

ANNEX C

Group C: Boali, Bossembélé, Bossangoa, Bozoum

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

Applicant [REDACTED]

Claim to victim status

The applicant alleges in the original application that on 30 October 2002, the Banyamulengués of Jean-Pierre Bemba entered his studio, located in his parents' compound in [REDACTED] and asked him for money. He alleges that when he replied that he did not have any money, one of the soldiers took out his military knife and cut off his thumb. He further states that the soldiers demanded him to leave his studio without taking any of his belongings. He claims that he then fled from [REDACTED] on foot towards Bangui. He values his loss. In an additional statement appended to the application form, the applicant states that the alleged events occurred in November or December 2002 rather than in October 2002. He also indicates that the Banyamulengués invaded his neighbourhood in [REDACTED] and started shooting at people. He claims that as he got scared, he hid under the bed of his studio, located in his parents' compound in [REDACTED]. According to the applicant, the Banyamulengués entered his studio, shot in the air and started pillaging his belongings and found him under the bed. He claims that the men spoke to him in Lingala, which he did not understand, but he assumed that the men were asking him for money. He states that when he told them that he did not have any money, they brutalized him, cut his thumb and threatened to cut his toes. He adds that one of the men's chief heard him

¹ ICC-01/05-01/08-2073-Conf-Exp-Anx2; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 301 to 302

shouting out of pain and intervened in his favour. He further states that the soldiers pillaged all his property, as well as his family's belongings, and loaded everything in their truck. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²

Analysis and conclusion

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

The Chamber notes that the date provided in the application form (30 October 2002) differs from the date provided in the additional statement (November or December 2002), where the applicant clarifies that he may have made a mistake when filling in the application form. However, since both dates fall within the temporal scope of the present case, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a 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 November 2002.

Applicant [REDACTED]

Claim to victim status

The applicant alleges, in the original application, that between 25 October 2002 and 15 March 2003, during the attack of [REDACTED] by Mr Bemba's troops, the local population fled from the area while the rebels pillaged and burned down people's houses. The applicant alleges that he was told by people fleeing that his

² ICC-01/05-01/08-2073-Conf-Exp-Anx2, pages 9 to 11, 18, and 21 to 22.

³ ICC-01/05-01/08-2073-Conf-Exp-Anx3; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 303 to 304.

house had been burned by the Banyamulengués. He states that all his belongings were burned. He appends a document in which he lists and values his loss. In an additional statement appended to the application, the applicant states that since he was absent at the time of the events, he is not certain of what happened to his property, but that his merchandise and other belongings had disappeared, and upon his return, he could only find the bricks of his house and did not find any burned items. He adds that he saw the Banyamulengués pillaging other people's belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴

Analysis and conclusion

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

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the applicant only referred to the burning of his house and there was no indication that any crime falling under the scope of the case had been committed.⁵ The Chamber further notes that in the additional statement, the applicant claims that upon his return to his house in November 2002, he found it completely burned and his merchandise and belongings had disappeared. He adds that he does not know what happened to his belongings. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.⁶ In the present case, the applicant only refers to the

⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx3, pages 9 to 11, 20, 23 to 25.

⁵ ICC-01/05-01/08-1590-Conf-Exp-AnxC, page 67.

⁶ ICC-01/05-01/08-1017, paragraph 56.

burning of his house and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that between 25 October 2002 and 15 March 2003, the Banyamulengués destroyed his two houses by firing rockets at them, which caused them to burn along with the belongings that were still inside. The applicant states in additional statements that by the end of 2002, the Banyamulengués destroyed his two houses and that upon his return, he found his luggage outside and some parts of his bed which had been used to make a fire. According to the applicant, since he was only able to find the remains of some of his belongings, he assumed that the Banyamulengués had pillaged the belongings he was not able to find in the ruins of his houses. He adds that the Banyamulengués stole his goats. As a result of the alleged events, the applicant claims to have suffered material harm.⁸

Analysis and conclusion

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

The Chamber further notes that in the original application the applicant indicates that his two houses were burned along with his belongings and that he lost his

⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx4; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 305 to 306.

⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx4, pages 9 to 11, 18, 21, 23 and 25.

goats, whereas he clarifies in the additional statements that some of his belongings were pillaged whilst others were burned and that the Banyamulengués stole his goats. 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.⁹ In the present case, the applicant clearly states that he assumes that some of his belongings were pillaged whilst others were burned and that his goats were taken by the Banyamulengués.

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

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that on 25 February 2003, whilst she was pregnant, she fled to [REDACTED] and was intercepted by some of Jean-Pierre Bemba's armed men who threatened her and took her belongings and money, which she lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹¹

Analysis and conclusion

⁹ ICC-01/05-01/08-1017, paragraph 56.

¹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx14; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 321 to 322.

¹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx14, 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 25 February 2003.

Applicant [REDACTED]²

Claim to victim status

The applicant submits that three days after the Banyamulengués came to [REDACTED] she fled together with her family to the [REDACTED] [REDACTED] in [REDACTED]. She claims that four Banyamulengués asked her to show them a way out and that they took her to the bush where all four of them raped her. She states that she could not stand afterwards but that they forced her to walk. She claims that when her mother saw her with the Banyamulengués, she cried and they hit her mother's left forearm with a machete. She claims that they pillaged her and her mother's belongings and money. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³

Analysis and conclusion

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

¹² ICC-01/05-01/08-2073-Conf-Exp-Anx58; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 323 to 324.

¹³ ICC-01/05-01/08-2073-Conf-Exp-Anx58, pages 4 to 5.

The Chamber notes that the date provided by the applicant (three days after the Banyamulengués came to [REDACTED] 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 given that the applicant's date of birth and the statement that she was 15 years old at the time of the events, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings, 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 15 March 2003.

Applicant [REDACTED]⁴

Claim to victim status

The applicant submits that in February 2003, when the troops of Jean-Pierre Bemba occupied [REDACTED] she fled together with her family to her father's fields. She claims that upon her return to her house, located in the [REDACTED] area of [REDACTED] she found that her belongings had been pillaged. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵

¹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx59; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 325 to 326.

¹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx59, pages 4 to 5.

Analysis and conclusion

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

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

Applicant [REDACTED]⁶

Claim to victim status

The applicant submits that on 9 February 2003, the Banyamulengués troops occupied [REDACTED]. She states that the population fled to the bush and that they abandoned their houses. She claims that the Banyamulengués took all her belongings, livestock and a sum of money. She lists her loss. She further states that because of this event, her father passed away leaving her to take care of her siblings. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁷

Analysis and conclusion

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

¹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx60; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 327 to 328.

¹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx60, pages 4 to 5 and 8.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 9 February 2003.

Applicant [REDACTED]

Claim to victim status

The applicant submits that during the second week of February 2003, when the population heard that the Banyamulengués were on their way to [REDACTED] they started fleeing to the bush. She states that her family could not flee because her younger sister was ill and they did not know how to transport her, so she sent her children to the bush. She further states that the next day she heard gunshots throughout the area, so they tried to carry her sister through the bush. She alleges that 48 hours later she found her family members but that the Banyamulengués had come to the bush and took her disabled son to carry their loot. She states that they released him once they found a valid person to carry the loot and that the Banyamulengués shot one boy who had tried to flee. She further claims that they buried her sister in the bush. She states that upon her return after 15 March 2003, she found that her belongings and livestock had been pillaged. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁹

Analysis and conclusion

¹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx61; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 329 to 330.

¹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx61, pages 4 to 5 and 9 to 11.

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

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

Applicant [REDACTED]⁰

Claim to victim status

The applicant submits that on 23 February 2003, when the Banyamulengués came to [REDACTED] she fled to the bush and when she returned a few days later, she found that the door to her house, located in the [REDACTED] *th arrondissement*, had been broken and that her belongings had been pillaged. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²¹

Analysis and conclusion

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

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

²⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx62; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 331 to 332.

