

ANNEX B

Group B: Damara/Sibut

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

Applicant [REDACTED]

Claim to victim status

The applicant alleges that during the dry season in 2002, she was in the fields when Mr Bemba's men arrived in [REDACTED]. She further states that she came back to the village to meet her husband and that they fled together to the bush, leaving everything behind. She asserts that upon her return, five days later, she found that her belongings had been pillaged. She adds that after she came back, a soldier named [REDACTED] came to their house to take her daughters but when her husband refused, the man fired his weapon in the house. She claims that the soldier's chief brought the soldier to their base at [REDACTED] and that her husband died two days later. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²

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.

¹ ICC-01/05-01/08-2073-Conf-Exp-Anx15; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 216 to 217.

² ICC-01/05-01/08-2073-Conf-Exp-Anx15, pages 4 to 5 and 8.

The Chamber notes that the date provided by the applicant (in 2002 during the dry season) 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 and considering that the dry season in the CAR covers the period between December and March, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 7 December 2002, he was in the fields when Mr Bemba's men came to [REDACTED]. He further states that he came back to his house, located in the [REDACTED] area to take some belongings, and fled to the bush, forty kilometres away from [REDACTED] where he had a difficult life. He asserts that upon his return, he found that his house had been pillaged and destroyed. As a result of the alleged events, the applicant claims to have suffered material harm.⁴

Analysis and conclusion

³ ICC-01/05-01/08-2073-Conf-Exp-Anx16; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 218 to 219.

⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx16, 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 as of 7 December 2002.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 7 December 2002, when the Banyamulengués invaded [REDACTED] she fled from her house, located in the [REDACTED] area, to take refuge in the fields together with her children and her mother. She further asserts that upon her return, one month and a half later, 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.⁶

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-

⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx17; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 220 to 221.

⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx17, pages 4 to 5.

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

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 7 December 2002, when the Banyamulengués invaded [REDACTED] she fled from her house, located in the [REDACTED] area, to take refuge in the bush, together with her three children. She further asserts that she spent more than two months in the bush, where she faced difficult living conditions. She asserts that upon her return, she found that her belongings and livestock had been pillaged and that her house had been destroyed. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸

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 7 December 2002.

⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx18; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 222 to 223.

⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx18, pages 4 to 5.

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

The applicant alleges that on 7 December 2002, when the Banyamulengués invaded [REDACTED] he fled from his house, located in the [REDACTED] area. He further states that he came back two days later and that the soldiers intercepted him and beat him before pillaging his house. He adds that he had to stay with them until they left [REDACTED] and that he witnessed the men killing eight people. As a result of the alleged events, the applicant claims to have suffered physical and material harm.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 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 December 2002.

Applicant [REDACTED]¹**Claim to victim status**

⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx19; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 224 to 225.

¹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx19, pages 4 to 5.

¹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx20; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 226 to 227.

The applicant alleges that on 7 December 2002, when the Banyamulengués invaded [REDACTED] he fled from his house, located in the [REDACTED] area, together with his family and left everything behind. He further asserts that they faced difficult living conditions in the bush and that his wife almost died, as the events occurred only two weeks after she had given birth to twins. He adds that Mr Bemba's men pillaged his house. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹²

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 December 2002.

Applicant [REDACTED]³

Claim to victim status

The applicant alleges that on 7 December 2002, when the Banyamulengués came to [REDACTED] he fled from his house, located in the [REDACTED] area, together with his family, to take refuge in the bush. He further states that upon his return, he found that his house had been pillaged, and he had to stay in another area until

¹² ICC-01/05-01/08-2073-Conf-Exp-Anx20, pages 4 to 5.

¹³ ICC-01/05-01/08-2073-Conf-Exp-Anx21; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 228 to 229.

the soldiers left [REDACTED] As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴

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 December 2002.

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that on 7 December 2002, when the Banyamulengués came to [REDACTED] he fled from his house, located in the [REDACTED] area, together with his family, to take refuge in the fields where he faced difficult living conditions. He states that his two children got ill but that somebody helped care for them. He adds 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.¹⁶

Analysis and conclusion

¹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx21, pages 4 to 5.

¹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx22; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 230 to 231.

¹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx22, pages 4 to 5.

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 by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area in [REDACTED] on an unspecified day as of 7 December 2002.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that in December 2002, armed Banyamulengués came to her house, located in [REDACTED] and she was forced to flee to the bush behind her house, from where she could see what the soldiers were doing inside the house. She further states that the soldiers tortured her husband when he refused to leave and that they attempted to kill her son before pillaging her belongings but that thanks to their colonel, they let him go. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁸

Analysis and conclusion

The Chamber notes a discrepancy of four years between the date of birth as appearing in the application form and on the identity card attached thereto.

¹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx110; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 232 to 233.

¹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx110, pages 4 to 5 and 8.

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 an unspecified date in December 2002.

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that when the Banyamulengués came to [REDACTED] she had to flee from her house located in [REDACTED] to take refuge in the bush. She further states that during her absence, her belongings and livestock had been pillaged. The applicant indicated that the leader of the Banyamulengués came by plane to the [REDACTED] area to collect their belongings and to bring them to Zaire. She also asserts that the men took her son hostage and beat him because he was trying to protect his cousin from being raped and that she had to talk to their chief to ask him to let her son go. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁰

Analysis and conclusion

¹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx111; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 234 to 235.

²⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx111, pages 4 to 5.

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

The Chamber notes that the applicant does not provide any date for the alleged events and merely states that they occurred “when the Banyamulengués came to [REDACTED]”. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués and the arrival of their leader by plane and given that the applicant states that she is illiterate, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹

Claim to victim status

The applicant alleges that in December 2002, when the Banyamulengués came to [REDACTED] he was at home, selling some items on the road, and he fled to the bush when he heard gunshots being fired. He further states that he came back three days later to check on his house and was intercepted by Mr Bemba’s men, who wanted to kill him. He adds that his sister heard him screaming and saved him.

²¹ ICC-01/05-01/08-2073-Conf-Exp-Anx112; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 236 to 237.

He asserts that the soldiers took all his belongings and his livestock. As a result of the alleged events, the applicant claims to have suffered material harm.²²

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 in December 2002.

