK [REDACTED] located on the road to [REDACTED] they came across four armed Banyamulengués who took them hostage. She states that two of the men raped her and the two others raped her younger family member. Afterwards, she states that they took their belongings. She claims that following the events, she became infected with HIV. As a result

⁵⁴⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx3, pages 4 to 5 and 12.

⁵⁴⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx7; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 33 to 34.

of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁵⁰

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 younger family member, only the applicant's rape and pillage will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in ██████ PK ██████ on an unspecified date as of 26 October 2002.

Applicant ██████⁵¹

Claim to victim status

The applicant states that at the end of October 2002, when the Banyamulengués came to PK ██████ she fled with her family and took refuge in the ██████ area. She states that they came to her house and pillaged her livestock. Further, she claims that around 15 November 2002, a larger number of Banyamulengués came to PK ██████ and proceeded to pillage houses, including hers. The applicant lists her loss.

⁵⁵⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx7, pages 4 to 5.

⁵⁵¹ ICC-01/05-01/08-2155-Conf-Exp-Anx8; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 35 to 36.

As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁵²

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 PK [REDACTED] on an unspecified date as of 26 October 2002 and as of 15 November 2002.

Applicant [REDACTED]⁵³

Claim to victim status

The applicant states that between 20 and 30 October 2002, the Banyamulengués came to PK [REDACTED] located on the road to [REDACTED] took him hostage and made him carry their loot to the [REDACTED]. He states that on the way, an unidentified group stole the loot and one of the women forced to be the wife of a Banyamulengué told them that the applicant was part of the unidentified group which stole the loot. He claims that they took his clothes off, threw him into a jail and took the belongings which he had on him. Afterwards, he states that they went to his house and took more belongings and when his mother gave them money and important belongings in exchange for his freedom, they took

⁵⁵² ICC-01/05-01/08-2155-Conf-Exp-Anx8, page 9.

⁵⁵³ ICC-01/05-01/08-2155-Conf-Exp-Anx9; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 37 to 38.

everything and refused to free him. He claims that he was transferred to another location where they threatened to kill him, but he was freed when the liberators arrived on 15 March 2003. 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 psychological and material harm.⁵⁵⁴

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (between 20 and 30 October 2002) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the arrival of the “liberators” on 15 March 2003, the Chamber is of the view that this discrepancy 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 PK [REDACTED] on an unspecified date between 26 and 30 October 2002.

Applicant [REDACTED]⁵

Claim to victim status

⁵⁵⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx9, pages 4 to 5 and 8 to 10.

⁵⁵⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx10; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 39 to 40.

The applicant states that as of 20 October 2002, the Banyamulengués came to the [REDACTED] area of Bangui, and committed acts of violence, pillage and rape. She adds that they pillaged her belongings. She appends a document in which she lists and values her loss. Further, in an additional statement, the applicant clarifies that towards the end of October 2002, the Banyamulengués came to her house, located in the [REDACTED] area of Bangui, where she was with her family and children, and pillaged it. She states that when they wanted to commit acts of violence against one of her nieces, she pretended to be insane. As a result, the Banyamulengués drove them out of the house and pillaged it completely. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁵⁶

Analysis and conclusions

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

The Chamber notes that in the original application, the applicant states that the events started on 20 October 2002. However, since in the additional statement the applicant clarifies that the alleged events occurred towards the end of October 2002, the Chamber is of the view that the reference to 20 October 2002 should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date as of 26 October 2002.

⁵⁵⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx10, pages 3 to 3, 7 to 8 and 11.

Applicant [REDACTED]⁵⁷

Claim to victim status

The applicant states that on 7 December 2002, Mr Bemba's men followed him into his house, located in the [REDACTED]^h *arrondissement*, and pillaged his belongings and a sum of money. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁵⁸

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 7 December 2002.

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that on 27 October 2002, Jean-Pierre Bemba's armed men, who were speaking Lingala and wearing military uniforms came to [REDACTED]. He claims that on this date he fled with his family to the fields of [REDACTED]. The applicant alleges that upon his return, five months later, he discovered that nothing remained in the house, and that even the doors and windows were gone.

⁵⁵⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx11; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 41 to 42.

⁵⁵⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx11, pages 4 to 5.

⁵⁵⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx12; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 43 to 44.

He appends a document in which he lists and values his pillaged belongings. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁶⁰

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 October 2002.

Applicant [REDACTED]⁶¹

Claim to victim status

The applicant states that on 10 December 2002, the Banyamulengués came to her house in the [REDACTED] area of [REDACTED] PK [REDACTED]. She alleges that they started beating her with sticks and their guns and four of them wanted to rape her but then decided to pillage her house instead. She claims that they pillaged all her belongings. The applicant appends a document signed and stamped by the *chef de quartier* in which her loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁶²

Analysis and conclusions

⁵⁶⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx12, pages 4 to 5 and 8.

⁵⁶¹ ICC-01/05-01/08-2155-Conf-Exp-Anx13; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 45 to 46.

⁵⁶² ICC-01/05-01/08-2155-Conf-Exp-Anx13, 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 10 December 2002.

Applicant [REDACTED]⁶³

Claim to victim status

The applicant is deceased and the application is introduced on her behalf by her legal guardian.

It is claimed that on 29 October 2002, during the confrontations between the Banyamulengués and the other rebels in Bangui, the applicant, who was still at home while all her neighbours had left the area, was killed by the Banyamulengués. According to the person submitting the application, the militiamen returned the following day, on 30 October 2002, to the area, found him there with a group of young people and held them hostage before setting them free. As a result of the alleged events, it is claimed that the applicant suffered physical harm.⁵⁶⁴

Analysis and conclusions

⁵⁶³ ICC-01/05-01/08-2155-Conf-Exp-Anx18; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 47 to 48.

⁵⁶⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx18, pages 4 to 5, 9 and 12 to 13.

The Chamber considers that the documents provided demonstrate the identity of both the applicant and her legal guardian, who is acting on her behalf, as well as the kinship between them.

Having considered the application as a whole, the Chamber considers that, overall, sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her murder by the Banyamulengués of Jean-Pierre Bemba in Bangui on 29 October 2002.

Applicant [REDACTED]⁶⁵

Claim to victim status

The applicant states that between 27 and 31 October 2002, during the confrontations in Bangui between the Banyamulengués and the MLC soldiers, she fled together with her mother. She alleges that upon her return she found that her house, located in the [REDACTED] of Bangui, had been pillaged by Jean-Pierre Bemba's MLC soldiers. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁶⁶

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

⁵⁶⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx20; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 49 to 50.

⁵⁶⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx20, pages 4 to 5 and 10 to 11.

accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between 27 and 31 October 2002.

Applicant [REDACTED]⁶⁷

Claim to victim status

The applicant states that between 25 and 30 October 2002, when he heard rumours about the Banyamulengués, he decided to send his sisters to [REDACTED] located [REDACTED] kilometers on the road to [REDACTED]. He claims that he stayed together with his son in the [REDACTED] area, PK [REDACTED] but eventually fled leaving his son behind. He alleges that four Banyamulengués killed his son and stole a sum of money. He appends a death certificate certifying that the death occurred on 31 October 2002. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁶⁸

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his son and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on 31 October 2002.

⁵⁶⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx21; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 51 to 52.

⁵⁶⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx21, pages 4 to 5, 10 and 13.

Applicant [REDACTED]⁶⁹

Claim to victim status

The applicant states that between 26 and 30 October 2002, nine Banyamulengués soldiers entered his house, located in the [REDACTED] area of PK [REDACTED] Bangui. He claims that they pillaged his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁷⁰

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 PK [REDACTED] on an unspecified date between 26 and 30 October 2002.

Applicant [REDACTED]⁷¹

Claim to victim status

The applicant states that on 28 October 2002, her belongings were pillaged by the Banyamulengués, and her house, located in the [REDACTED] area of Bangui, was destroyed. In an additional statement, she claims that on 28 October 2002, she fled from the [REDACTED] area of [REDACTED] PK [REDACTED] towards areas where there was no

⁵⁶⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx22; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 53 to 54.

⁵⁷⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx22, pages 4 to 5.

⁵⁷¹ ICC-01/05-01/08-2155-Conf-Exp-Anx23; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 55 to 56.

conflict and during her absence her belongings were pillaged and her house was destroyed. She claims that she found refuge together with her children in [REDACTED] located [REDACTED] kilometers away from Bangui. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁷²

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 28 October 2002.

Applicant [REDACTED]⁷³

Claim to victim status

The applicant states that between 26 and 30 October 2002, she was raped by six Banyamulengués behind the [REDACTED] of [REDACTED] located in the [REDACTED] area, PK [REDACTED]. She claims that they blindfolded her and raped her one after the other and that afterwards, she fled to the bush for two weeks. She states that since the alleged events, she is embarrassed to walk in public and she could not have any good care. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁵⁷⁴

⁵⁷² ICC-01/05-01/08-2155-Conf-Exp-Anx23, pages 4 to 5, 9 and 11.

⁵⁷³ ICC-01/05-01/08-2155-Conf-Exp-Anx24; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 57 to 58.

⁵⁷⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx24, pages 4 to 5.

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 the [REDACTED] area of PK [REDACTED] on an unspecified date between 26 and 30 October 2002.

Applicant [REDACTED]⁷⁵

Claim to victim status

The applicant states that between 29 October and 7 November 2002, she was stopped by eleven Banyamulengués [REDACTED] kilometres from Bangui on the road to [REDACTED]. She alleges that they pulled her aside and asked her for a large amount of money which she did not have, took the money she had with her and raped her. She claims that afterwards she fled to the bush. She states that as a consequence her husband divorced her and she is embarrassed to walk in public. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁷⁶

Analysis and conclusions

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

⁵⁷⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx25; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 59 to 60.

⁵⁷⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx25, pages 4 to 5.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of Bangui on an unspecified date between 29 October and 7 November 2002.

Applicant [REDACTED]⁷⁷

Claim to victim status

The applicant states that on 11 November 2002, the Banyamulengués came to her house and pillaged her belongings and her work equipment, located in the [REDACTED] area of [REDACTED] PK [REDACTED]. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁷⁸

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 11 November 2002.

⁵⁷⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx26; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 61 to 62.

⁵⁷⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx26, pages 4 to 5.

Applicant [REDACTED]⁷⁹

Claim to victim status

The applicant states that on 18 November 2002, the Banyamulengués came to his farm, located in the village of [REDACTED] PK [REDACTED] on the road to [REDACTED]. He states that they pillaged and destroyed his belongings and livestock. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁸⁰

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] PK [REDACTED] on 18 November 2002.

Applicant [REDACTED]¹

Claim to victim status

The applicant states that on 8 November 2002, Mr Bemba's men came to her house, located in the [REDACTED] area of PK [REDACTED]. She further states that three of them

⁵⁷⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx27; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 63 to 64.

⁵⁸⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx27, pages 4 to 5.

⁵⁸¹ ICC-01/05-01/08-2155-Conf-Exp-Anx29; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 65 to 66.

raped her before pillaging her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁸²

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 the [REDACTED] area of PK [REDACTED] on 8 November 2002.

Applicant [REDACTED]⁸³

Claim to victim status

The applicant states that on 23 November 2002, he was travelling between [REDACTED] and [REDACTED] on account of his business, when he was intercepted by a group of Banyamulengués in PK [REDACTED]. He further states that the soldiers pillaged his motorcycle as well as his merchandise and his money. He adds that as a result, his wife divorced him. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁸⁴

Analysis and conclusions

⁵⁸² ICC-01/05-01/08-2155-Conf-Exp-Anx29, pages 4 to 5.