²¹ ICC-01/05-01/08-2073-Conf-Exp-Anx62, pages 4 to 5.

accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 23 February 2003.

Applicant [REDACTED]²

Claim to victim status

The applicant alleges that on 21 February 2003, when the Banyamulengués entered the [REDACTED] area of [REDACTED] she was raped and beaten and was taken to their camp where she was raped and beaten again. She further alleges 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 psychological and material harm.²³

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 21 February 2003.

Applicant [REDACTED]⁴

²² ICC-01/05-01/08-2073-Conf-Exp-Anx63; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 333 to 334.

²³ ICC-01/05-01/08-2073-Conf-Exp-Anx63, pages 4 to 5.

²⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx64; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 335 to 336.

Claim to victim status

The applicant states that in February 2003, when the Banyamulengués came to [REDACTED] she fled to the fields together with her family. She states that when she heard rumors that she could return to get her belongings, she went with her children. She alleges that upon their return to their house, the Banyamulengués were there and ordered her son to catch a goat, and when he did not succeed they shot and killed him. The applicant appends a death certificate signed and stamped by the *chef de quartier* stating that the death occurred on 3 March 2003. As a result of the alleged events, the applicant claims to have suffered psychological harm as a result of the death of her son.²⁵

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of the applicant and her son as well as the kinship between them.

The Chamber notes that the person acting on behalf of the applicant claims that she forgot the date of the alleged events but that they may have occurred in February 2003 while the death certificate attached thereto states that her son died on 3 March 2003. Since both dates fall within the temporal scope of the present case and in light of the intrinsic coherence of the application in all other respects, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

Having considered the application as a whole, the Chamber considers 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

²⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx64, pages 4 to 5 and 9.

of crimes confirmed against the accused, namely the murder of her son by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 3 March 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that on 20 February 2003, she was held hostage by the Banyamulengués while trying to flee and was brought to their base at the [REDACTED] of [REDACTED] in the [REDACTED] *arrondissement*. She states that they then told her to indicate where she lived, and after she did so they made her carry her belongings, located in the [REDACTED] area, to their base. She further states that she refused to have sexual intercourse with them and one of the men let her go after threatening her. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁷

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 20 February 2003.

Applicant [REDACTED]⁸

²⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx65; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 337 to 338.

²⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx65, pages 4 to 5.

²⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx66; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 339 to 340.

Claim to victim status

The applicant states that on 20 February 2003, when the Banyamulengués came to [REDACTED] firing their weapons, she took her family and fled to the bush. The applicant alleges that they told her to return to her house as they would protect her, so she left the bush but once she arrived to her house, located in the [REDACTED] area of [REDACTED] they started pillaging her belongings and destroyed her livestock. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁹

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 20 February 2003.

Applicant [REDACTED]⁰

Claim to victim status

The applicant submits that on 26 February 2003, when the Banyamulengués came to [REDACTED] he was at his work in the village of [REDACTED] located [REDACTED] kilometres away from [REDACTED]. He claims that his family had stayed in their

²⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx66, pages 4 to 5.

³⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx67; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 341 to 342.

home located in the [REDACTED] area of [REDACTED] and when they fled they could not take their belongings. He further alleges that the Banyamulengués broke his door and pillaged all his goods and then burned down the house prior to their departure. As a result of the alleged events, the applicant claims to have suffered material harm.³¹

Analysis and conclusion

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

The Chamber observes that the applicant states that her house was burned. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.³² In the present case, the applicant clearly states that his belongings were first pillaged and that the Banyamulengués then set his house on fire before leaving the area.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 26 February 2003.

Applicant [REDACTED]³

³¹ ICC-01/05-01/08-2073-Conf-Exp-Anx67, pages 4 to 5.

³² ICC-01/05-01/08-1017, paragraph 56.

³³ ICC-01/05-01/08-2073-Conf-Exp-Anx68; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 343 to 344.