Applicant [REDACTED]³

Claim to victim status

The applicant alleges that on 7 December 2002, she was at her house, when she heard shots being fired into the air. She states that upon discovering that the Banyamulengués had arrived, she fled to the bush and when she returned seven days later, she found that her belongings and livestock had been pillaged. She claims that the Banyamulengués established their headquarters in her area and that people did not know whether they could go to the centre of the town or towards [REDACTED]. The applicant lists her loss. She further claims that she had two sisters who were ill and because she could not take care of them, they died. As a result of the alleged events, the applicant claims to have suffered material harm.²⁴

²² ICC-01/05-01/08-2073-Conf-Exp-Anx112, pages 4 to 5.

²³ ICC-01/05-01/08-2073-Conf-Exp-Anx113; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 238 to 239.

²⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx113, pages 4 to 5 and 8.

Analysis and conclusion

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

The Chamber notes that the applicant does not provide any location for the alleged events, but merely states that they occurred at her house. However, in light of the intrinsic coherence of the application in all other respects, notably the fact that the applicant's place of birth as appearing on the application form and on her electoral card appended thereto is [REDACTED] as well as the fact that the application form was filled in [REDACTED] and that the applicant mentions that people did not know whether they could go to the centre of the town or towards [REDACTED] the Chamber infers from the application that the alleged events occurred in [REDACTED]

Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that on 7 December 2002, she was in the fields with her husband and her baby, when they heard the sound of shots being fired into the air and a helicopter firing. She claims that they returned to their house, located in the [REDACTED] area of [REDACTED] to collect some belongings and then fled to a field

²⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx114; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 240 to 241.

near [REDACTED] According to the applicant, when her husband and nephew returned to the house one day later, they found that the door of their house had been broken and their belongings had been pillaged. Further, she alleges that Jean-Pierre Bemba's men followed them to the field and pillaged the belongings and livestock they had taken with them. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁶

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, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] and in the vicinity of the [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 7 December 2002, when the Banyamulengués entered [REDACTED] he was in the fields with his family and could not return to his house immediately. He states that upon his return two days later, he found that his belongings and livestock had been taken. The applicant lists and values

²⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx114, pages 4 to 5 and 8.

²⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx115; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 242 to 243.

his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁸

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 an unspecified date between 7 and 9 December 2002.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 7 December 2002, when Mr Bemba's men arrived in [REDACTED] they pillaged her two houses and then burned them down. Further, she states that they raped her and that they took her daughter and her daughter's son who was eight-months old at the time and subsequently died. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁰

Analysis and conclusion

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

²⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx115, pages 4 to 5.

²⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx116; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 244 to 245.

³⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx116, pages 4 to 5 and 8.

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.³¹ In the present case, the applicant clearly states that the Banyamulengués first pillaged her belongings and then set her two houses on fire.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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 her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 7 December 2002.

Applicant [REDACTED]²

Claim to victim status

The applicant alleges that on 7 December 2002, when the Banyamulengués entered [REDACTED] he fled and during his absence, they 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.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

³¹ ICC-01/05-01/08-1017, paragraph 56.

³² ICC-01/05-01/08-2073-Conf-Exp-Anx117; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 246 to 247.

³³ ICC-01/05-01/08-2073-Conf-Exp-Anx117, pages 4 to 5.

that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁴

Claim to victim status

The applicant alleges that between 7 December 2002 and 15 February 2003, seven of Jean-Pierre Bemba's armed men came to his house, located in [REDACTED] and threatened him. He states that they stopped threatening him when they discovered that he was ill. The soldiers entered his house and took his 6000 CFA worth bag containing administrative documents. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁵

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 an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁶

³⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx118; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 248 to 249.

³⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx118, pages 4 to 5.

³⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx119; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 250 to 251.

Claim to victim status

The applicant alleges that on 25 February 2003, when the Banyamulengués came to the [REDACTED] area of [REDACTED] she fled with her children. She claims that upon her return two days later to collect provisions for her children, she was caught by some of Mr Bemba's men who proceeded to rape her. Further, she claims that her belongings and livestock from her house were pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁷

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 [REDACTED] on or about 27 February 2003.

Applicant [REDACTED]⁸**Claim to victim status**

The applicant alleges that in February 2003, when Jean-Pierre Bemba's men came to the [REDACTED] area of [REDACTED] they pillaged his belongings. Further, he states that

³⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx119, pages 4 to 5.

³⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx120; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 252 to 253.

they pillaged a church. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered 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 personal belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of February 2003.

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that in February 2003, when the Banyamulengués took over the village of [REDACTED] she fled with a group of people. She states that they were intercepted by a group of militiamen, two of whom proceeded to rape her. Further, she states that her belongings and livestock were pillaged. The applicant lists her loss. 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.

³⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx120, pages 4 to 5.

⁴⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx121; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 254 to 255.

⁴¹ ICC-01/05-01/08-2073-Conf-Exp-Anx121, 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 [REDACTED] on an unspecified date as of February 2003.

Applicant [REDACTED]²

Claim to victim status

The applicant alleges that on 27 February 2003, when the Banyamulengués occupied the village of [REDACTED] he fled to the bush, ten kilometres away. He claims that they pillaged his belongings and money. He adds that they established their base in the area for over a month. He lists his loss. As a result of the alleged events, the applicant claims to have suffered 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 he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 February 2003.

⁴² ICC-01/05-01/08-2073-Conf-Exp-Anx122; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 256 to 257.

⁴³ ICC-01/05-01/08-2073-Conf-Exp-Anx122, pages 4 to 5.

Applicant [REDACTED]⁴

Claim to victim status

The applicant alleges that on 17 February 2003, when the militiamen occupied [REDACTED] he and his family fled to the fields. He states that the Banyamulengués set up their base in his village, [REDACTED] for two weeks. He lists his pillaged belongings. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁵

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 an unspecified date as of 17 February 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant alleges that in February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she fled to the fields. The applicant states that the Banyamulengués set up their base in her village, [REDACTED] for more than one

⁴⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx123; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 258 to 259.

⁴⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx123, pages 4 to 5.

⁴⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx124; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 260 to 261.

month. She states that they took her belongings and she lists her loss. As a result of the alleged events, the applicant claims to have suffered 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of February 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant alleges that on 27 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she fled from the market where she was selling merchandise to the fields, together with her family. She claims that she had to abandon her merchandise. She further states that the Banyamulengués occupied her village, [REDACTED] for more than one month and pillaged her belongings from her house. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁹

Analysis and conclusion

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

⁴⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx124, pages 4 to 5.