⁵⁸³ ICC-01/05-01/08-2155-Conf-Exp-Anx30; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 67 to 68.

⁵⁸⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx30, 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 PK [REDACTED] on 23 November 2002.

Applicant [REDACTED]⁸⁵

Claim to victim status

The applicant states that on 8 November 2002, she was on her way to visit her sister when she was intercepted by the Banyamulengués in PK [REDACTED]. She further states that three of them raped her before pillaging her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁸⁶

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 PK [REDACTED] on 8 November 2002.

⁵⁸⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx31; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 69 to 70.

⁵⁸⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx31, pages 4 to 5.

Applicant [REDACTED]⁸⁷

Claim to victim status

The applicant states that on 10 November 2002, the Banyamulengués came to his house, located in the [REDACTED] area of PK [REDACTED]. He further states that they pillaged all his belongings and that they beat and almost raped his wife. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁸⁸

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 PK [REDACTED] on 10 November 2002.

Applicant [REDACTED]⁸⁹

Claim to victim status

The applicant states that on 9 November 2002, the Banyamulengués came to her house, located in the [REDACTED] area of PK [REDACTED]. She further states that four of them raped her in front of her children before pillaging her belongings. She adds that she had to move from her house because she was stigmatised. As a result of the

⁵⁸⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx32; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 71 to 72.

⁵⁸⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx32, pages 4 to 5.

⁵⁸⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx34; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 73 to 74.

alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁹⁰

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 the [REDACTED] area of PK [REDACTED] on 9 November 2002.

Applicant [REDACTED]⁹¹

Claim to victim status

The applicant states that on 11 November 2002, the Banyamulengués came to her house, located in [REDACTED] PK [REDACTED]. She further states that the men threw her to the ground and raped her before pillaging her house. She adds that she had to move from her house to another area because she was stigmatised. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁹²

Analysis and conclusions

⁵⁹⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx34, pages 4 to 5.

⁵⁹¹ ICC-01/05-01/08-2155-Conf-Exp-Anx36; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 75 to 76.

⁵⁹² ICC-01/05-01/08-2155-Conf-Exp-Anx36, 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 PK[REDACTED] on 11 November 2002.

Applicant [REDACTED]⁹³

Claim to victim status

The applicant states that on 9 November 2002, the Banyamulengués came to the [REDACTED] area of [REDACTED] PK[REDACTED]. She alleges that they came to her house where three Banyamulengués raped her and pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁹⁴

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

⁵⁹³ ICC-01/05-01/08-2155-Conf-Exp-Anx37; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 77 to 78.

⁵⁹⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx37, pages 4 to 5.

Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 9 November 2002.

Applicant [REDACTED]⁹⁵

Claim to victim status

The applicant states that on 8 November 2002, when she was driving back to Bangui with her mother, they came across some Banyamulengués in PK [REDACTED]. She states that one of the men called them and when she pretended not to understand Lingala, they chased them and brought her and her mother back to the place where they were stationed and three of the men proceeded to rape her. Further, she states that their belongings disappeared. Finally, she claims that her mother was so traumatised by the events that she died two months later. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁹⁶

Analysis and conclusions

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

The Chamber notes that the applicant states that her and her mother's belongings disappeared. In the absence of any indication that the belongings were pillaged, 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

⁵⁹⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx38; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 79 to 80.

⁵⁹⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx38, pages 4 to 5.

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 PK [REDACTED] on 8 November 2002.

Applicant [REDACTED]⁹⁷

Claim to victim status

The applicant states that on 27 October 2002, Mr Bemba's men, who were wearing military uniforms and speaking Lingala, came to his house, located in [REDACTED] PK [REDACTED]. He further states that he consequently fled together with his family to take refuge in the fields, where he stayed for five months. He asserts that upon his return, he found that his house had been pillaged. He 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.⁵⁹⁸

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 PK [REDACTED] on an unspecified date as of 27 October 2002.

⁵⁹⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx41; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 25 to 26.

⁵⁹⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx41, pages 4 to 5 and 8.

Applicant [REDACTED]⁹⁹

Claim to victim status

The applicant states that on 25 November 2002, when the Banyamulengués came to the [REDACTED] area of Bangui, and started shooting in the air, she fled with her children and took refuge in the fields. She states that upon her return, she found that the door to her house was open and that her belongings had been pillaged. The applicant lists her loss. Further, in an additional statement, the applicant confirms the statement in the original application and states that she does not remember the date of the events but that it was when the Banyamulengués came, whilst Mr Patassé was the Head of State and had asked them to come to “clean the slate” (*“effacer le tableau”*) because of Mr Kolingba. She appends a document in which she lists and values her loss and where she states that the pillage occurred on 28 May 2001. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁰⁰

Analysis and conclusions

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

The Chamber notes that in the original application, the applicant states that the alleged events occurred on 25 November 2002. However, in the additional statement appended to the application, the applicant states that she does not remember the date of alleged events and refers to the period when the Banyamulengués came, whilst Mr Patassé was the Head of State and had asked them to come to “clean the slate” because of Mr Kolingba. Furthermore, in the

⁵⁹⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx44; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 3 to 4.

⁶⁰⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx44, pages 9 to 11 and 22 to 25.

list of pillaged items it is stated that the pillage occurred during the events of 28 May 2001. In light of these inconsistencies, the Chamber is not in a position to determine whether the alleged events fall under the temporal scope of the present case and the application for participation in the proceedings is rejected.

Applicant [REDACTED]¹

Claim to victim status

The applicant states that in November 2002, a group of armed militiamen came to his house, located in the [REDACTED] area of PK [REDACTED] and threatened him. He alleges that the Banyamulengués pillaged his belongings and livestock. He appends a document in which he lists and values his loss. He adds that they established their base at the football pitch of [REDACTED]. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁰²

Analysis and conclusions

The Chamber notes a discrepancy of eight years between the date of birth as appearing in the application form and on the identity card attached thereto. However given that the remainder of the information provided in the identity card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber 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

⁶⁰¹ ICC-01/05-01/08-2155-Conf-Exp-Anx45; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 3 to 4.

⁶⁰² ICC-01/05-01/08-2155-Conf-Exp-Anx45, pages 4 to 5 and 8 to 10.

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 PK [REDACTED] on an unspecified date in November 2002.

Applicant [REDACTED]³

Claim to victim status

The applicant states that on 15 December 2002, when the Banyamulengués came to the [REDACTED] area of [REDACTED] PK [REDACTED] he fled and abandoned his house. He states that upon his return, he found that his belongings had been pillaged. The applicant appends a document signed and stamped by the *chef de quartier* in which his loss is listed and valued. Further, he states that he was held hostage. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁰⁴

Analysis and conclusions

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

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

⁶⁰³ ICC-01/05-01/08-2155-Conf-Exp-Anx49; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 31 to 32.

⁶⁰⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx49, pages 4 to 5 and 9.

Applicant [REDACTED]⁰⁵

Claim to victim status

The applicant states that in November 2002, his eleven-year-old daughter was in her aunt's house, located in the [REDACTED] area of PK [REDACTED] when the Banyamulengués arrived. He alleges that they raped his daughter. He adds that she is traumatised and stigmatised by the events. As a result of the alleged events, the applicant claims to have suffered psychological harm.⁶⁰⁶

Analysis and conclusions

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

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

Applicant [REDACTED]⁰⁷

Claim to victim status

The applicant states that on 14 and 15 November and 24 and 25 November 2002, the Banyamulengués came to his house, located in [REDACTED] and pillaged his

⁶⁰⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx50; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 27 to 28.

⁶⁰⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx50, pages 4 to 5 and 9.

⁶⁰⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx51; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 5 to 6.

belongings and livestock. He states that they came back numerous times to pillage his belongings because he was living nearby their base, close to the football pitch. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁰⁸

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 14 and 15 November and 24 and 25 November 2002.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant states that on 28 October 2002, the Banyamulengués came to the [REDACTED] area of [REDACTED] PK [REDACTED] and started pillaging the stores at the [REDACTED]. He alleges that his store at the market and his house were pillaged. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶¹⁰

Analysis and conclusions

⁶⁰⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx51, pages 9 to 11, 18, 21 and 24.

⁶⁰⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx56; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 7 to 8.

⁶¹⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx56, pages 9 to 11, 20 and 23.

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 28 October 2002.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant is deceased and the application is introduced on her behalf by her sister.

In the original application, it is stated that on 20 October 2003, the Banyamulengués arrived and shot everywhere which forced the population to flee to the bush. It is claimed that in the vicinity of PK [REDACTED] the applicant fell, lost her legs and died three days later after all the men had pillaged her belongings and taken them to Zongo. In an additional statement appended to the application, it is stated that in February 2003, a group of Banyamulengués came to PK [REDACTED]. It is further stated that they raped the applicant before pillaging her belongings. It is alleged that the applicant died a few days after being raped. The person acting on behalf of the applicant appends a death certificate indicating that the death occurred on [REDACTED] October 2003. The person acting on behalf explains, in an appended declaration, that the date of the applicant's death as appearing on the death certificate is erroneous and that the applicant died in February 2003.

⁶¹¹ ICC-01/05-01/08-2155-Conf-Exp-Anx57; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 9 to 10.

As a result of the alleged events, it is claimed that the applicant suffered physical, psychological and material harm.⁶¹²

Analysis and conclusions

The Chamber notes a discrepancy of one month between the applicant's sister's date of birth as appearing in the application form and on the membership card attached thereto. However given that the remainder of the information provided in the membership card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identities of the applicant and her sister, who is acting on her behalf, as well as the kinship between them.

In relation to the substance of the application, the Chamber notes a series of inconsistencies between the accounts provided by the person acting on behalf of the applicant in the original application and the additional statement. In the original application, it is stated that the alleged events occurred on 20 October 2003, which falls outside the temporal scope of the present case. The date provided in the original application is confirmed by the applicant's death certificate which was signed on ■■■ October 2003. However, the additional statement provides that the alleged events occurred in February 2003 and that the date provided in the death certificate is erroneous. In addition, the person acting on behalf of applicant provides two detailed but different accounts of the circumstances of applicant's death without giving any explanation for the discrepancies.

⁶¹² ICC-01/05-01/08-2155-Conf-Exp-Anx57, pages 9 to 11 and 22 to 23.

Under these circumstances, the Chamber is of the view that the extent of the inconsistencies in the original application, the additional statement and the document appended to the application, undermines the credibility of the application as a whole and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]¹³

Claim to victim status

The applicant states that on 4 November 2002, the Banyamulengués came to the [REDACTED] area of Bangui. She further states that after seeing a picture of her husband on which he was wearing a uniform since he was a former soldier, they accused him of being a rebel and shot and killed him. The applicant appends a death certificate in which it is stated that her husband died on [REDACTED] July 2000. The applicant explains however, in an additional statement, that the date appearing on her husband's death certificate is erroneous and confirms that he died on 27 November 2002. She explains that she is illiterate and that it was her husband's cousin who collected the death certificate with the wrong date. The date of death of 27 November 2002 is also confirmed in a declaration made by the *chef de quartier*. As a result of the alleged events, the applicant claims to have suffered psychological harm.⁶¹⁴

Analysis and conclusions

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

⁶¹³ ICC-01/05-01/08-2155-Conf-Exp-Anx59; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 11 to 12.