Claim to victim status

The applicant alleges that on 23 February 2003, when the Banyamulengués came to the [REDACTED] area of [REDACTED] she fled and upon her return a few days later, she found six of the armed men in her house. She states that they undressed her, asked her whether she was hiding rebels of Mr Bozizé, demanded money and threatened to kill her. The applicant claims that they raped her and pillaged her belongings and money. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁴

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 an unspecified date as of 23 February 2003.

Applicant [REDACTED]⁵**Claim to victim status**

The applicant alleges that on 24 February 2003, when the Banyamulengués came to the [REDACTED] area in [REDACTED] they fled and took refuge in the bush. She

³⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx68, pages 4 to 5.

³⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx69; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 345 to 346.

states that upon her return, five days later, she discovered that her house was occupied by the men who kept her there for some time, but let her go as she was pregnant and carrying a two-year-old child. The applicant claims that she returned to the bush and that her belongings were pillaged during her absence. She states that her husband died after the Banyamulengués left [REDACTED] As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁶

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 in [REDACTED] on an unspecified date as of 24 February 2003.

Applicant [REDACTED]³⁷

Claim to victim status

The applicant alleges that on 21 February 2003, he and his nineteen-year-old sister were held hostage by the Banyamulengués who pillaged his house, located in the [REDACTED] area of [REDACTED] and made them carry the loot back to their base, located in [REDACTED] He states that the two men threatened to kill him and

³⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx69, pages 4 to 5.

³⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx70; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 347 to 348.

his sister and then they proceeded to rape her repeatedly in front of him. He claims that he fled with her on his back to the bush. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁸

Analysis and conclusion

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

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that on 23 February 2003, when the armed Banyamulengués came to the [REDACTED] area of [REDACTED] she fled from her house and took refuge ten kilometres away. She states that upon her return a few days later, she found that the door to her house was broken and that her belongings and livestock had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁰

³⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx70, pages 4 to 5.

³⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx71; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 349 to 350.

⁴⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx71, pages 4 to 5.

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 23 February 2003.

Applicant [REDACTED]¹

Claim to victim status

The applicant states that on 14 February 2003, the Banyamulengués came to his warehouse in [REDACTED] and pillaged a number of beverages which they took away in their military vehicle. The applicant appends a document dated 12 February 2003 in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴²

Analysis and conclusion

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

The Chamber notes that the applicant provides two different dates for the alleged events (12 February 2003 and 14 February 2003). However, given that both dates fall within the temporal scope of the present case and in light of the

⁴¹ ICC-01/05-01/08-2073-Conf-Exp-Anx86; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 351 to 352.

⁴² ICC-01/05-01/08-2073-Conf-Exp-Anx86, pages 4 to 5 and page 10.

intrinsic coherence of the application in all other respects, 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 as of 12 February 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that when the Banyamulengués were in [REDACTED] to fight General Bozizé's men and discovered that they had already left, he was in Bangui. The applicant alleges that while he was absent, they broke the gate of his compound and pillaged his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁴

Analysis and conclusion

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués in order to fight the rebels of General Bozizé who had already

⁴³ ICC-01/05-01/08-2073-Conf-Exp-Anx87; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 353 to 354.

⁴⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx87, pages 4 to 5.

left, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]⁵

Claim to victim status

The applicant submits that on 23 November 2002, he was on his way back from [REDACTED] Cameroon, where he had bought merchandise at the market. He states that he was intercepted by the Banyamulengués in the vicinity of [REDACTED] and his belongings and merchandise were pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶

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

⁴⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx97; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 355 to 356.

⁴⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx97, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on 23 November 2002.

Applicant [REDACTED]⁷

Claim to victim status

The applicant gave his consent for the application to be introduced on his behalf by his uncle.

It is stated that between February and 15 March 2003, the Banyamulengués came three times to [REDACTED] where they committed violence and pillaged the inhabitants' belongings and livestock. The person acting on behalf of the applicant lists the lost belongings and livestock. As a result of the alleged events, it is claimed that the applicant suffered material harm.⁴⁸

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant and his uncle, who is acting on his behalf, as well as the kinship between them. The Chamber also notes that it follows from the additional declaration appended to the application that the applicant gave his consent to his application being introduced on his behalf by his uncle.