⁴⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx125; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 262 to 263.

⁴⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx125, pages 4 to 5 and 9.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 February 2003.

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that on 14 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she fled, together with her children, to take refuge in the fields. She states that the Banyamulengués set up their base in her village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for more than one week and that the soldiers took away her belongings and her money. The applicant 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] on an unspecified date as of 14 February 2003.

⁵⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx126; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 264 to 265.

⁵¹ ICC-01/05-01/08-2073-Conf-Exp-Anx126, pages 4 to 5 and 9.

Applicant [REDACTED]²

Claim to victim status

The applicant alleges that in March 2003, when the militiamen occupied [REDACTED] she fled to the bush. She states that the Banyamulengués set up their base in her village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for more than one week. She claims that they took away her belongings and 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 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 occupation of [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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date between 1 and 15 March 2003.

⁵² ICC-01/05-01/08-2073-Conf-Exp-Anx127; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 266 to 267.

⁵³ ICC-01/05-01/08-2073-Conf-Exp-Anx127, pages 4 to 5.

Applicant [REDACTED]⁴

Claim to victim status

The applicant alleges that in February 2003, when Mr Bemba's troops occupied the village of [REDACTED] he fled to the fields for a period of six days. The applicant alleges that while he was away, the Banyamulengués pillaged his belongings and his livestock. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁵

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 an unspecified date as of February 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that on 7 December 2002, the Banyamulengués came to [REDACTED] and she fled to the bush. She alleges that they did not take anything and as she was hiding in the bush, she lost her belongings which she lists. As a result

⁵⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx128; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 268 to 269.

⁵⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx128, pages 4 to 5.

⁵⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx129; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 270 to 271.

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

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 her belongings were pillaged and merely claims that after hiding several days in the bush, she lost all her belongings. However, in the absence of any indication that the loss was due to other circumstances such as the destruction of the applicant's house by fire and given that the application suggests that the applicant returned to her house after the events, the Chamber infers from the application that the applicant's belongings were pillaged. 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 as of 7 December 2002.

Applicant [REDACTED]⁸

Claim to victim status

The applicant states that between 7 December 2002 and 15 February 2003, the Banyamulengués came to [REDACTED]. He claims that upon their arrival, he lost his belongings, livestock and money, which he lists. He states that Jean-Pierre

⁵⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx129, pages 4 to 5.

⁵⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx130; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 272 to 273.

Bemba's men are responsible for the loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁹

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 7 December 2002 and 15 March 2003.

Applicant [REDACTED]⁶⁰

Claim to victim status

The applicant states that between 7 December 2002 and 15 February 2003, the Banyamulengués were in [REDACTED]. She alleges that they arrested her 29-year-old son in [REDACTED] tried to make him drink their urine, and when he refused they beat him until his hearing was damaged. The applicant further alleges that on 7

⁵⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx130, pages 4 to 5.

⁶⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx131; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 274 to 275.

December 2002 they suddenly invaded the centre of [REDACTED] She states that they damaged her house, resulting in the loss of her belongings which she lists, including a sum of money. 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 notes that the applicant states that the Banyamulengués damaged her house and that she lost her belongings which she lists. The Chamber is of the view that the list of lost items, including a sum of money in cash, suggests that these items were pillaged. Under these circumstances, the Chamber is of the view that the applicant has provided sufficient evidence to establish *prima facie* that she is 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 7 December 2002 and 15 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 7 December 2002, the Banyamulengués arrived in [REDACTED] and she fled to the bush abandoning everything in her house. The applicant alleges that upon her return a few days later, she discovered that her door had been broken, that her belongings and livestock had been pillaged and that her fields had been destroyed. She lists her loss. The applicant further

⁶¹ ICC-01/05-01/08-2073-Conf-Exp-Anx131, pages 4 to 5.

⁶² ICC-01/05-01/08-2073-Conf-Exp-Anx132; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 276 to 277.

alleges that on her way to the fields they raped her and she was subsequently diagnosed with tuberculosis. The applicant alleges that she later received treatment in Bangui. 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 her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁴

Claim to victim status

The applicant alleges that on 17 December 2002, when the Banyamulengués came to [REDACTED] he fled to the [REDACTED] village, situated on the road to [REDACTED] leaving his wife and children behind. He states that the men came to his house and pillaged his belongings as well as his wife's and his children's belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁵

Analysis and conclusion

⁶³ ICC-01/05-01/08-2073-Conf-Exp-Anx132, pages 4 to 5 and 9.

⁶⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx168; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 278 to 279.

⁶⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx168, 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, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 17 December 2002.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that in the beginning of November 2002, Mr Bemba's troops, who spoke a language she did not understand, arrived in her village of [REDACTED] located on the road to [REDACTED]. She states that she was hiding in a tree while the men proceeded to pillage her two houses and take her belongings and livestock before finally burning her two houses down. She claims that the men heard her crying on the tree where she was hiding, asked her to jump down and she fell and then fainted. She states that by the time she regained consciousness, the men had already left and she went to stay with her parents in Bangui. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁷

Analysis and conclusions

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

⁶⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx197; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 280 to 281.

⁶⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx197, pages 4 to 5 and 9.

The Chamber observes that the applicant states that her two houses were 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.⁶⁸ In the present case, the applicant clearly states that her houses were pillaged before being burned by the Banyamulengués. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in November 2002.

Applicant [REDACTED]⁹

Claim to victim status

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

It is stated that on 12 February 2003, when the applicant was on her way to see her partner, she was stopped by the Banyamulengués near [REDACTED] located [REDACTED] kilometres away from [REDACTED]. It is alleged that the soldiers held her prisoner and that four Banyamulengués raped her. It is further claimed that she fled two weeks later towards [REDACTED]. It is further asserted that the applicant was often ill and that she was diagnosed HIV positive and died of AIDS on [REDACTED] January 2010. A death certificate appended to the application indicates that the

⁶⁸ ICC-01/05-01/08-1017, paragraph 56.

⁶⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx237; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 284 to 285.

death occurred on [REDACTED] January 2010. As a result of the alleged events, it is claimed that the applicant has suffered physical and psychological harm.⁷⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of both the applicant and her brother, 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 rape by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on and as of 12 February 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 7 December 2002, she fled to the fields. She alleges that when she sent her children to her house, located in the [REDACTED] village, to get her bags, they discovered that her belongings had been pillaged. She holds Jean-Pierre Bemba's soldiers responsible and she lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷²

Analysis and conclusions

⁷⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx237, pages 4 to 5.