⁶¹⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx59, pages 9 to 11 and 21 to 22.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her husband by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on 27 November 2002.

Applicant [REDACTED]¹⁵

Claim to victim status

In the original application, it is stated that between 15 and 18 March 2003, when the applicant was in Bangui, he was tortured and mutilated by General Bozizé's soldiers, called the Zakawas, who hold him for six days at their [REDACTED] in Bangui. He alleges that when he was set free by the [REDACTED] his feet and his left arm were paralysed. In an additional statement, the applicant states that on 28 October 2002, he was living in the [REDACTED] area of PK [REDACTED]. The applicant alleges that on this day a group of nine of Banyamulengués came to his compound and asked for the chief of the house. He claims that when he responded that it was him, they took him by force into the kitchen and asked for an enormous sum of money. He claims that since he did not have the money they began to torture him. The applicant alleges that while he was being tortured the other Banyamulengués pillaged his belongings, insulted him and told him to leave the house or he would die. The applicant states that he and his children fled to [REDACTED] to live with his older brother and that following the events he suffered from dislocation of his feet. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶¹⁶

⁶¹⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx61; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 13 to 14.

⁶¹⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx61, pages 9 to 11 and 20.

Analysis and conclusions

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

The Chamber notes that there is no link between the accounts provided in the original application on the one hand and the additional statement on the other. In the original application the applicant provides that he was tortured and mutilated by the General Bozizé's soldiers, called the Zakawas, between 15 and 18 March 2003 while in the additional statement he alleges that his belongings were pillaged on 28 October 2002 by the Banyamulengués.

The Chamber is of the view that the provision of two different accounts, without any further explanation, undermines the credibility of the application as a whole and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]¹⁷

Claim to victim status

The applicant states in the original application that between 25 and 30 October 2002, on a Sunday, she received a stray bullet in her left foot whilst she was fleeing Bangui due to the presence of Jean-Pierre Bemba's soldiers. In an additional statement, she clarifies that on Sunday 28 October 2002, when the Banyamulengués came to the [REDACTED] area of Bangui, she fled to take refuge in another area of Bangui. She further states that while she was fleeing, she was hit by a stray bullet. She asserts that during her absence, the soldiers broke the door

⁶¹⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx62; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 15 to 16.

to her house and pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶¹⁸

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 Bangui on an unspecified date as of 28 October 2002.

Applicant [REDACTED]¹⁹

Claim to victim status

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

It is submitted that in November 2002, when the Banyamulengués had entered the area of PK [REDACTED] near the [REDACTED] the applicant, his wife and their two daughters were in their house. It is further alleged that when the Banyamulengués tried to rape the applicant's daughters, the applicant tried to stop them and he was shot. Thereafter, the Banyamulengués proceeded to pillage their belongings. The death certificate appended to the application indicates that the applicant died on [REDACTED] December 2002. As a result of the alleged events, it is

⁶¹⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx62, pages 9 to 11 and 20.

⁶¹⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx63; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 17 to 18.

claimed that the applicant suffered physical and material harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological and material harm.⁶²⁰

Analysis and conclusions

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

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

Applicant [REDACTED]²¹

Claim to victim status

⁶²⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx63, pages 9 to 11 and 20.

⁶²¹ ICC-01/05-01/08-2155-Conf-Exp-Anx66; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 19 to 20.

The applicant is handicapped and he has given his consent for the application to be introduced on his behalf by his mother.

In the original statement, it is stated that on 28 October 2002, in the [REDACTED] area of [REDACTED] the applicant was injured in his right thigh by a projectile shot by Jean-Pierre Bemba's militia. He subsequently lost his leg, which had to be amputated, and became handicapped. Furthermore, in an additional statement appended to the application and which was completed by the applicant himself, the applicant states that after occupying the [REDACTED] area, the Banyamulengués systematically pillaged the houses in the area. According to the applicant, after being injured he was transported to the hospital by his parents and, in their absence, the soldiers pillaged his belongings and those of his family members. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶²²

Analysis and conclusions

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

Having considered the application as a whole, the Chamber finds that, overall, sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 28 October 2002.

⁶²² ICC-01/05-01/08-2155-Conf-Exp-Anx66, pages 9 to 11 and 24.

Applicant [REDACTED]²³

Claim to victim status

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

It is alleged that in November 2002, upon the applicant's resistance to the Banyamulengués' attempt to steal his vehicle, he was shot by the Banyamulengués in PK [REDACTED]. The death certificate appended to the application indicates that the death occurred on [REDACTED] October 2002. In addition, the person acting on behalf of the applicant claims that her own money was stolen and that her niece was raped in their house in PK [REDACTED]. In addition, the person acting on behalf of the applicant explains that the date of the applicant's date of death as appearing on the death certificate is the result of a clerical error and she states that the events occurred in November 2002, on the same day as the events related by victim [REDACTED]. As a result of the alleged events, it is claimed that the applicant suffered physical harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological and material harm.⁶²⁴

Analysis and conclusions

The Chamber notes that the applicant's place of birth as indicated in the death certificate differs from the place of birth appearing in the application form and on the marriage certificate. However, given that the remainder of the information provided is consistent with the data entered in the application form, the Chamber is of the view that this discrepancy might be the result of inadvertent clerical error and is thus satisfied that the identity of the applicant and his

⁶²³ ICC-01/05-01/08-2155-Conf-Exp-Anx67; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 21 to 22.

⁶²⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx67, pages 9 to 11 and 26.

kinship with his wife, who is acting on his behalf, are sufficiently established. The Chamber further notes a discrepancy of fourteen years between the date of birth of the person acting on the applicant's behalf as appearing on the marriage certificate and the identity card on the one hand and in the application form on the other. However, as the latter date corresponds to the date of birth of the applicant, and given that the remainder of the information provided is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the identity of the person acting on behalf is established. However, in the absence of any document establishing the identity of and kinship with the applicant's niece, only the applicant's murder and the pillage of the belongings of the person acting on behalf of the applicant will be considered for the purpose of the present assessment.

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 death certificate indicates that the death occurred on [REDACTED] October 2002, which falls outside the temporal scope of the case and that the harm claimed by the person acting on behalf allegedly occurred on the same day the applicant died and therefore also falls outside the temporal scope of the case.⁶²⁵

The Chamber notes that, in the additional statement, the person acting on behalf of the applicant explains that the date of the applicant's death as appearing on the death certificate is the result of a clerical error and she states that the events occurred in November 2002, on the same day of the events related by victim [REDACTED] who refers to events having occurred in November 2002.⁶²⁶

⁶²⁵ ICC-01/05-01/08-1091-Conf-Exp-AnxA, pages 377 to 378.

⁶²⁶ See ICC-01/05-01/08-2155-Conf-Exp-Anx63; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 17 to 18.

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

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Applicant [REDACTED]²⁷

Claim to victim status

The applicant alleges that when the Banyamulengués invaded her house located in [REDACTED] just after Ramadan, she was three months pregnant and her husband had already fled from the area, together with two of their children. The applicant claims that the Banyamulengués entered her house, killed her parents, and beat her. She states that she suffered a miscarriage three days after the events. She further claims that they pillaged her belongings, including her gold, her clothes, her goats and her cattle. The applicant maintains that the troops also killed her

⁶²⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx1; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 15 to 17.

three brothers in the [REDACTED] area. She claims that when her husband came back, he found that the Banyamulengués had taken his cattle in PK [REDACTED]. The applicant lists and values her loss. In the additional statement, the applicant states that she does not know the precise date of the events but that her son knows the date. She specifies that the events occurred when the Banyamulengués arrived, just after Ramadan, and that the Banyamulengués went nearly everywhere before they left. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶²⁸

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and her parents as well as the kinship between them. However, in the absence of any document establishing the identity of and kinship with her brothers, only the murder of the applicant's parents and pillage will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant states that she does not know the precise date of the alleged events but that her son knows the date. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the Banyamulengués' arrival shortly after Ramadan and the statement that the Banyamulengués went nearly everywhere before they left, the Chamber considers 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the

⁶²⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx1, pages 4 to 5 and 8 to 11.

accused, namely the murder of her parents and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 December 2002 and 15 March 2003.

Applicant [REDACTED]²⁹

Claim to victim status

The applicant alleges that following the invasion of the [REDACTED] of PK [REDACTED] by the Banyamulengués, who were shooting in the air, her brother fled, leaving her a suitcase with money. According to the applicant, she was alone with the children in her house, located in [REDACTED] because her husband had also fled, when they invaded her house and they asked for money, threatening to rape or kill her. The applicant alleges that some of the soldiers went into her room, found the suitcase and took it, and pillaged everything they could find in the house. She lists and values her loss. The applicant further claims that she was raped and that her husband abandoned her. In the additional statement, the applicant states that she has forgotten the date of the events but that it is written in the original application. In addition, while it is stated in the original application that the Banyamulengués forced her son to rape her, this information is not included in the additional statement, where the applicant states that she that she did not want to revisit every aspect of the painful event. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶³⁰

Analysis and conclusions

⁶²⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx2; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 18 to 20.

⁶³⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx2, pages 4 to 5 and 10 to 11.

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

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events and merely states that the date appears in the original application. However, in light of the intrinsic coherence of the additional statement in all other respects, and notably the reference to the invasion of the [REDACTED] and PK [REDACTED] by the Banyamulengués, the Chamber considers that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]³¹

Claim to victim status

The applicant alleges that following the invasion of the Cattle Market by the Banyamulengués, they pillaged her house, located in [REDACTED] PK [REDACTED]. The applicant claims that the Banyamulengués took her belongings, her money and her merchandise. She further states that they killed her son. The applicant lists and values her loss. The applicant specifies that at the time of the events, Mr Bozizé was in the bush and drove out the Banyamulengués with his troops. As a result

⁶³¹ ICC-01/05-01/08-2185-Conf-Exp-Anx3; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 21 to 23.

of the alleged events, the applicant claims to have suffered psychological and material harm.⁶³²

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 son, only pillage will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, and notably the reference to the invasion by the Banyamulengués of the [REDACTED] and PK [REDACTED] as well as the statement that Mr Bozizé was hiding in the bush and drove out the rebels with his troops, the Chamber considers that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]³³

Claim to victim status

⁶³² ICC-01/05-01/08-2185-Conf-Exp-Anx3, pages 4 to 5 and 10 to 11.

⁶³³ ICC-01/05-01/08-2185-Conf-Exp-Anx4; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 24 to 26.