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

⁴⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx104; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 357 to 358.

⁴⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx104, pages 4 to 5 and 11.

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that in February 2003, after the Tabaski celebration, Jean-Pierre Bemba's Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] and pillaged her belongings. The applicant appends a document dated 13 February 2003 in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material and psychological harm.⁵⁰

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 February 2003.

Applicant [REDACTED]¹

Claim to victim status

⁴⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx105; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 359 to 360.

⁵⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx105, pages 4 to 5 and 10.

⁵¹ ICC-01/05-01/08-2073-Conf-Exp-Anx106; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 361 to 362.

The applicant alleges that on 13 February 2003, during the Tabaski celebration, Jean-Pierre Bemba's Banyamulengués came to her house, located in [REDACTED] where they threatened her and pillaged her belongings. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵²

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 13 February 2003.

Applicant [REDACTED]³

Claim to victim status

The applicant gave his consent for the application to be introduced on his behalf by his brother.

It is stated that between February and 15 March 2003, the Banyamulengués came to [REDACTED]. It is stated that the soldiers pillaged the population's belongings, killed some animals and tortured people. It is further stated that the applicant suffered from the Banyamulengués actions and his pillaged belongings are listed. As a

⁵² ICC-01/05-01/08-2073-Conf-Exp-Anx106, pages 4 to 5 and 9.

⁵³ ICC-01/05-01/08-2073-Conf-Exp-Anx107; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 363 to 364.

result of the alleged events, it is claimed that the applicant suffered material harm.⁵⁴

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant and his brother, who is acting on his behalf, as well as the kinship between them. The Chamber also notes that it follows from the additional declaration appended to the application that the applicant gave his consent to his application being introduced on his behalf by his brother.

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

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that in December 2002, the Banyamulengués arrived in his village, [REDACTED] located [REDACTED] kilometres away from [REDACTED] and asked the population to leave. He further states that he fled together with his family and that the soldiers stayed in the village for more than three months. He adds that upon his return, he found that his belongings and livestock had been

⁵⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx107, pages 4 to 5 and 11.

⁵⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx108; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 365 to 366.

pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁶

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 December 2002.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on 22 December 2002, four Banyamulengués raped his wife, who was pregnant with [REDACTED] at the time, one after the other in [REDACTED]. He further states that his wife consequently had a miscarriage in February 2003. He adds that his wife was ashamed because of what happened to her and that she abandoned him fleeing towards [REDACTED]. The applicant now has to take care of his two children alone. As a result of the alleged events, the applicant claims to have suffered psychological harm.⁵⁸

Analysis and conclusion

⁵⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx108, pages 4 to 5.

⁵⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx109; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 367 to 368.

⁵⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx109, pages 4 to 5 and 12.

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant and his wife, as well as the kinship between them.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his wife by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 22 December 2002.

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that in February 2003, the Banyamulengués came to drive out the rebels of Mr Bozizé in [REDACTED] and started pillaging people's belongings. She states that she fled with her family from her house, located in the [REDACTED] area, to the bush leaving all her belongings behind. The applicant further alleges that she spent a month in the bush and returned in March 2003 after Mr Bozizé came into power. She claims that she found that her door and windows had been broken and that some of her belongings had been destroyed and other belongings and money had been taken. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁰

Analysis and conclusion

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

⁵⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx133; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 369 to 370.

⁶⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx133, pages 4 to 5 and 8.

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

Applicant [REDACTED]¹

Claim to victim status

The applicant states that in February 2003, when Mr Bemba's men came to [REDACTED] she was at the market. She states that she returned to her house where her children were. According to the applicant, since the children were small, she was not able to bring them to the bush, and they hid in the smaller house. She further alleges that the men broke down her door, and three of them entered the house where she was hiding and two others entered the big house. She claims that the men were speaking Lingala and proceeded to undress and rape her one after the other while the other men were pillaging her belongings. She alleges that they let her go after having set her house on fire. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶²

Analysis and conclusion

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

⁶¹ ICC-01/05-01/08-2073-Conf-Exp-Anx134; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 371 to 372.