⁷¹ ICC-01/05-01/08-2073-Conf-Exp-Anx245; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 288 to 289.

⁷² ICC-01/05-01/08-2073-Conf-Exp-Anx245, pages 4 to 5.

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]³

Claim to victim status

The applicant states that on 7 December 2002, his wife and children left for the fields and he stayed at his house, located in the [REDACTED] village, and he joined them later. He alleges that upon his return, two months later, he discovered that his belongings and livestock had been pillaged. He holds Mr Bemba's troops responsible. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the

⁷³ ICC-01/05-01/08-2073-Conf-Exp-Anx246; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 290 to 291.

⁷⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx246, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that on 7 December 2002, when the Banyamulengués arrived in his village of [REDACTED] he and his family fled to the bush. He alleges that upon his return, he discovered that his house had been destroyed and that his livestock and belongings had been pillaged. The applicant lists his loss and he further states that his baby died from the harsh conditions in the bush. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷⁶

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁷

⁷⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx247; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 292 to 293.

⁷⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx247, pages 4 to 5.

⁷⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx248; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 294 to 295.

Claim to victim status

The applicant states that on 7 December 2002, when the Banyamulengués came to the village of [REDACTED] he was fishing in the bush and his wife and children who had stayed behind joined him. He further alleges that upon their 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.⁷⁸

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁹**Claim to victim status**

The applicant states that on 7 December 2002, he was at his house, located in [REDACTED] when the Banyamulengués arrived in [REDACTED]. He claims that his wife and children fled to the bush and he tried to stay at his house but was forced to flee and met them in the fields. He alleges that upon his return, he discovered that his belongings and livestock had been pillaged. The applicant lists his loss.

⁷⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx248, pages 4 to 5.

⁷⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx249; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 296 to 297.

As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁰

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]¹

Claim to victim status

The applicant states that on 7 December 2002, Mr Bemba's men came to [REDACTED] while he was in the fields with his family. He further states that he tried to come back to his house, located in the [REDACTED] village, but that he had to flee to the bush because the soldiers were already pillaging his belongings and livestock. He claims that the Banyamulengués found them in the bush and pillaged his chickens, which is why he and his family had to flee further. He adds that he and his family faced difficult living conditions in the bush and he lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸²

⁸⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx249, pages 4 to 5 and 8.

⁸¹ ICC-01/05-01/08-2073-Conf-Exp-Anx250; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 298 to 299.

⁸² ICC-01/05-01/08-2073-Conf-Exp-Anx250, pages 4 to 5.

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on and as of 7 December 2002.

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Applicant [REDACTED]³

Claim to victim status

The applicant states that on 15 February 2003, when Jean-Pierre Bemba's men came to the [REDACTED] area of [REDACTED] he fled and took refuge in the fields, whereupon his house was burned down by the Banyamulengués along with all his belongings. He further clarifies that he is too weak to build up again his belongings that had been burned. In an additional statement appended to the application form, the applicant alleges that his house was pillaged before it was burned down. As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁴

Analysis and conclusions

⁸³ ICC-01/05-01/08-2130-Conf-Exp-Anx16; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 319 to 320.

⁸⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx16, 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 in the original application that the Banyamulengués burned his house together with all his belongings whilst in an additional statement he claims that they pillaged his belongings prior to setting his house on fire. 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.⁸⁵ In the present case, the applicant clearly states in the additional statement that the Banyamulengués pillaged his belongings before setting his house on fire. Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 15 February 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that on 25 February 2003, when Mr Bemba's men invaded the [REDACTED] area of [REDACTED] she fled together with her family to take refuge in the fields. She further states that the militiamen set up their base in the village for

⁸⁵ ICC-01/05-01/08-1017, paragraph 56.

⁸⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx18; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 321 to 322.

more than two weeks and she lists her belongings that had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁷

Analysis and conclusions

The Chamber notes a discrepancy of six years between the date of birth as appearing in the application form and on the baptism card attached thereto. However, given that the remainder of the information provided in the baptism 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 an unspecified date as of 25 February 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant states that on 27 June 2003, when Jean-Pierre Bemba's men came to [REDACTED] he stayed at home and did not flee. He alleges that they set up a base in [REDACTED] for two weeks. He further alleges that they came to his house, pointed weapons at him, and pillaged his belongings and a sum of money, which he lists.

⁸⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx18, pages 4 to 5 and 11.

⁸⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx19; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 323 to 324.

He appends a declaration in which he explains that the events occurred on 25 February 2003, and that the date provided earlier was an error in his records. As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁹

Analysis and conclusions

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

The Chamber notes that the date provided in the original application (27 June 2003) falls outside the temporal scope of the case whereas in the additional statement it is stated that the events occurred on 25 February 2003 and that the date given by the applicant earlier was due to an error in his records. In light of the intrinsic coherence of the application in all other respects and notably the reference to the occupation of [REDACTED] by the Banyamulengués, which was referred to by a number of other applicants, the Chamber is of the view that this inconsistency 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 [REDACTED] on an unspecified date as of 25 February 2003.

Applicant [REDACTED]⁹⁰

⁸⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx19, pages 4 to 5 and 11.

⁹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx21; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 325 to 326.

Claim to victim status

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

It is stated that at the end of 2002, when the Banyamulengués came to [REDACTED] the applicant fled from his house. It is further stated that the applicant's son was intercepted by the Banyamulengués while he was driving his father's vehicle. It is stated that the soldiers beat the applicant's son before they pillaged the applicant's vehicle as well as his money and belongings which were in the vehicle. The person acting on behalf of the applicant states that he later saw the applicant's vehicle in Bangui where the Banyamulengués were redoing the painting but claims that they refused to hand over the car either to the person acting on behalf of the applicant or to the Central African *gendarmes*. As a result of the alleged events, it is claimed that the applicant suffered material harm.⁹¹

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of both 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 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 by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October and 31 December 2002.

⁹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx21, pages 4 to 5, 10 and 13 to 14.

Applicant [REDACTED]²

Claim to victim status

The applicant states that between 26 and 30 October 2002, six Banyamulengués came to her house, located in [REDACTED] and threatened her and took her money. Scared for her life, she fled and took refuge [REDACTED] kilometres away on the road to [REDACTED]. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁹³

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 October 2002.