The applicant alleges that following the invasion of the [REDACTED] by the Banyamulengués, they broke into her house. She states that when they asked where her husband was, she replied that she did not have a husband, and that when she told them that she was selling merchandise for a living, they asked for that merchandise. The applicant claims that she was scared and they threatened to harm her if she screamed. She states that the soldiers pillaged her personal belongings, her money, her gold and merchandise which she had just brought from Cameroon to sell. The applicant appends a document in which she lists and values her loss. The applicant specifies that she does not know the date of the event as she was traumatised. However, she states that the events occurred under the reign of Mr Patassé when the Banyamulengués came, drove out the population and caused trouble. She further explains that some of them went as far as Bossangoa. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶³⁴

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the invasion by the Banyamulengués of the [REDACTED] and PK [REDACTED] the arrival of the Banyamulengués under the reign of Mr Patassé as well as the statement that some of the Banyamulengués went as far as Bossangoa, the Chamber considers that the failure to provide a precise date should not serve to exclude the

⁶³⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx4, pages 4 to 5 and 11 to 12.

applicant. The Chamber further notes that in the original application, the applicant states that she was raped while in the additional statement, she states that they only threatened to rape her. Accordingly, only pillage 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 confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]³⁵

Claim to victim status

The applicant alleges that on 1 November 2002, the Banyamulengués broke into his house and his business premises, situated in the [REDACTED] and [REDACTED] *arrondissement* of Bangui. According to the applicant, he went into hiding at his neighbour's house and heard the Banyamulengués, who were speaking Lingala, looking for him and openly stating that they wanted to kill him. The applicant maintains that they pillaged his money, and his belongings in his business premises. 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 psychological and material harm.⁶³⁶

Analysis and conclusions

⁶³⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx6; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 28 to 29.

⁶³⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx6, pages 4 to 5 and 18 to 21.

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] and [REDACTED] *arrondissement* of Bangui on 1 November 2002.

Applicant [REDACTED]³⁷

Claim to victim status

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

It is stated that on 15 March 2003, Jean-Pierre Bemba's MLC troops, who were armed and speaking Lingala, came to the applicant's house located in the [REDACTED] area of Bangui. It is alleged that they ordered the applicant to give them money and a car key and when he refused they shot and killed him. It is further alleged that they pillaged everything from the house where the applicant and his son were living. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm.⁶³⁸ In addition, the person acting on behalf of the applicant claims to have suffered material and psychological harm.

Analysis and conclusions

⁶³⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx7; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 159 to 160.

⁶³⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx7, pages 4 to 5, 12.

The Chamber considers that the documents provided demonstrate the identity of the applicant and his son, who is acting on the applicant's behalf, as well as the kinship between them.

The Chamber considers that sufficient evidence has been provided on behalf of the applicant 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 murder and the pillage of his belongings, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 March 2003. In addition, the Chamber considers that the person acting on behalf of the applicant has also provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he has suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his father and the pillage of his belongings, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 March 2003.

Applicant [REDACTED]³⁹

Claim to victim status

The applicant alleges that in November 2002, the Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] where she was with her son. She states that they threatened them, demanded money and hit her son with a whip causing them to flee. She states that upon their return, she found that her house had been pillaged and she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁴⁰

⁶³⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx8; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 161 to 162.

⁶⁴⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx8, pages 4 to 5.

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 November 2002.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant states that on 31 October 2002 and on 8 March 2003, the Banyamulengués pillaged his belongings. The applicant lists his loss. In an additional statement provided by the applicant, he clarifies that on 31 October 2002, the Banyamulengués came to his house, located in PK [REDACTED] and pillaged his belongings. He further alleges that on 8 March 2003, he fled with his children and his mother to [REDACTED] and that this is how he lost his luggage. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁴²

Analysis and conclusions

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

⁶⁴¹ ICC-01/05-01/08-2185-Conf-Exp-Anx9; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 163 to 164.

⁶⁴² ICC-01/05-01/08-2185-Conf-Exp-Anx9, pages 4 to 5.

The Chamber notes that while in relation to the event of 31 October 2002, the applicant states that his belongings were pillaged, in relation to the event of 8 March 2003, he states that he lost his belongings because he fled from his home. In the absence of any indication that in the context of the events of 8 March 2003, his belongings were pillaged, only the events of 31 October 2002 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 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 PK [REDACTED] on 31 October 2002.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant alleges that when the Banyamulengués invaded PK [REDACTED] they came to her compound, located in the [REDACTED] area. She adds that they found her and her husband, threatened them with their weapons and asked them for money. She alleges that the Banyamulengués beat her husband because they wanted to rape her, and that her husband later died as a result of his injuries and after several visits to the hospital. She states that they raped many men and women in the area. She clarifies that she went to the hospital for examinations and had to receive treatment. She further claims that they pillaged all her belongings. The applicant appends a document in which she lists and values her loss as well as a death certificate indicating that her husband died on [REDACTED] November 2002. The

⁶⁴³ ICC-01/05-01/08-2185-Conf-Exp-Anx17; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 30 to 32.

applicant states that she does not remember the precise date of the alleged events but she specifies that at the time of the events, Mr Patassé was president before being overthrown by Mr Bozizé and she also heard that the Banyamulengués went to other towns including Damara and Sibut. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁴⁴

Analysis and conclusions

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant and her husband as well as the kinship between them.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the presidency of Mr Patassé, his overthrow by Mr Bozizé and the statement that the Banyamulengués went to other towns including Damara and Sibut, and given that the death certificate appended to the application indicates that her husband died on a date falling under the temporal scope of the present case, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber further notes that while in the original application, the applicant states that the Banyamulengués raped her, her husband as well as her daughter, providing a detailed description of the circumstances of the rapes, this account is not confirmed in the additional statement. However, given that in the additional statement, the applicant states that the Banyamulengués raped many men and

⁶⁴⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx17, pages 4 to 5, 10 and 12 to 13.

women in the area and that she went to the hospital for examination and treatment as well, the Chamber infers from the application that the applicant was raped. 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 murder of her husband, her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October and [REDACTED] November 2002.

Applicant [REDACTED]⁴⁵

Claim to victim status

The applicant alleges that in October 2002, Mr Bemba's troops crossed the Oubangui River from Zongo and arrived in Bangui. He contends that these men came to his farm, located in [REDACTED] [REDACTED] kilometres away from the [REDACTED] area of Bangui, and pillaged his livestock. The applicant further alleges that they pillaged other belongings, which he lists and values in an appended document, and that they destroyed his barn. In addition the applicant claims that the Banyamulengués also pillaged his house located in the [REDACTED] area of Bangui. According to the applicant, Mr Bemba's men stayed in the Central African Republic until Mr Bozizé's coup in 2003. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁴⁶

Analysis and conclusions

⁶⁴⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx18; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 33 to 35.

⁶⁴⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx18, pages 4 to 5, 9 to 10 and 12 to 18.

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

The Chamber notes that in the additional statement, the date provided by the applicant (October 2002) is broad, and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the Banyamulengués' invasion of the CAR in October 2002 and their withdrawal after Mr Bozizé's coup in 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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] and in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁴⁷

Claim to victim status

The applicant alleges that the Banyamulengués invaded the [REDACTED] area of PK [REDACTED], where the applicant was living. According to the applicant, they came to his house and pillaged all his property and his livestock. The applicant contends that the Banyamulengués were carrying the looted items in their vehicles to Zongo. The applicant appends a document in which he lists and values his loss. The applicant states that he does not remember the precise date of the alleged events,

⁶⁴⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx19; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 36 to 38.

but it was when Mr Patassé was in power and until Mr Bozizé came with his soldiers to free the population. He further states that the Banyamulengués also went to other towns, including Damara, Boali and Bozoum. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁴⁸

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects and notably the reference to the reign of Mr Patassé, the liberation by Mr Bozizé and the statement that the Banyamulengués also went to other towns, including Damara, Boali and Bozoum, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁴⁹

⁶⁴⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx19, pages 4 to 5, 10 to 13, 16 to 17.

⁶⁴⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx21; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 39 to 41.

Claim to victim status

The applicant alleges that very early in the morning on 30 October 2002, she was at home, in [REDACTED] PK [REDACTED] when the Banyamulengués, who were wearing camouflage uniforms, came to her house. She claims that they asked her for money and brutalized her. She further claims that they searched the house and found 17 million francs which she had saved to buy a new house, and that they also pillaged her belongings, including the television, the sewing machines and the clothes, which they all brought to a vehicle that was waiting outside. The applicant appends a document in which she lists and values her loss. The applicant further states that they threw her on the ground, ripped off her clothes and raped her one after the other. The applicant adds that after the rape by the second man, she was bleeding so heavily that the third one was unable to rape her. She also claims that as a result of the rape she was infected by HIV and she still feels pain in her lower abdomen and has a number of cysts in the uterus. The applicant appends a document in which she lists and values her loss as well as a number of medical certificates. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁵⁰

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

⁶⁵⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx21, pages 4 to 5, 19 to 15, 17 to 18.

accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] PK [REDACTED] on 30 October 2002.

Applicant [REDACTED]⁵¹

Claim to victim status

The applicant alleges that on 16 March 2003, after the overthrow of Mr Patassé by Mr Bozizé, a group of Banyamulengués who was going to [REDACTED] invaded the [REDACTED] village, located on the road to [REDACTED] where the applicant had a farm. He states that they entered his farm, killed some sheep, loaded them in their vehicle and pillaged the food he was keeping for his livestock. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁵²

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 (16 March 2003) falls outside the temporal scope of the present case. However, in light of the intrinsic coherence of the additional statement in all other respects, and notably the reference to the overthrow of Mr Patassé by Mr Bozizé and the withdrawal of the Banyamulengués towards [REDACTED] the Chamber is of the view that this discrepancy should not serve to exclude the applicant. In addition, the Chamber notes that while in the original application it is stated that the Banyamulengués pillaged both his house and his farm, the applicant clarifies in the additional

⁶⁵¹ ICC-01/05-01/08-2185-Conf-Exp-Anx22; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 42 to 44.

⁶⁵² ICC-01/05-01/08-2185-Conf-Exp-Anx22, pages 4 to 5, 9, 11 to 12.

statement that the Banyamulengués only pillaged his farm. Accordingly, only the pillage of the applicant's farm 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 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] village on or about 15 March 2003.

Applicant [REDACTED]⁵³

Claim to victim status

The applicant alleges that on 31 November 2002, the Banyamulengués, invaded her house, located in the [REDACTED] area. She contends that they asked her husband for money and pillaged all their belongings. She further alleges that they raped her daughter and infected her with HIV, as a result of which she died in 2010. In addition the applicant asserts that she was tied up to a plug which triggered electric shocks. She adds that as she was screaming, her neighbours came to take out the circuit breaker. According to the applicant, the Banyamulengués left her since they thought that she was dead. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁵⁴

Analysis and conclusions

⁶⁵³ ICC-01/05-01/08-2185-Conf-Exp-Anx23; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 45 to 47.

⁶⁵⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx23, pages 4 to 5, 12 to 13.

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 the applicant's daughter, only the harm suffered by the applicant will be considered for the purpose of the present assessment.

The Chamber notes that while in the original application it is stated that the applicant was raped, the information is not confirmed in the additional statement. Accordingly, rape will not be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant states that the alleged events occurred on 31 November 2002. However, since in the original application it is provided that the alleged events occurred on 31 October 2002, the Chamber is of the view that this might be the result of inadvertent error and should not serve to exclude the applicant.

The Chamber further notes that the applicant states that she was tied to a plug, causing her electric shocks, and that the Banyamulengués left on the assumption that she was dead. In this regard, the Chamber recalls that it has already ruled that "depending on the specific circumstances, certain acts could amount to an attempt to commit one of the crimes under the confirmed charges and as such could be reflected in those charges."⁶⁵⁵ In the present case, the applicant clearly states that the Banyamulengués tied her to a plug, causing her electric shocks, and that the Banyamulengués left on the assumption that she was dead. The Chamber is of the view that "it can prima facie be inferred that the alleged perpetrator had the intent to cause the death of the applicant and has accordingly taken action commencing the execution of the charged crime of murder, by means of a substantial step,"⁶⁵⁶ namely by tying the applicant to a electric plug,

⁶⁵⁵ ICC-01/05-01/08-1091, paragraph 30.