⁶² ICC-01/05-01/08-2073-Conf-Exp-Anx134, pages 4 to 5.

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.⁶³ In the present case, the applicant clearly indicates that her house was pillaged before it was burned down.

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

Applicant [REDACTED]⁴

Claim to victim status

The applicant submits that in February 2003, when the armed men speaking Lingala who were talking about Mr Bemba came to [REDACTED] she was at her house with her sick mother. She states that five men entered her house, spoke to her in Lingala, which she did not understand, started to search her house and then proceeded to rape her in front of her mother. She also states that they took her belongings. Finally, the applicant claims that during the alleged events, she was six months pregnant and as a result, she had a miscarriage and is now HIV positive. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁵

⁶³ ICC-01/05-01/08-1017, paragraph 56.

⁶⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx135; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 373 to 374.

⁶⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx135, pages 4 to 5.

Analysis and conclusion

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

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

Applicant [REDACTED]⁶

Claim to victim status

The applicant submits that in February 2003, on his way back from the fields to [REDACTED] he saw that the city was occupied by unfamiliar troops. He states that he went to his house to get his belongings when he encountered a group of five of Mr Bemba's men who beat him then undressed and searched him. He claims that they took all of his belongings and money and went back to their base, located in [REDACTED]. Afterwards, he states that he went to the bush to find his parents and to receive traditional treatment. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁷

Analysis and conclusion

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

⁶⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx136; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 375 to 376.

⁶⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx136, 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 in February 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant submits that in February 2003, when the armed men of Mr Bemba came to [REDACTED] firing their heavy weapons, she was in the market and fled to the bush. She states that three days later, she returned to her house to search for some food. She further alleges that when she got to her house, no one was there so she started to pack her belongings, when five men, who were speaking Lingala, entered. She states that they started undressing her and raped her one after the other. Furthermore, she specifies that they brought her to their base, located in [REDACTED] where she was able to escape to the bush. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁶⁹

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis

⁶⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx137; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 377 to 378.

⁶⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx137, pages 4 to 5.

that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]

Claim to victim status

The applicant submits that in mid-February 2003, when armed men speaking Lingala came to [REDACTED] she fled to the bush together with her children. She states that as they had no essentials, she returned to her house where she encountered a group of armed men. She further alleges that they made gestures demonstrating that they wanted money and when she showed them that she did not have any money, they dragged her to her bed and proceeded to rape her one after the other. She states that afterwards, they took her belongings and left. The applicant states that she returned to the bush two hours later. She claims that she is HIV positive as a result and separated from her spouse. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷¹

Analysis and conclusion

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

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

⁷⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx138; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 379 to 380.

⁷¹ ICC-01/05-01/08-2073-Conf-Exp-Anx138, pages 4 to 5.

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

Applicant [REDACTED]²

Claim to victim status

The applicant submits that in February 2003, when the Banyamulengués came to [REDACTED] he fled to the bush. He claims that on the second day, he returned to his house to get some essentials when he encountered three armed men, who were speaking Lingala. Since the applicant did not understand, they started to torture him before bringing him to the [REDACTED] area. He states that they then forced him to carry their loot from the [REDACTED] area to their base in [REDACTED] where they let him go. Further, the applicant claims that his belongings and livestock were lost, and he lists his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷³

Analysis and conclusion

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

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

⁷² ICC-01/05-01/08-2073-Conf-Exp-Anx139; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 381 to 382.

⁷³ ICC-01/05-01/08-2073-Conf-Exp-Anx139, pages 4 to 5.