Applicant [REDACTED]⁴

Claim to victim status

The applicant states that in 2003 when the militiamen called the Banyamulengués occupied [REDACTED] firing their heavy weapons, she fled to the fields. The applicant states that the Banyamulengués set up their base in [REDACTED] next to the [REDACTED] located [REDACTED] kilometres away from [REDACTED] for a period of two weeks. She

⁹² ICC-01/05-01/08-2130-Conf-Exp-Anx26; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 327 to 328.

⁹³ ICC-01/05-01/08-2130-Conf-Exp-Anx26, pages 4 to 5 and 10.

⁹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx143; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 329 to 330.

alleges that upon her return she discovered that her belongings had been pillaged. She further states that they destroyed the doors of her house and used them as firewood. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁵

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2003) is broad and as such could 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 [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 February 2003, the Chamber is of the view 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

Applicant [REDACTED]⁶

Claim to victim status

⁹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx143, pages 4 to 5 and 8.

⁹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx144; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 331 to 332.

The applicant states that in 2003, when the militiamen occupied [REDACTED] he did not flee from his house but his wife and children did. He states that the Banyamulengués found him in his house, located in [REDACTED] and threatened and beat him until they saw that he was ill. He alleges that he then fled to the bush to join his family. According to the applicant, the men set up their base in [REDACTED] for a period of ten days. He lists his belongings taken by the men. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁷

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2003) is broad and as such could 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 [REDACTED] by the Banyamulengués and the establishment of their base in [REDACTED] as well as the fact that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués as of February 2003, the Chamber is of the view 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 [REDACTED] on an unspecified date between 1 January 2003 and 15 March 2003.

⁹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx144, pages 4 to 5.

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

The applicant states that in February 2003, when the militiamen occupied [REDACTED] she fled to the fields. She alleges that Jean-Pierre Bemba's men occupied the [REDACTED] area for one month and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁹

Analysis and conclusions

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

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

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

The applicant states that in 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she was at the market, and ran to her house, where she collected her children and fled to the bush. She states that the Banyamulengués occupied her village, [REDACTED] located [REDACTED] kilometers away from [REDACTED] for one month and

⁹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx145; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 333 to 334.

⁹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx145, pages 4 to 5 and 8.

¹⁰⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx146; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 335 to 336.

pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰¹

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2003) is broad and as such could 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 [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 February 2003, the Chamber is of the view 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

Applicant [REDACTED]⁰²

Claim to victim status

The applicant states that in February, when the militiamen occupied [REDACTED] firing their heavy weapons, she took her children and fled to the fields for a period of

¹⁰¹ ICC-01/05-01/08-2130-Conf-Exp-Anx146, pages 4 to 5 .

¹⁰² ICC-01/05-01/08-2130-Conf-Exp-Anx147; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 337 to 338.

one month. She states that the Banyamulengués set up their base in her village of [REDACTED] for over one month and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰³

Analysis and conclusions

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

The Chamber notes that the applicant does not specify the precise day and year of the alleged events and merely states that the events occurred in February. However, in light of the intrinsic coherence of the application as a whole, 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 February 2003, the Chamber infers from the application that the alleged events occurred in February 2003.

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

Applicant [REDACTED]⁰⁴

Claim to victim status

¹⁰³ ICC-01/05-01/08-2130-Conf-Exp-Anx147, pages 4 to 5.

¹⁰⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx148; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 339 to 340.

The applicant states that in February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she took her children and fled to the fields. She states that the Banyamulengués occupied her village, [REDACTED] for one month and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁵

Analysis and conclusions

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

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

Applicant [REDACTED]⁰⁶

Claim to victim status

The applicant states that in 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she fled to the bush. She states that the militiamen of Jean-Pierre Bemba occupied the [REDACTED] area for one month and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁷

Analysis and conclusions

¹⁰⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx148, pages 4 to 5.

¹⁰⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx149; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 341 to 342.

¹⁰⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx149, pages 4 to 5.

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

The Chamber notes that the date provided by the applicant (2003) is broad and as such could 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 [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 February 2003, the Chamber is of the view 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 she is 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 1 January and 15 March 2003.

Applicant [REDACTED]⁰⁸

Claim to victim status

The applicant states that in February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she found refuge in a [REDACTED] church. She states that when the Banyamulengués invaded the [REDACTED] area, she fled to the fields, located [REDACTED] kilometres away. She claims that they pillaged her belongings located in the [REDACTED] area. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁹

¹⁰⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx150; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 343 to 344.

¹⁰⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx150, pages 4 to 5 and 8.

Analysis and conclusions

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

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

Applicant [REDACTED]⁰

Claim to victim status

The applicant states that in 2003, when the militiamen occupied [REDACTED] she fled to the fields, together with her children. She states that the Banyamulengués followed her to the fields and took all her belongings. She further claims that the Banyamulengués occupied her village, [REDACTED] for more than one month and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹¹

Analysis and conclusions

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

¹¹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx151; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 345 to 346.

¹¹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx151, pages 4 to 5 and 8.

The Chamber notes that the date provided by the applicant (2003) is broad and as such could 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 [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 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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January 2003 and 15 March 2003.

Applicant [REDACTED]¹²

Claim to victim status

The applicant states that in February 2003, when the militiamen occupied [REDACTED] he fled to the fields. He states that the Banyamulengués occupied his village of [REDACTED] for five days and pillaged his belongings. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹³

Analysis and conclusions

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

¹¹² ICC-01/05-01/08-2130-Conf-Exp-Anx152; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 347 to 348.

¹¹³ ICC-01/05-01/08-2130-Conf-Exp-Anx152, pages 4 to 5.

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

Applicant [REDACTED]¹⁴

Claim to victim status

The applicant states that in 2003, when the militiamen occupied [REDACTED] she abandoned her merchandise at the market and took her children to flee to the fields. She states that the Banyamulengués occupied her village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for one month and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹⁵

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2003) is broad and as such could 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 [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 February

¹¹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx153; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 349 to 350.

¹¹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx153, pages 4 to 5.

2003, the Chamber is of the view 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that in 2003, when the militiamen occupied the [REDACTED] area of [REDACTED] firing their heavy weapons, she fled to the bush. She states that the Banyamulengués occupied her village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for one month and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹⁷

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2003) is broad and as such could 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

¹¹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx154; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 351 to 352.

¹¹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx154, pages 4 to 5.