⁶⁵⁶ ICC-01/05-01/08-1091, paragraph 30.

triggering electric shocks. 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 attempted murder and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 31 October and 30 November 2002.

Applicant [REDACTED]⁵⁷

Claim to victim status

The applicant is deceased and the application is introduced on her behalf by her husband.

It is claimed that the Banyamulengués arrived in [REDACTED] and set up their base in PK [REDACTED]. It is further stated that when some troops returned to [REDACTED] the situation started to degenerate. It is claimed that on the day of the event, the applicant's husband, who at the time of the events was serving in the military, was away from the house, and that the applicant was at home with her son. It is stated that the men came and started to pillage the neighbour's house and then the applicant's house. It is stated that as the applicant was resisting, they killed her, as well as the baby and the neighbour. The person acting on behalf of the applicant states that he found the bodies of his deceased wife, the child and the neighbour. He appends a death certificate certifying that the deaths of the applicant and the baby occurred on 3 November 2002. He further states that the Banyamulengués pillaged the belongings of the applicant, their children as well

⁵⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx24; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 48 to 50.

as his own belongings. The person acting on behalf of the applicant states that he does not remember the precise date of the events but that they occurred at the time when the Banyamulengués arrived in [REDACTED] PK [REDACTED] established their base in PK [REDACTED] and after Mr Bemba had addressed his troops at the [REDACTED]. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm. In addition, the person acting on behalf of the applicant claims to have suffered material and psychological harm.⁶⁵⁸

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant, the applicant's daughter and the person acting on behalf of the applicant as well as the kinship between them.

The Chamber notes that in the additional statement, the person acting on behalf of the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the Banyamulengués' arrival in [REDACTED] PK [REDACTED] the establishment of their base in PK [REDACTED] and Mr Bemba's speech to his troops at the [REDACTED] and given that the death certificate appended to the application form indicates that the death occurred on a date falling under the temporal scope of the present case, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the application. Under these circumstances, the Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant 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 and her murder by the

⁶⁵⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx24, pages 4 to 5, 12 to 14, 16 to 17.

Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 15 October and 3 November 2002. In addition, the Chamber considers that, overall, the person acting on behalf of the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his wife and his child and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October and 3 November 2002.

Applicant [REDACTED]⁵⁹

Claim to victim status

The applicant is deceased and the application is introduced on her behalf by her brother.

It is alleged that the applicant was absent at the time of the events, while her brother, who is acting on her behalf, was guarding the house, located in the [REDACTED] area. It is stated that when the Banyamulengués invaded their area, the men came to their house and addressed the applicant in Lingala, which she did not understand. It is claimed that as the men saw military gears inside the house, they thought that the applicant's husband was a rebel and they beat and killed the applicant and her nine-year-old son. The person acting on behalf of the applicant appends a death certificate certifying that the two deaths occurred on 28 October 2002. Furthermore, it is claimed that the belongings of the person acting on behalf of the applicant were pillaged by the men and the items that were left were later pillaged by the local population. In the additional statement,

⁶⁵⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx25; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 51 to 53.

the applicant states that following the events, he went into exile in the [REDACTED] where he stayed for approximately three years and returned in 2004. In the additional statement, the person acting on behalf of the applicant states that he does not remember the precise date of the alleged events but that they occurred at the time when Mr Patassé was president. He subsequently clarified that his wife had found a document indicating that the events occurred on 28 October 2002.⁶⁶⁰ As a result of the alleged events, it is claimed that the applicant suffered physical harm. In addition, the person acting on behalf of the applicant claims to have suffered material harm.

Analysis and conclusions

The Chamber notes that the dates of birth appearing on the death certificates of the applicant and the applicant's son do not correspond the days they were born but to the days the births were declared. The Chamber is of the view that this might be the result of inadvertent error in completing the form and should not serve to exclude the application. Accordingly, the Chamber is of the view that the documents provided sufficiently demonstrate the identities of the applicant, her son, and the person acting on behalf of the applicant as well as the kinship between them.

In relation to the substance of the application, the Chamber notes the VPRS' assessment that due to a series of inconsistencies in the various accounts subsequently provided by the person acting on behalf, the VPRS has a fundamental doubt as to the credibility of the statements. Accordingly, the Chamber is not in a position to determine whether the applicant and the person acting on the applicant's behalf have suffered harm as a result of crimes

⁶⁶⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx25, pages 4 to 5, 10 to 11, 13, 15 to 17 and 19 to 20.

confirmed against the accused and the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁶¹

Claim to victim status

The applicant alleges that on 1 November 2002, the Banyamulengués came to his house, located in the [REDACTED] area of PK [REDACTED]. He states that they entered his house, hit him, held him at gunpoint and took his money, livestock, and belongings. The applicant further claims that he went to the gendarmerie to complain, and that as a result the Banyamulengués threatened him, and came to his house several times. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁶²

Analysis and conclusions

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

The Chamber notes that while in the original application, the applicant states that the Banyamulengués raped his wife, this information is not confirmed in the additional statement. In the absence of any indication in the additional statement that his wife was raped, 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

⁶⁶¹ ICC-01/05-01/08-2185-Conf-Exp-Anx26; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 54 to 56.

⁶⁶² ICC-01/05-01/08-2185-Conf-Exp-Anx26, pages 4 to 5, 11, 13 to 15.

against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of PK [REDACTED] on 1 November 2002.

Applicant [REDACTED]⁶³

Claim to victim status

The applicant alleges that at the end of 2002, the Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED]. She claims that the men proceeded to beat her and pillage her house and then raped her daughter, who was infected with and later died of HIV. The applicant contends that they also took her money and she appends a document in which she lists and values her loss. In addition, she appends a death certificate certifying that her daughter died on [REDACTED] May 2005. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁶⁶⁴

Analysis and conclusions

The Chamber notes that the applicant's 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. However, as the remainder of the information provided in the application form is consistent with the information provided in the identity documents, the Chamber is of the view that this inconsistency might be the result of inadvertent error in filling in the form and should not serve to exclude the applicant. Accordingly, the Chamber considers that the documents provided sufficiently demonstrate the identities of the applicant and her daughter as well as the kinship between them.

⁶⁶³ ICC-01/05-01/08-2185-Conf-Exp-Anx27; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 57 to 59.

⁶⁶⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx27, pages 4 to 6, 11 to 12, 14 to 16.

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 rape of her daughter and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]⁶⁵

Claim to victim status

The applicant alleges that when the Banyamulengués had set up their base in PK [REDACTED] and prior to 15 March when Mr Bozizé came into power, they broke into his house, located in the [REDACTED] area of PK [REDACTED] and threatened his family who had to give them money. He further claims that another group of Banyamulengués came to his house and took his belongings, including a radio and his clothes. He states that his family took refuge somewhere else and that he stayed in the house for a while. He claims that the Banyamulengués came back to the house, pillaged the rest of his belongings and destroyed his house. He further adds that one day, as he was coming back from a food distribution, they tied him up and mistreated him at the [REDACTED]. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁶⁶⁶

Analysis and conclusions

⁶⁶⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx28; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 60 to 62.

⁶⁶⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx28, pages 4 to 5, 10 to 11.

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the statement that the Banyamulengués had established their base at the [REDACTED] in PK [REDACTED] prior to 15 March when Mr Bozizé came into power, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁶⁷

Claim to victim status

The applicant is deceased and the application is introduced on her behalf by her husband.

It is alleged that the Banyamulengués came to the applicant's house, located in the [REDACTED] area of [REDACTED]. It is claimed that the applicant was raped by a group of Banyamulengués, who also pillaged the house. It is submitted that the applicant was infected with HIV, and an appended death certificate certifies that she died on [REDACTED] January 2005. The person acting on behalf of the applicant

⁶⁶⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx29; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 63 to 65.

appends a document in which he lists and values the loss. The person acting on behalf of the applicant states that the Banyamulengués returned once after the 28 May events and that time, they occupied all areas before they left in March 2003. According to the person acting on behalf of the applicant, it was during the second attack that the alleged events occurred. As a result of the alleged events, it is claimed that the applicant suffered physical, psychological and material harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological and material harm.⁶⁶⁸

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and her husband, who is acting on the applicant's behalf, as well as the kinship between them.

The Chamber notes that in the additional statement, the person acting on behalf of the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, and notably the reference to the second attack by the Banyamulengués, the occupation of all areas and their departure in March 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the application. The Chamber further notes that in the original application, the person acting on behalf of the applicant states that he witnessed the rape of his wife while in the additional statement, it is provided that the person acting on behalf was hiding outside the house when the applicant was raped. However, the Chamber is of the view that this inconsistency should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall,

⁶⁶⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx29, pages 4 to 5, 11 to 15, 17 to 19.

sufficient information has been provided on behalf of the applicant to establish *prima facie* that the applicant 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 the [REDACTED] area of [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003. In addition, the Chamber considers that the person acting on behalf of the applicant has also provided sufficient information to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his wife and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁶⁹

Claim to victim status

The applicant alleges that in 2002 while he was at work, the Banyamulengués entered the [REDACTED] area of [REDACTED] where he was living. He contends that upon their arrival his wife ran away and that the men proceeded to pillage his property. The applicant further alleges that when he returned, eight Banyamulengués armed with Kalashnikovs were standing in front his house, explaining that it had been turned into a military base and could not be accessed by the applicant. The applicant states that he was able to look inside the house and saw that the Banyamulengués were occupying his house and had pillaged all his belongings. He lists and values his loss. The applicant explains that at the time of the events, Mr Patassé was in power and the Banyamulengués arrived

⁶⁶⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx30; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 66 to 68.

after the arrival of Mr Bozizé. He further claims that they had set up their base in the [REDACTED] were committing atrocities in PK [REDACTED] and further went to Damara, Bossembélé, Bossangoa and Bozoum. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁷⁰

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, and notably the statement that the Banyamulengués came when Mr Patassé was in power, set up their base at the [REDACTED] and went to Damara, Bossembélé, Bossangoa and Bozoum, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁷¹

Claim to victim status

⁶⁷⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx30, pages 4 to 5, 10 to 12 .

⁶⁷¹ ICC-01/05-01/08-2185-Conf-Exp-Anx31; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 69 to 71.

The applicant alleges that at the time the Banyamulengués invaded PK [REDACTED] they came to her house, located in the [REDACTED] area of PK [REDACTED]. According to the applicant, the population of the area fled and so did she. She claims that the Banyamulengués took her merchandise and belongings from her house. The applicant states that she does not remember the precise date of the alleged events but she specifies that the Banyamulengués went first to PK [REDACTED] and PK [REDACTED] and later went to other towns along the road to Boali and the road to Bossembélé. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁷²

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the statement that the Banyamulengués went first to PK [REDACTED] and PK [REDACTED] and later went to other towns along the road to Boali and the road to Bossembélé, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

⁶⁷² ICC-01/05-01/08-2185-Conf-Exp-Anx31, pages 4 to 5, 10 to 11.