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

The applicant submits that in February, when the Banyamulengués came to [REDACTED] she was preparing her luggage to flee to the bush. She states that suddenly the men were in front of her door talking to her in a language she did not understand. She claims that they pushed her on her bed and started to undress and rape her. She states that her husband was already in the fields and that once they had finished raping her, they took her, her husband's and her children's belongings and a sum of money. She claims that she spent some time at her house because she was not able to get up and later came back to the bush. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁵

Analysis and conclusion

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

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

⁷⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx140; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 383 to 384.

⁷⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx140, 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, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]⁶

Claim to victim status

The applicant submits that in February 2003, when the Banyamulengués came to [REDACTED] she stayed at her house with her parents. She states that even though she hid under her bed, three men, who were speaking Lingala, entered and raped her one after the other. She states that they then took their belongings. She lists her loss. She further alleges that she did some medical examinations and that she was diagnosed with some venereal diseases. Furthermore she states that she has become stigmatised following the events. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁷

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis

⁷⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx141; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 385 to 386.

⁷⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx141, pages 4 to 5.

that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]⁸

Claim to victim status

The applicant submits that in February 2003, when the Banyamulengués came to [REDACTED] three of the men entered her house where she was with her spouse. She states that once they entered, they started speaking to them in Lingala and demanded money. She claims that when her husband said that they did not have any money, the men grabbed her and proceeded to rape her. She claims that when her husband tried to stop them, they shot and killed him. She further alleges that they took her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁹

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis

⁷⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx142; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 387 to 388.

⁷⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx142, pages 4 to 5.

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

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that in February 2003, she brought her children to the bush, a few kilometers away from [REDACTED] but as her mother was not able to move from the house, she had to return to her house. She claims that when she returned to her house, six of Mr Bemba's armed men came and asked her a question in Lingala, which she did not understand. She states that they then shot their guns into the air, put her next to her mother and proceeded to rape her. She claims that they then took her belongings, which she lists. The applicant claims that she lost her credibility as a Muslim woman and that she and her husband separated. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁸¹

Analysis and conclusion

The Chamber considers that the documents provided 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

⁸⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx143; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 389 to 390.

⁸¹ ICC-01/05-01/08-2073-Conf-Exp-Anx143, pages 4 to 5.

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 in February 2003, after hearing the sound of weapons being fired by armed men, the inhabitants of [REDACTED] fled to find refuge in the bush. She claims that while she was still at her house taking care of her sick mother, Mr Bemba's men broke the door, entered and searched the rooms. She claims that she was in the bed next to her sick mother. She states that the men asked her a question in their language, which she did not understand, and proceeded to threaten, beat, and rape her. She further alleges that the men took her belongings, which she lists, and that her mother died two days after the alleged events. The applicant claims to have been infected with HIV. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁸³

Analysis and conclusion

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

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

⁸² ICC-01/05-01/08-2073-Conf-Exp-Anx144; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 391 to 392.

⁸³ ICC-01/05-01/08-2073-Conf-Exp-Anx144, pages 4 to 5.

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

Applicant [REDACTED]

Claim to victim status

The applicant alleges that in February 2003, when Mr Bemba's men came to [REDACTED] she fled to the bush. She states that when she returned to her house two days later to get food for her children and collect their baggage, the men entered and started searching her house. She claims that they asked her questions in Lingala. The applicant alleges that when she told them that she did not have any money, they proceeded to rape her and take her belongings and livestock before returning to their barracks in [REDACTED]. She further states that she now has problems with her spouse. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁸⁵

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the

⁸⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx145; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 393 to 394.

⁸⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx145, pages 4 to 5.

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

Applicant [REDACTED]⁶

Claim to victim status

The applicant alleges that in February 2003, when Mr Bemba's men, who were speaking Lingala, came to [REDACTED] she packed her belongings, but could not flee because her grandmother was too sick to leave. She states that five of the armed men broke down the door to her house and found her hiding under the bed. The applicant further alleges that they raped her one after the other. She claims that the men then told her to move her grandmother to the bush, and they proceeded to take her belongings and burn down the house. The applicant alleges that due to these events she suffered from abdominal pain and had a surgery. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁸⁷

Analysis and conclusion

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

The Chamber observes that the applicant states that her house was burned. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.⁸⁸ In

⁸⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx146; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 395 to 396.