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 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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

Applicant [REDACTED]¹⁸

Claim to victim status

The applicant alleges that on 27 February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he took his family and fled to the fields. He states that the Banyamulengués occupied his village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for more than one month and pillaged his belongings, agricultural products and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹⁹

Analysis and conclusion

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

¹¹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx155; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 353 to 354.

¹¹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx155, pages 4 to 5.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 27 February 2003.

Applicant [REDACTED]²⁰

Claim to victim status

The applicant alleges that in 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he hid in his house. He claims that Jean-Pierre Bemba's men broke into his house and forced him to carry their loot while beating him. He states that at one point, he dropped the loot and fled to the fields. The applicant alleges that the Banyamulengués occupied his village, [REDACTED] located [REDACTED] metres away from [REDACTED] for two days. He further alleges that they pillaged the merchandise in his store. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²¹

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 (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 occupation of [REDACTED] by the

¹²⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx156; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 355 to 356.

¹²¹ ICC-01/05-01/08-2130-Conf-Exp-Anx156, pages 4 to 5 and 8.

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.

Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

Applicant [REDACTED]²²

Claim to victim status

The applicant alleges that on 27 February 2003, he was in the fields with his family when he was informed that Jean-Pierre Bemba's militiamen occupied [REDACTED] and were invading all the areas. He states that he was not able to leave the fields and to check what was happening in [REDACTED]. He states that the Banyamulengués occupied his village, [REDACTED] located [REDACTED] metres away from [REDACTED] for more than one month. He alleges that they pillaged his and his wife's belongings. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²³

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

¹²² ICC-01/05-01/08-2130-Conf-Exp-Anx157; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 357 to 358.

¹²³ ICC-01/05-01/08-2130-Conf-Exp-Anx157, pages 4 to 5 and 8.

that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 27 February 2003.

Applicant [REDACTED]²⁴

Claim to victim status

The applicant alleges that in 2003, when the militiamen occupied [REDACTED] she was at the market when she heard them firing their heavy weapons, at which time she took her family and fled to the fields leaving everything behind. The applicant states that Jean-Pierre Bemba's men occupied her village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for more than one month and pillaged her belongings and merchandise. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²⁵

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 (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 occupation of [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.

¹²⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx158; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 359 to 360.

¹²⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx158, pages 4 to 5 and 8.

Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

Applicant [REDACTED]²⁶

Claim to victim status

The applicant alleges that in February 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, she fled to the bush. The applicant states that the Banyamulengués occupied her village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for one week and pillaged her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²⁷

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 as of February 2003.

¹²⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx159; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 361 to 362.

¹²⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx159, pages 4 to 5 and 8.

Applicant [REDACTED]²⁸

Claim to victim status

The applicant alleges that in 2003, when the militiamen occupied [REDACTED] firing their heavy weapons, he fled to the fields. He states that the Banyamulengués occupied his village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] for more than one month and pillaged his belongings. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²⁹

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 (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 occupation of [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 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 1 January and 15 March 2003.

¹²⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx160; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 363 to 364.

¹²⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx160, pages 4 to 5.

Applicant [REDACTED]³⁰

Claim to victim status

The applicant alleges that on 29 October 2002, the Banyamulengués, who were speaking Lingala, came to the [REDACTED] village, located on the road to [REDACTED] and started shooting at the population. The applicant further submits that they forced her behind the house and proceeded to rape her one after another. She states that they also threw her newborn baby on the ground and took her money and her and her baby's clothing. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³¹

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 [REDACTED] on 29 October 2002.

Applicant [REDACTED]³²

Claim to victim status

¹³⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx229; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 365 to 366.

¹³¹ ICC-01/05-01/08-2130-Conf-Exp-Anx229, pages 4 to 5.

¹³² ICC-01/05-01/08-2130-Conf-Exp-Anx239; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 367 to 368.

The applicant claims that on 3 November 2002, when he was returning from the fields, he was intercepted by the Banyamulengués in the [REDACTED] village, on the road to [REDACTED]. He states that the men forced him to take off his clothes and shoes and proceeded to beat him and took his money and belongings. As a result of the alleged events, the applicant claims to have suffered psychological, physical 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 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 3 November 2002.

Applicant [REDACTED]³⁴

Claim to victim status

The applicant states that on 28 December 2002, she was on her way to Bangui from [REDACTED] with one of her family members when she was intercepted by a group of Banyamulengués. The applicant alleges that they spoke to her in Lingala which she was not able to understand and then asked her to undress in French which she refused. Consequently, five of them threw her to the ground, undressed and raped her. The applicant further alleges that they took her bag which contained money and a bag of her uncle. As a result of the alleged events,

¹³³ ICC-01/05-01/08-2130-Conf-Exp-Anx239, pages 4 to 5.

¹³⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx242; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 369 to 370.

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, by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on 28 December 2002.

Applicant [REDACTED]³⁶

Claim to victim status

The applicant submits that on 7 December 2002, when the unconventional soldiers came to [REDACTED] his belongings were destroyed by the unconventional soldiers. He lists and values his loss and he appends a declaration signed and stamped by the *chef de village*, indicating that the applicant lost his belongings on 7 December 2002. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³⁷

Analysis and conclusion

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

¹³⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx242, pages 4 to 5.

¹³⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx292; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 313 to 314.

¹³⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx292, pages 9 to 11.

The Chamber notes that the applicant does not clearly identify the perpetrators and merely refers to the unconventional soldiers. The Chamber further notes that according to the applicant, the perpetrators destroyed his belongings and that the statement signed and stamped by the *chef de village* states that the applicant lost his belongings. As a result, the Chamber is not in a position to determine whether the alleged events fall under the scope of the present case and the application for participation in the proceedings is rejected.

Applicant [REDACTED]¹³⁸

Claim to victim status

The applicant alleges that on 7 December 2002 his merchandise was pillaged from his boutique located in the [REDACTED] area of [REDACTED]. The applicant lists and values his loss. The applicant states that they were informed by NGOs that Mr Jean-Pierre Bemba is responsible for the alleged events. Further, the applicant appends a declaration signed and stamped by the *chef de village* certifying that he lost his belongings on 7 December 2002. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³⁹

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

¹³⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx293; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 315 to 316.

¹³⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx293, pages 9 to 11.

accused, namely the pillage of his belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 7 December 2002.