Applicant [REDACTED]⁷³

Claim to victim status

The applicant states that at a date close to Ramadan, seven Banyamulengués came to her house and store in the [REDACTED] area of [REDACTED]. The applicant claims that they asked for money, tied her husband up and took him into the house. She alleges that they took her to the back of the house and raped her in front of her husband. In addition, the applicant contends that they pillaged the house and her merchandise. The applicant states that when the Banyamulengués left, she untied her husband who left her and never returned. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁷⁴

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the statement that the alleged events occurred at a date close to Ramadan, which started in November, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a

⁶⁷³ ICC-01/05-01/08-2185-Conf-Exp-Anx32; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 72 to 74.

⁶⁷⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx32, pages 4 to 5, 9 and 11 to 12.

result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 26 October and 31 November 2002.

Applicant [REDACTED]⁷⁵

Claim to victim status

The applicant states that when the Banyamulengués were in the country to assist the President and before Mr Bozizé came into power, they attacked her home located in the [REDACTED] area, while her husband was away. She claims that they insulted them in Lingala. The applicant alleges that they beat her, and then she took her children and they fled to [REDACTED]. She claims that as she was fleeing, she stumbled and hurt herself. The applicant further alleges that they pillaged her belongings, including the merchandise that she had brought back from Chad, and her husband's cattle. The applicant appends a document in which she lists and values her loss. The applicant states that the Banyamulengués stayed for a long period of time until the change of president with Mr Bozizé becoming president. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁷⁶

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence

⁶⁷⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx33; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 75 to 77.

⁶⁷⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx33, pages 4 to 5, 9, 11 to 12.

of the additional statement in all other respects, and notably the statement that the Banyamulengués stayed for a long period of time until the change of president with Mr Bozizé becoming president, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that while in the original application, it is stated that the applicant was raped, this information is not confirmed in the additional statement and the applicant merely states that she went to the hospital for examination. On the basis of this information, the Chamber is not in a position to determine whether the applicant was raped and therefore only pillage 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 confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁷⁷

Claim to victim status

The applicant states that when the Banyamulengués attacked the [REDACTED] they invaded her house, located in the [REDACTED] area of PK [REDACTED]. The applicant further alleges that they mistreated her and her husband and pillaged her belongings, which they loaded in a vehicle. She further states that the Banyamulengués killed [REDACTED] men at the [REDACTED] and that they further killed her brother near [REDACTED].

⁶⁷⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx34; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 78 to 80.

The applicant appends a document in which she lists and values her loss. The applicant states the events occurred at the time of the Tabaski celebrations and that the Banyamulengués also went to other towns such as Bozoum before they were driven out by the rebels. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶⁷⁸

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 will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, and notably the statement that the Banyamulengués went to other towns such as Bozoum until they were driven out by the rebels, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that while in the original application, it is stated that the applicant was raped, in the additional statement, the applicant clarifies that the Banyamulengués did not harm her. Accordingly, only pillage will be considered for the purpose of the present assessment. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the

⁶⁷⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx34, pages 4 to 5, 11 to 12.

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

Applicant [REDACTED]⁷⁹

Claim to victim status

The applicant alleges that in March 2003, the Banyamulengués came to the [REDACTED] area in the [REDACTED] *arrondissement* of Bangui where his house was located and the rebels raped his wife. He further claims that one of the female soldiers forced him into his bedroom at gun point and forced him to have sex with her, threatening to cut off his penis or kill him. Finally, he claims that they pillaged his house, including his agricultural material. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁸⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. In addition, the application that was completed by his wife (applicant [REDACTED]) includes documents establishing the identity of and kinship with his wife.

The Chamber notes that the date provided by the applicant (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 additional statement in all other respects, and given that the applicant's wife claimed in her application that refers to the same events that the Banyamulengués had been called by Mr

⁶⁷⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx35; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 81 to 83.

⁶⁸⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx35, pages 4 to 5, 11 to 12.

Patassé and that they went to PK [REDACTED] [REDACTED] and nearly everywhere, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 rape, the rape of his wife and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area in the [REDACTED] *arrondissement* of Bangui on an unspecified date between 1 and 15 March 2003.

Applicant [REDACTED]⁸¹

Claim to victim status

The applicant claims that he was with his cattle in the bush near [REDACTED] when he heard that people were being killed. He claims that he fled to the [REDACTED] area, and that the Banyamulengués took all his cattle, which constituted all his capital. He further states that his son was tied up and beaten. The applicant states that he does not remember the precise date of the events but he clarifies that the Banyamulengués arrived when Mr Patassé was in power and invaded the entire country, committing pillage and murders. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁸²

Analysis and conclusions

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

⁶⁸¹ ICC-01/05-01/08-2185-Conf-Exp-Anx38; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 3 to 5.

⁶⁸² ICC-01/05-01/08-2185-Conf-Exp-Anx38, pages 9 to 13, 21, 25 to 26.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the Banyamulengués came when Mr Patassé was in power and invaded the entire country, the Chamber considers that a 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 the [REDACTED] area on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁸³

Claim to victim status

The applicant submits that when the Banyamulengués, who were coming from the other side of the river and who were speaking Lingala, came to the country and committed crimes everywhere, they entered her house located in PK [REDACTED] on the road to [REDACTED]. The applicant claims that they threatened her, threw her on the ground and beat her. She claims that they also pillaged her belongings and the belongings of her parents-in-law. She states that she had to undergo medical examinations and appends a medical document certifying that she suffers from a pelvic infection. She further claims that rumours according to which she had become the wife of a Banyamulengué had a negative impact on her relationship

⁶⁸³ ICC-01/05-01/08-2185-Conf-Exp-Anx40; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 84 to 86.

with her husband. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁸⁴

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant states that she does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the statement that the Banyamulengués committed crimes everywhere, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber notes that while in the original application it is stated that the applicant was raped, in the additional statement the applicant states that she was beaten. However, since the medical document appended to the application indicates that the applicant suffered from a pelvic infection and given that the applicant was reported to have become the Banyamulengués' wife, the Chamber infers from the application that the applicant was raped. 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 PK[REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁸⁵

⁶⁸⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx40, pages 4 to 5, 9, 12 to 13.

⁶⁸⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx42; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 87 to 89.

Claim to victim status

The applicant submits that in 2002, the Banyamulengués invaded his compound in PK[REDACTED]. He alleges that they looted everything in his house, including the television and the beds. He further claims that they brutalised his father who was very old and who was living in the house next to his, and when the applicant tried to oppose it, they threatened him with their weapons. The applicant states that he then fled to PK[REDACTED] and his father later died. He further states that the Banyamulengués occupied his house. According to the applicant, he was also informed that the Banyamulengués had pillaged his warehouse located at the [REDACTED] of [REDACTED] taking all his merchandise. He appends a document in which he lists and values his loss. The applicant states that he does not remember the precise date of the alleged events but he claims that they occurred in 2002, when the Banyamulengués occupied various areas and he adds that they have seen Mr Bemba landing at the [REDACTED] school. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁸⁶

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 in the additional statement (2002) is broad, and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the occupation of various areas by the Banyamulengués and the reference to Mr Bemba landing at the

⁶⁸⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx42, pages 4 to 5, 10, 12 to 13.

■■■■■ school, the Chamber is of the view that a failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that while in the original application it is stated that the Banyamulengués burned his house, in the additional statement it is clarified that they did not burn his house because their chief intervened. The Chamber also notes that while in the original application, no reference is made to the harm suffered by his father, in the additional statement, the applicant claims that the Banyamulengués beat his father who died later. However, in the absence of any information in relation to the precise circumstances of the father's death, and in view of the statement that the applicant's father was very old at the time of the events, only pillage 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 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 PK■■■■■ on an unspecified date between 26 October and 31 December 2002.

Applicant ■■■■■⁸⁷

Claim to victim status

The applicant claims that when the Banyamulengués invaded ■■■■■ and PK■■■■■ they killed men and raped young women. He states that he was a butcher, and when he went to the market to look after his cattle, he found that the Banyamulengués had killed some and set free some others. He further claims

⁶⁸⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx43; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 90 to 92.

that the Banyamulengués also entered his house in [REDACTED] breaking the doors with their weapons. He states that his family was forced to sit and watch as the women they had brought with them pillaged the house. He appends a document in which he lists and values his loss. The applicant states that the Banyamulengués went to different areas, in particular PK [REDACTED] and fled following the return of Mr Bozizé on 15 March. He further states that he saw Mr Bemba coming to address his troops in [REDACTED]. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁸⁸

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the Banyamulengués' invasion of various areas and their withdrawal following the return of Mr Bozizé on 15 March as well as the statement that he saw Mr Bemba come to address his troops in [REDACTED] the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that in the original application, it is stated that the applicant was forced to kill 5 cattle per day for the Banyamulengués, that he was beaten and that he fled to Chad after the events. This information is not confirmed in the additional statement. However, in light of the intrinsic coherence of the additional statement, the Chamber is of the view that this discrepancy should not serve to exclude the applicant. The Chamber considers that, overall, the applicant

⁶⁸⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx43, pages 4 to 5, 10, 12 to 13.

has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁸⁹

Claim to victim status

The applicant states that the Banyamulengués had established their base at the [REDACTED] and they invaded all the areas, going as far as Bossembélé and Bossangoa. She states that when the Banyamulengués arrived at her warehouse located on the road to [REDACTED] she fled, leaving the door open. She claims that they looted everything inside, including the manioc, the palm oil, and the rickshaw. She further states that she went back to her house located on the road to [REDACTED]. She states that the Banyamulengués invaded her house, and they shot three times towards her husband, but he was not wounded. They then pillaged the house, taking her belongings as well as her personal money and the money which belonged to the Church. The applicant states that after the events she fled with her spouse to [REDACTED] but, since the Banyamulengués also invaded [REDACTED] they had to flee again. She claims that when they came back to their house, they found it empty, and that the beds have been used as firewood. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁹⁰

⁶⁸⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx44; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 93 to 95.

⁶⁹⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx44, pages 4 to 5, 10, 12 to 13.

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the Banyamulengués' base at the [REDACTED] and the statement that the Banyamulengués went as far as Bossangoa and Bossembélé, 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁹¹

Claim to victim status

The applicant submits that the Banyamulengués entered her house located in PK [REDACTED] and beat her. She states that she then fled with other people, and when she came back approximately seven months later, when the situation had calmed down because of the return of Mr Bozizé, her house and her belongings had been pillaged. The applicant appends a document in which she lists and values her

⁶⁹¹ ICC-01/05-01/08-2185-Conf-Exp-Anx45; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 96 to 98.

loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁹²

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that she was taken refuge for approximately seven months and that the situation calmed down after the return of Mr Bozizé, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that while in the original application, it is claimed that the applicant was subject to sexual violence, this information is not confirmed in the additional statement. Accordingly, in the absence of any indication suggesting that the applicant was raped, only pillage will be considered for the purpose of the present assessment. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁹³

⁶⁹² ICC-01/05-01/08-2185-Conf-Exp-Anx45, pages 4 to 5, 9, 11.

⁶⁹³ ICC-01/05-01/08-2185-Conf-Exp-Anx46; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 99 to 101.