Applicant [REDACTED]⁴⁰

Claim to victim status

The applicant submits that on 19 February 2003, he was riding his bike towards [REDACTED] when the Banyamulengués stopped him near the toll gate and started beating him because they had mistaken him for a Muslim. He claims that they called him a spy and six men started torturing him. He alleges that they broke his left arm and that he does not have the means to pay for surgery. Further in an appended declaration, he states that upon his return to the [REDACTED] area of [REDACTED] he found that the Banyamulengués had pillaged his belongings. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁴¹

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 19 February 2003.

¹⁴⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx299; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 317 to 318.

¹⁴¹ ICC-01/05-01/08-2130-Conf-Exp-Anx299, pages 9 to 11 and 21.

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Applicant [REDACTED]⁴²

Claim to victim status

The applicant states in the original application that in the period between January 2002 and January 2003, when the militiamen arrived in [REDACTED] firing their heavy weapons, he fled with his family to the bush. He further states that they set up their base in [REDACTED] and [REDACTED] for a period of two days. He lists his loss. In an additional statement, the applicant states that the events occurred in February 2003. He further states that during this time he was living in [REDACTED] which is located [REDACTED] kilometres away from [REDACTED] before the village of [REDACTED]. He alleges that when the Banyamulengués arrived, he and his family fled to the fields and upon his return, he found that the doors to his house were broken and his belongings were pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴³

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 he is a victim under Rule 85(a) on the basis

¹⁴² ICC-01/05-01/08-2155-Conf-Exp-Anx1; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 86 to 87.

¹⁴³ ICC-01/05-01/08-2155-Conf-Exp-Anx1, 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] on an unspecified date in February 2003.

Applicant [REDACTED]⁴⁴

Claim to victim status

The applicant states that on 27 February 2003, the village of [REDACTED] located [REDACTED] kilometers away from [REDACTED] on the road to [REDACTED] was occupied by the Banyamulengués. As a result of the Banyamulengués' gunfire, he fled to the fields, together with his family. He further states that the assailants established their base in the village of [REDACTED] for more than one month and burned his belongings and livestock. He lists his loss. In an additional statement, the applicant states that he had two houses, one that was residential and one that he used for storage of bags of peanuts and rice. The applicant also claims that he had some goats. He alleges that upon his return from the fields he discovered that the house he lived in was burned down and that the bags of peanuts and rice had been pillaged from the other house, which he was using for storage, and that his goats were also taken. He adds that the Red Cross as well as the intermediary were there at the time and witnessed that his belongings were missing. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁵

Analysis and conclusions

¹⁴⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx2; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 88 to 89.

¹⁴⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx2, pages 4 to 5 and 11 to 12.

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 there was no indication that the house had been pillaged before being burned.¹⁴⁶ In the additional statement, the applicant states that the Banyamulengués burned the house he lived in and pillaged his belongings and livestock which he was storing in the other house.

Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 27 February 2003.

Applicant [REDACTED]⁷

Claim to victim status

The applicant states that on 27 February 2003, when the militiamen occupied [REDACTED] he left the market and fled to the fields. He states that the Banyamulengués occupied his village, [REDACTED] for more than one month and pillaged his belongings and money. He lists his loss. Further, he states that his knee was injured by a bullet. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁴⁸

¹⁴⁶ ICC-01/05-01/08-1862-Conf-Exp-AnxB, page 102.

¹⁴⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx6; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 92 to 93.

¹⁴⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx6, pages 4 to 5 and 9.

Analysis and conclusions

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

The Chamber notes that the applicant states that his knee was injured by a bullet. In the absence of any information regarding the circumstances of this injury, only pillage will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 February 2003.

Applicant [REDACTED]⁴⁹

Claim to victim status

The applicant states that on 27 February 2003, when the Banyamulengués arrived in [REDACTED] firing their heavy weapons, he fled with his family to the bush. He states that they set up their base in [REDACTED] located [REDACTED] kilometres from [REDACTED] for a period of over one month. He lists his pillaged belongings and adds that the Banyamulengués killed and ate his livestock. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁰

Analysis and conclusions

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

¹⁴⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx15; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 94 to 95.

¹⁵⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx15, pages 4 to 5.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 February 2003.

Applicant [REDACTED]⁵¹

Claim to victim status

The applicant lives abroad and she gave her consent for the application to be introduced on her behalf by her sister.

It is stated that at the time of the events the applicant was at her house, located in [REDACTED] and when the soldiers started firing their guns she fled to the bush. It is claimed that they unsuccessfully tried to hide their belongings in the bush and therefore the house and all the property were pillaged on 7 December 2002. The loss is listed. Jean-Pierre Bemba is held responsible for the alleged events. It is also stated that the soldiers occupied [REDACTED] for a period of two months. As a result of the alleged events, it is claimed that the applicant suffered material harm.¹⁵²

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of both the applicant and her sister, who is acting on her behalf, the applicant's consent to the application being submitted and with her consent, as well as the kinship between them.

¹⁵¹ ICC-01/05-01/08-2155-Conf-Exp-Anx19; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 96 to 97.

¹⁵² ICC-01/05-01/08-2155-Conf-Exp-Anx19, pages 4 to 5 and 8.

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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 7 December 2002.

Applicant [REDACTED]⁵³

Claim to victim status

The applicant states that on 15 December 2002, she was on her way to back to Bangui from [REDACTED] where she had bought some merchandise, when the vehicle she was travelling in was intercepted by the Banyamulengués in [REDACTED]. She further states that the soldiers pillaged her merchandise as well as her belongings and her money. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁴

Analysis and conclusions

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

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

¹⁵³ ICC-01/05-01/08-2155-Conf-Exp-Anx33; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 98 to 99.

¹⁵⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx33, pages 4 to 5.

Applicant [REDACTED]⁵⁵

Claim to victim status

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

It is stated that on 15 January 2003, the applicant was coming back from [REDACTED] towards Bangui, when the Banyamulengués stopped the car she was travelling in in [REDACTED] and asked the passengers to get out of the vehicle one by one. It is further claimed that because of the applicant's illness, she moved slowly so one Banyamulengué shot her, and she died from a haemorrhage. It is further alleged that her belongings were pillaged. The death certificate appended to the application indicates that the applicant died on 15 January 2003. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm.¹⁵⁶

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of both the applicant and her sister, who is acting on the applicant's 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

¹⁵⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx39; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 100 to 101.

¹⁵⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx39, pages 4 to 5.

and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 January 2003.