Claim to victim status

The applicant submits that between 2002 and 2003, the Banyamulengués invaded her house, located in the [REDACTED] area of PK [REDACTED] where they set up a base and pillaged her belongings and her animals. She claims that one day during the occupation, when she was transporting merchandise in a rickshaw, the Banyamulengués intercepted and brutalised her and stole her merchandise. She further alleges that when Mr Bemba was addressing his troops at the [REDACTED] [REDACTED] she fled to seek refuge at a relative's place. She appends a document in which she lists and values her loss. The applicant states that she does not remember the date of the events but she specifies that the Banyamulengués spent several months in [REDACTED] went to the inner country, including to Boali and Bossembélé, and left after the events of 15 March. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶⁹⁴

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the events started in 2002 and ended by 15 March 2003, the reference to Mr Bemba's visit at the [REDACTED] and the statement that the Banyamulengués went to the inner country, including to Boali and Bossembélé, 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

⁶⁹⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx46, pages 4 to 5, 9, 11 to 12.

sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁹⁵

Claim to victim status

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

It is stated that on 30 October 2002, the Banyamulengués came to the applicant's shop, located in [REDACTED] and pillaged all his merchandise. It is further stated that they killed the applicant. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm. The person acting on behalf of the applicant appends a document in which he lists and values the applicant's loss as well as a death certificate certifying that the death occurred on 30 October 2002. In addition, the person acting on behalf of the applicant claims to have suffered psychological and material harm.⁶⁹⁶

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and his father, who is acting on the applicant's behalf, as well as the kinship between them.

⁶⁹⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx47; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 102 to 104.

⁶⁹⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx47, pages 4 to 5, 13, 15.

The Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 30 October 2002. In addition, the Chamber considers that, overall, the person acting on behalf of the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his son by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 30 October 2002.

Applicant [REDACTED]⁹⁷

Claim to victim status

The applicant states that when the Banyamulengués invaded the PK [REDACTED] area of Bangui, they broke into his house, located in the [REDACTED] area. He asserts that they were speaking Lingala and pillaged his belongings, his livestock and that they regularly came to his house and used to eat the food he prepared. The applicant states that he does not remember the precise date of the alleged events. He specifies that Mr Bemba had gone to the school and he states that the Banyamulengués were numerous and went to Damara, Sibut, Boali and Bossangoa. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁹⁸

Analysis and conclusions

⁶⁹⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx48; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 105 to 107.

⁶⁹⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx48, pages 4 to 5, 10 to 11.

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to Mr Bemba's visit at the school and the invasion of Damara, Sibut, Boali and Bossangoa, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that in the original application the applicant states that his wife was raped, while in the additional statement the applicant contends that he rescued his wife. Accordingly, only pillage will be considered for the purpose of the present assessment. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of Bangui on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁹⁹

Claim to victim status

The applicant alleges that the Banyamulengués broke into his house located in the PK [REDACTED] area of Bangui. The applicant asserts that at the time, he was present in the house, together with his family. According to him, the Banyamulengués, who were not speaking Sango, brutalised them before taking his belongings and his

⁶⁹⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx49; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 108 to 110.

cattle. He claims that they returned after having encountered resistance around Bozoum, Bouar and Sibut and he specified that they fled back to their country after having been driven out. 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 physical, psychological and material harm.⁷⁰⁰

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the Banyamulengués went to Bozoum, Bouar and Sibut, where they encountered resistance and then fled to their country, 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁰¹

Claim to victim status

⁷⁰⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx49, pages 4-5, 11, 13 to 14.

⁷⁰¹ ICC-01/05-01/08-2185-Conf-Exp-Anx50; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 111 to 113.

The applicant alleges that in October or November 2002, approximately two weeks after his return in October 2002, the Banyamulengués invaded PK [REDACTED] and established their base in the [REDACTED] area, whereupon he and his wife fled. He claims that the Banyamulengués pillaged his house, taking all his belongings and his cattle. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷⁰²

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (October or November 2002) is broad and as such might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the occupation of [REDACTED] and the statement that the events occurred approximately two weeks after his return in October 2002, 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 and 30 November 2002.

Applicant [REDACTED]⁰³

⁷⁰² ICC-01/05-01/08-2185-Conf-Exp-Anx50, pages 4 to 5, 9, 11 to 12.

⁷⁰³ ICC-01/05-01/08-2185-Conf-Exp-Anx51; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 114 to 116.

Claim to victim status

The applicant alleges that on 1 November 2002, the men of Jean-Pierre Bemba came to her house, located in the [REDACTED] area of [REDACTED] and severely beat her. She states that subsequently, they seized her house and began to pillage her belongings, her gold, her money and the money which belonged to a group of which she was the treasurer. She specifies that her husband fled and did not return ever since. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁰⁴

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 1 November 2002.

Applicant [REDACTED]⁰⁵

Claim to victim status

The applicant submits that the Banyamulengués invaded his house located in [REDACTED]. He claims that he was sharing the house with his brother, and that upon seeing his brother being shot by the Banyamulengués, he fled. He states that they

⁷⁰⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx51, pages 4 to 5, 11, 13 to 16.

⁷⁰⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx52; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 117 to 119.

also tried to kill him by shooting two bullets in his direction, but he was not injured. The applicant states that when he came back one day later to recover the body of his deceased brother, he found that the house had been entirely pillaged, including a sum of eight million CFA, which he had kept in a safe because he was planning to buy cattle. The applicant appends a document in which he lists and values his and his brother's loss. The applicant states that he does not remember the precise date of the alleged events. However, he specifies that upon their arrival, the Banyamulengués set up their base in PK [REDACTED] and committed crimes in the surrounding areas. He adds that they only fled upon the return of Mr Bozizé and that they came to his house five days before Mr Bozizé came into power. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷⁰⁶

Analysis and conclusions

The Chamber notes a discrepancy of ten years between the applicant's date of birth as provided in the application form and on his identity card. However, considering that this discrepancy might be the result of clerical error since the applicant is illiterate and, as such, was not in a position to verify the information recorded on his identity card, the Chamber is of the view that the identity of the applicant is sufficiently established. However, in the absence of any document establishing the identity of and kinship with his brother, the murder of his brother will not be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the

⁷⁰⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx52, pages 4 to 5, 9, 10 to 11.

alleged events occurred five days before Mr Bozizé came into power, 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 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] on an unspecified date on or about 10 March 2003.

Applicant [REDACTED]⁷⁰⁷

Claim to victim status

The applicant submits that when the men from Zaire invaded the PK [REDACTED] area of Bangui, they broke into her house. She claims that these men occupied her house for a long time so that she had to flee with her family. She further alleges that the men from Zaire pillaged and destroyed her house, and took her belongings. According to the applicant, these men have committed numerous crimes in the area, killed people and raped girls. While in the original application, the applicant states that she and her daughter were raped by the Banyamulengués, in the additional statement, she only asserts that after these events she became sick and that she underwent medical examinations. She provides a medical prescription issued on [REDACTED] January 2003 by a doctor participating in an assistance programme for female victims of rape and sexual violence in the context of the armed conflict of 25 October 2002. The applicant states that she does not remember the precise date of the event but she specifies that the

⁷⁰⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx53; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 120 to 122.

Banyamulengués occupied her area during a long period of time at the time Mr Patassé was president and that they also went to other areas until they were driven out by Mr Bozizé. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁰⁸

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 the applicant's daughter, only the harm suffered by the applicant will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the occupation of her area by the Banyamulengués during a long period of time at the time Mr Patassé was president and the statement that they were also fighting in other areas until they were driven out by Mr Bozizé, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that while in the original application it is stated that the Banyamulengués raped the applicant and her daughter, in the additional statement, the applicant does not explicitly state that she was raped. However, the Chamber notes that the applicant asserts that after these events she became sick and that she underwent medical examinations. Given that the applicant further provides a medical prescription issued on [REDACTED] January 2003 by a doctor participating in an assistance programme for female victims of rape and sexual violence in the context of the armed conflict of 25 October 2002, the

⁷⁰⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx53, pages 4 to 5, 10 to 12.

Chamber is of the view that the information provided in the additional statement suggests that the applicant was raped. 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant states that in 2002, the Banyamulengués invaded [REDACTED] where his house and his shop were located. The applicant alleges that they found him, asked for money, beat him and pillaged his merchandise and a sum of money. He further alleges that they followed him to his home where they pillaged his belongings and beat his brothers and sisters before they took him to the [REDACTED] [REDACTED]. The applicant appends a document in which he lists and values his loss. The applicant specifies that Mr Bemba came to the [REDACTED] and he adds that the Banyamulengués went from PK [REDACTED] to PK [REDACTED] and advanced further until they encountered Mr Bozizé's rebels which eventually caused their departure. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷¹⁰

Analysis and conclusions

⁷⁰⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx54; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 123 to 125.

⁷¹⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx54, pages 4 to 5, 9, 11 to 13.

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

The Chamber notes that the date provided by the applicant in the additional statement (2002) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to Mr Bemba's visit at the [REDACTED] the Banyamulengués advancement from PK [REDACTED] to PK [REDACTED] and the encounter between the Banyamulengués and Mr Bozizé's rebels followed by the Banyamulengués' departure, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that in the original application, it is stated that the Banyamulengués raped the applicant's wife. However, as in the additional statement, the applicant clarifies that he was not married, only pillage 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 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 and 31 December 2002.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant states at the time when the Banyamulengués were in [REDACTED] and had their base at the [REDACTED] they invaded her house located in PK [REDACTED]. She claims

⁷¹¹ ICC-01/05-01/08-2185-Conf-Exp-Anx55; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 126 to 128.

that they pillaged all her belongings, including her beds, her television, her construction material, and a sum of 100 000 Francs. She alleges that they also killed and ate her thirty chickens. She further claims that they wanted to rape her, but that she begged them not to do so, saying that she was old, a widow, and she had to take care of her grand daughter. She claims that this made them angry, and as a result they raped her grand-daughter, who was ten years old. According to the applicant, she and her grand daughter subsequently fled to PK[REDACTED]. However, she states that there were also many Banyamulengués in PK[REDACTED] and that there were assaults, whereupon the applicant and her granddaughter fled again. The applicant claims that her granddaughter died later. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷¹²

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 granddaughter, only pillage will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the Banyamulengués' base at the [REDACTED] and their invasion of PK[REDACTED] and PK[REDACTED] 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

⁷¹² ICC-01/05-01/08-2185-Conf-Exp-Anx55, pages 4 to 5, 10, 12 to 13.

applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹³

Claim to victim status

The applicant states that at the time Mr Patassé was in power and when the Banyamulengués had set up a base in PK [REDACTED] they attacked her house located in [REDACTED]. She alleges that when they came into her house they raped her. The applicant appends a number of medical documents indicating that she has contracted a sexually transmitted disease. The applicant further alleges that the Banyamulengués pillaged her belongings. The applicant appends a document in which she lists and values her loss. The applicant specifies that the Banyamulengués also went to other areas, including PK [REDACTED] and [REDACTED]. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷¹⁴

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence

⁷¹³ ICC-01/05-01/08-2185-Conf-Exp-Anx56; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 129 to 131.

⁷¹⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx56, pages 4 to 5, 10 to 15, 17.

of the additional statement in all other respects, notably the statement that the events occurred when Mr Patassé was in power and when the Banyamulengués had set up a base in PK [REDACTED] as well as the assertion that the Banyamulengués also went to other areas, including PK [REDACTED] and [REDACTED] the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹⁵

The applicant states that in 2002, the Banyamulengués attacked the [REDACTED] area and broke into his house, while he was sleeping. The applicant claims that they beat his children, his wife and himself. The applicant alleges that they pillaged all his belongings. He states that while he sent his wife and his children to the fields, he stayed in the area and returned to his house, where he noted that the Banyamulengués had taken all his belongings. The applicant further contends that on 27 December 2002, he was carrying a sum of money which he was hiding and when he arrived at the barrier of PK [REDACTED] the Banyamulengués intercepted him and took his money. He adds that the Banyamulengués continued on the roads to Boali and Damara. The applicant appends a document in which he lists and

⁷¹⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx57; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 132 to 134.

values his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷¹⁶

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the pillage of his house and merely states that the events occurred in 2002. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the pillage of his money occurred on 27 December 2002 and that the Banyamulengués continued on the roads to Boali and Damara 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] and PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003 and on 27 December 2002.