Applicant [REDACTED]⁵⁷

Claim to victim status

The applicant states that on 7 December 2002, when Mr Bemba's men arrived in [REDACTED] located [REDACTED] kilometre away from [REDACTED] he fled together with his family to take refuge in the bush, where he stayed for two months. He further states that upon his return, he found that his belongings and livestock had been pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁸

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 7 December 2002.

Applicant [REDACTED]⁵⁹

Claim to victim status

¹⁵⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx53; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 90 to 91.

¹⁵⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx53, pages 4 to 5.

¹⁵⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx64; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 82 to 83.

The applicant provided his consent for the application to be introduced on his behalf by his son.

It is stated that on 14 February 2003, the Banyamulengués attacked the [REDACTED] area of [REDACTED] and the applicant fled across the river. It is alleged that they burned the applicant's house and business. In an additional statement, it is stated that the applicant had a store in [REDACTED] at the time of the events and that when the Banyamulengués came he fled to [REDACTED]. It is alleged that the Banyamulengués pillaged the applicant's store and warehouse. It is further alleged that they pillaged the applicant's house. The person acting on behalf of the applicant states that the houses were only burned after pillage had occurred. As a result of the alleged events, it is claimed that the applicant suffered material harm.¹⁶⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and his son, the applicant's consent to his application being introduced on his behalf by his son, as well as the kinship between them.

The Chamber notes that in the additional statement, it is stated that the Banyamulengués burned the applicant's house and store. 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.¹⁶¹ In the present case, it is clearly stated that the Banyamulengués pillaged the applicant's belongings and merchandise before the house and store were set on fire.

¹⁶⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx64, pages 9 to 11, 22 to 28 and 31.

¹⁶¹ ICC-01/05-01/08-1017, paragraph 56.

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 the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 14 February 2003.

Applicant [REDACTED]⁶²

Claim to victim status

The applicant gives her consent for the application to be introduced on her behalf by her son.

It is stated that on 14 February 2003, when the Banyamulengués attacked [REDACTED] the applicant fled with her children across the [REDACTED]. It is alleged that upon her return, she discovered that they had burned her house with everything inside. The applicant's loss is listed and valued. In an additional statement, it is stated that the applicant bought merchandise in Chad to resell it at the market in [REDACTED]. It is claimed that when the Banyamulengués came, she fled together with her family from her house, located in the [REDACTED] area of [REDACTED] to [REDACTED]. It is alleged that the Banyamulengués pillaged the applicant's merchandise. It is further alleged that they pillaged the applicant's house and clothes. The person acting on behalf of the applicant states that the houses were only burned after pillage had occurred. As a result of the alleged events, it is claimed that the applicant suffered material harm.¹⁶³

¹⁶² ICC-01/05-01/08-2155-Conf-Exp-Anx65; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 84 to 85.

¹⁶³ ICC-01/05-01/08-2155-Conf-Exp-Anx65, pages 9 to 11, 22 to 23 and 26.

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and her son, who is acting on her behalf, the applicant's consent to her application being introduced on her behalf by her son as well as the kinship between them.

The Chamber notes that in the additional statement, it is stated that the Banyamulengués burned the applicant's house and store. 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.¹⁶⁴ In the present case, it is clearly stated that the Banyamulengués pillaged the applicant's belongings and merchandise before the house was set on fire.

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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 14 February 2003.

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Applicant [REDACTED]⁶⁵

Claim to victim status

¹⁶⁴ ICC-01/05-01/08-1017, paragraph 56.

¹⁶⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx20; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 166 to 167.

The applicant alleges that on 5 December 2002 he was travelling back from [REDACTED] in his personal vehicle transporting merchandise, together with other passengers. He states that when he arrived in [REDACTED] he was stopped by General Bozizé's men who took part of his merchandise and of his money. According to the applicant, when he arrived in the [REDACTED] village close to [REDACTED] he was stopped by the Banyamulengués who beat him and took his merchandise. He states that they raped the women who were present. He further claims that he was brought to [REDACTED] where they took his vehicle and his money. The applicant alleges that he was tied to a tree and mistreated. He states that while he was severely injured and weak, he was able to talk in [REDACTED] to a [REDACTED] commando, who ordered to release him. He further claims that he saw pieces of bodies as well as blood, and that it is possible that the Banyamulengués were cooking and eating human flesh. He states that one of them drank the blood contained in a basin and threw it at him. Finally, he claims that on the third day there was a battle between the Banyamulengués and Mr Bozizé's rebels and that he then escaped. 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.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

¹⁶⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx20, pages 4 to 5, 10 to 13, 15 to 17.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba close to [REDACTED] on 5 December 2002.

Applicant [REDACTED]⁶⁷

Claim to victim status

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

It is submitted that on 30 October 2002, the Banyamulengués arrived in [REDACTED] and started to commit crimes. It is claimed that as the applicant's son was ill, she did not want to flee and leave him behind and therefore stayed at her house to look after her son. It is claimed that the Banyamulengués invaded the applicant's home and intended to rape the applicant. The applicant's son protested but the Banyamulengués beat him and raped the applicant. It is alleged that after the rape, the applicant was given a piece of soap so that she could clean herself. It is further stated that the applicant was HIV positive and contracted other sexually transmitted diseases. The person acting on behalf of the applicant specifies that she took her mother to PK [REDACTED] but the applicant was constantly ill and died in 2009. According to the person acting on behalf of the applicant, it is possible that the Banyamulengués also committed pillage but the person acting on behalf of the applicant claims that the application was submitted in relation to what had happened to her mother. As a result of the alleged events, it is claimed that the applicant suffered physical and psychological harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological harm.¹⁶⁸

¹⁶⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx62; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 192 to 194.

¹⁶⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx62, pages 4 to 5, 12 to 13.

Analysis and conclusions

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

The Chamber further notes that while in the original application, it is stated that the alleged events occurred in PK [REDACTED] in the additional statement, the person acting on behalf of the applicant clarifies that the alleged events occurred in [REDACTED] and that they [REDACTED]

The Chamber further notes that while in the original application, it is stated that the Banyamulengués pillaged the applicant's belongings, in the additional statement, the person acting on behalf of the applicant states that it is possible that the Banyamulengués also committed pillage but that the application was submitted in relation to what had happened to her mother. Accordingly, only rape will be considered for the purpose of the present assessment. 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 her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 30 October 2002. In addition, the Chamber considers that 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 mother by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 30 October 2002.