Applicant [REDACTED]¹⁷

Claim to victim status

⁷¹⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx57, pages 4 to 5, 10 to 11, 13 to 15.

⁷¹⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx58; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 135 to 137.

The applicant alleges that soldiers from Zaire came to her house located in the [REDACTED] area of Bangui. She states that one of the soldiers brought her inside and proceeded to rape her. Afterwards, she claims that her husband was forced to have sexual intercourse with a female soldier. In addition she states that her husband was later forced to transport some of their belongings to the edge of the river. The applicant specifies that the Banyamulengués had been called by Mr Patassé and that they went to PK12, Damara and nearly everywhere. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁷¹⁸

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. In addition, the application that was completed by her husband (applicant [REDACTED]) includes documents establishing the identity of and kinship with her husband.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the Banyamulengués had been called by Mr Patassé and that they went to PK12, Damara and nearly everywhere, and given that the applicant's husband who is referring to the same events contends in his application that the alleged events occurred in March 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 she is a victim under Rule 85(a) on the basis that she suffered personal

⁷¹⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx58, pages 4 to 5, 9, 11 to 12.

harm as a result of crimes confirmed against the accused, namely her rape, the rape of her husband and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 and 15 March 2003.

Applicant [REDACTED]¹⁹

Claim to victim status

The applicant alleges that on 25 October 2002, fighting erupted between the Banyamulengués and the rebels. The applicant states that her step brother fled to [REDACTED] and 3 days later she fled and took refuge in PK [REDACTED]. She states that as the Banyamulengués arrived in PK [REDACTED] she and her children took refuge in the house. When the Banyamulengués came to the house, they asked for money, and three of them discovered her and the children hiding under the bed. She claims that one told her to perform oral sex, which she could not endure, and another one raped her. She claims the other women present in the house were also raped. She states that subsequently, they went back to [REDACTED] and that 4 days later, it was peace again and she came back to the [REDACTED] area of Bangui. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁷²⁰

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

⁷¹⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx59; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 138 to 140.

⁷²⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx59, pages 4 to 5, 11 to 12.

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 PK [REDACTED] on 28 October 2002.

Applicant [REDACTED]²¹

Claim to victim status

The applicant alleges that at the end of 2002, the Banyamulengués invaded the [REDACTED] area of Bangui, where he was living. He contends that the Banyamulengués came to his house, pillaged his belongings, and three of them raped his wife in front of him. The applicant lists his loss. He claims that after the events, he and his wife underwent medical examinations revealing that they have contracted HIV/AIDS. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷²²

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 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

⁷²¹ ICC-01/05-01/08-2185-Conf-Exp-Anx60; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 141 to 143.

⁷²² ICC-01/05-01/08-2185-Conf-Exp-Anx60, pages 4 to 5, 12 to 14.

Bemba in the [REDACTED] area of Bangui on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]²³

Claim to victim status

The applicant submits that at the time of the events, he was working at the hospital and his family reported the events to him. He states that the Banyamulengués who were speaking Lingala entered his compound, located in [REDACTED]. He specifies that the Banyamulengués entered his house, raped his wife and pillaged his belongings. The applicant states that he does not remember the precise date of the events but he believes that they occurred in 2002. He adds that at the time of the events, Mr Patasse was in power and that Mr Bemba's troops arrived further to a conflict between Mr Kolingba and Mr Bozizé. He further states that the Banyamulengues committed a number of crimes between 2002 and 2003, that they took the roads to Damara and to Boali and that they only left upon the return of the *filles du pays*, several months after the events. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷²⁴

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.

⁷²³ ICC-01/05-01/08-2185-Conf-Exp-Anx63; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 144 to 146.

⁷²⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx63, pages 4 to 5, 12 to 14.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events and further refers to the conflict between Mr Bozizé and Mr Kolingba. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the assertion that at the time of the events, Mr Patassé was in power, that the Banyamulengués committed a number of crimes between 2002 and 2003, that they took the roads to Damara and to Boali and that they only left upon return of the *fil du pays*, several months after the events, the Chamber is of the view that the failure to provide a precise date and the reference to the conflict between Mr Bozizé and Mr Kolingba should not serve to exclude the applicant. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]²⁵

Claim to victim status

The applicant submits that at the time when Mr Kolingba attempted a coup, her family fled the area of [REDACTED] and first took refuge in [REDACTED] and later at her uncle's house in PK [REDACTED]. She claims that in 2002, when the Banyamulengués were in the different areas of Bangui, they entered her house. She alleges that they took her daughter and her and harmed them in front of her husband. She further claims that they also pillaged her belongings. The applicant states that as a result

⁷²⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx64; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 147 to 149.

of the event, she became stigmatised. The applicant specifies that the Banyamulengués also went to other places than Bangui and that after the events, before Mr Bozizé became president, the soldiers were driven out by CAR soldiers. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷²⁶

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. In addition, the Chamber notes that the identity of and kinship with her daughter are provided in her daughter's own application (application [REDACTED]).

The Chamber notes that in the additional statement, the date provided by the applicant (2002) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the Banyamulengués also went to other places than Bangui and that after the events, before Mr Bozizé became president, the soldiers were driven out by CAR soldiers, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further notes that in the original application, it is stated that the Banyamulengués raped her and her daughter, while in the additional statement, the applicant states that the Banyamulengués "harmed" them ("*ils nous ont fait du mal*"). Considering that in the VPRS report⁷²⁷ it is specified that this expression is used to refer to rape and noting further that the applicant states that she was stigmatised due to the events, the Chamber infers from the application that the applicant and her daughter were raped. The

⁷²⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx64, pages 4 to 5, 10 to 11.

⁷²⁷ Internal Report of the field interpreters, 29 November 2011, ICC-01/05-01/08-1960-Conf-Exp-Anx2.

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, the rape of her daughter and the pillage of her belongings the by the Banyamulengués of Jean-Pierre Bemba in PK[REDACTED] on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]⁸

Claim to victim status

The applicant submits that after having fled [REDACTED] she was living in PK[REDACTED] together with her family. The applicant states that on her way back from school, she heard gun shots. She alleges that the Banyamulengués entered her compound, tied her father up and raped her mother. She states that because she was crying, they raped her as well in front of her father. She states that she was thirteen years old at the time of the events. Furthermore, the applicant claims that the Banyamulengués looted goods. According to the applicant she is stigmatised, and her family had to move after the events. The applicant states that the events could have occurred in November 2002. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷²⁹

Analysis and conclusions

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

⁷²⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx66; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 150 to 152.

⁷²⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx66, pages 4 to 5 and 10 to 11.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events and merely states that the events could have occurred in November 2002. However, given that the general circumstances described in her mother's application (application [REDACTED]) who is referring to the same events, suggest that the events took place within the temporal scope of the present case, 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 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, the rape of her mother and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in PK [REDACTED] on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]³⁰

Claim to victim status

The applicant alleges that in December 2002 or January 2003, when the Banyamulengués were on their way to PK [REDACTED] a group of them were walking through the [REDACTED] area when they saw her watching them from the window of her house. She states that they entered her house and brutalised her. She states that they then went into her bedroom and they looted her belongings, including her clothes, her jewellery, and her gold. She claims they also took two vehicles. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷³¹

⁷³⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx67; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 153 to 155.

⁷³¹ ICC-01/05-01/08-2185-Conf-Exp-Anx67, pages 4 to 5, 10 to 11.

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 December 2002 and 31 January 2003.

Applicant [REDACTED]²

Claim to victim status

The applicant states that in November 2002, the Banyamulengués entered her house in PK [REDACTED] after her husband and children had already fled. She claims that they raped her until she lost consciousness. She claims that they also pillaged her house, taking her belongings. The applicant lists her loss. She states that after the events she and her family moved to another area, and that she never recovered and is often ill. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷³³

Analysis and conclusions

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

⁷³² ICC-01/05-01/08-2185-Conf-Exp-Anx68; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 156 to 158.

⁷³³ ICC-01/05-01/08-2185-Conf-Exp-Anx68, pages t to 5, 12 to 13.

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 PK [REDACTED] on an unspecified date in November 2002.

Applicant [REDACTED]³⁴

Claim to victim status

The applicant claims that the Banyamulengués, who were coming back from PK [REDACTED] where they had committed crimes, entered [REDACTED] [REDACTED] where her house was located. She claims that early in the morning they forced her, her husband and her children to go outside and to kneel down, in the mud; they allegedly asked for money and beat them. The applicant states that they then went inside the house and pillaged all her belongings. According to the applicant, she fled together with her family to the [REDACTED] area, while the Banyamulengués occupied the house. She claims they returned to their house on 15 March 2003, when Mr Bozizé came to power, and they found the house empty. The applicant states that it is difficult to remember the precise date of the events but that it could have been in November. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷³⁵

Analysis and conclusions

⁷³⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx70; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 6 to 8.

⁷³⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx70, pages 9 to 11, 18, 23 to 24.

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

The Chamber notes that in the additional statement, the applicant states that it is difficult to remember the date of the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that it could have been in November and the reference to 15 March 2003 when Mr Bozizé came into power, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]³⁶

Claim to victim status

The applicant alleges that on 25 or 26 October 2002 the Banyamulengués entered Bangui in order to follow Mr Bozizé's rebels. She claims that on the following day, they came to PK [REDACTED] where she was living, and started committing pillage and rapes. She states that they broke down the door of her house and pillaged her belongings. She further contends that they pointed a gun at her head, and raped both her and her niece. The applicant claims that she then fled and that the Banyamulengués occupied her house until 15 March. The applicant appends a

⁷³⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx71; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 9 to 11.

document in which her loss is listed and valued. She claims that she was subsequently diagnosed HIV positive, and appends a medical certificate to that effect. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷³⁷

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 applicant's rape and pillage will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba on 26 or 27 October 2002.

Applicant [REDACTED]³⁸

Claim to victim status

The applicant alleges that when Mr Jean-Pierre Bemba's rebels invaded the [REDACTED] area of [REDACTED] they entered her house, where she was staying together with her family. According to the applicant, they pillaged her house and took her gold, her money and her belongings. The applicant appends a document in which she lists and values her loss. The applicant states that she does not remember the date of the alleged events, but she states that they occurred 9 years

⁷³⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx71, pages 4 to 5, 10, 14 to 17.

⁷³⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx72; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 12 to 14.

ago, that the Banyamulengués went to PK [REDACTED] and [REDACTED] and that they left upon the return of Mr Bozizé. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷³⁹

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement that the alleged events occurred 9 years ago, that the Banyamulengués went to PK [REDACTED] and [REDACTED] and that they left upon the return of Mr Bozizé, 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 she is a victim under Rule 85(a) on the basis that 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 26 October 2002 and 15 March 2003.

⁷³⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx72, pages 9 to 11, 20, 22 to 23.