⁸⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx146, pages 4 to 5.

⁸⁸ ICC-01/05-01/08-1017, paragraph 56.

the present case, the applicant clearly states that the Banyamulengués first pillaged her belongings and then burned down the house.

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

Applicant [REDACTED]⁸⁹

Claim to victim status

The applicant alleges that in February 2003, she left the fields and returned to her house, located in [REDACTED] to retrieve the food she had left there. She claims that after she arrived, she heard four men entering her house and she hid under her bed. She states that they proceeded to search the house, found her and told her to get out of her hiding place or they would shoot her. She asserts that they questioned her in their language and one of them proceeded to rape her while the others threatened her with their weapons because she was screaming a lot. The applicant alleges that in meantime two others started pillaging her belongings. She further states that once the man finished raping her, two others came, but as she was covered in blood, they did not rape her but took her valuable belongings instead. The applicant holds Mr Bemba's troops responsible for the alleged acts. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁹⁰

⁸⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx148; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 399 to 400.

⁹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx148, pages 4 to 5 and 8.

Analysis and conclusion

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

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

Applicant [REDACTED]¹

Claim to victim status

The applicant alleges that in February 2003, she fled to the bush, fifteen kilometers away from [REDACTED]. She claims that upon returning to her house to collect food for her children, nobody was in her house. She claims that four armed men entered and asked her questions in a language she did not understand. She alleges that they proceeded to rape her and take her belongings. The applicant holds Mr Bemba's troops responsible for the alleged acts. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁹²

Analysis and conclusion

⁹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx149; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 401 to 402.

⁹² ICC-01/05-01/08-2073-Conf-Exp-Anx149, pages 4 to 5.

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

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

Applicant [REDACTED]³

Claim to victim status

The applicant alleges that upon the arrival of Mr Bemba's men, she fled to the fields, six kilometers away from [REDACTED]. She claims that on 21 February 2003, she returned to her house to get food when five armed men entered and asked her questions that she did not understand. She states that they then proceeded to rape her on the bed and pillage her belongings, and that she now has problems with her in-laws because she cannot have children. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁹⁴

Analysis and conclusion

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

⁹³ ICC-01/05-01/08-2073-Conf-Exp-Anx150; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 403 to 404.

⁹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx150, 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 21 February 2003.

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that in February 2003, five armed men came to her house, located in [REDACTED] and spoke to her in a language she did not understand. She states that they proceeded to search the rooms of her house and raped her one after the other. She claims that after they were finished, they threw her to the ground and took her belongings and livestock, which she lists. She further alleges that she now has problems with her spouse and is infected with HIV. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.⁹⁶

Analysis and conclusion

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

The Chamber notes that the applicant does not provide the identity of the perpetrators of the alleged crimes but merely refers to “armed men” whose language she did not understand. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to armed men speaking

⁹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx151; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 405 to 406.

⁹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx151, pages 4 to 5.

a language she did not understand and the occupation of [REDACTED] by these armed men in February 2003, 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 identify the perpetrators should not serve to exclude the applicant.

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

Applicant [REDACTED]⁹⁷

Claim to victim status

The applicant alleges that in February 2003, she fled to the bush with her children. The applicant further alleges that two days later she and her son returned to her house, located in [REDACTED] to get food for the other children. She claims that as she was preparing their bags, a group of Mr Bemba's armed men, who were speaking Lingala, entered the house and asked her questions that she did not understand. She further alleges that when the men started to undress her, her son began to cry, and they proceeded to beat him and rape her one after the other. She claims that they then took her belongings before leaving for their base. The applicant lists her loss and states that she is now infected with HIV. As

⁹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx152; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 407 to 408.

a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁹⁸

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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]⁹

Claim to victim status

The applicant alleges that in February 2003, six armed men of Mr Bemba came to her house, located in [REDACTED] while she was preparing her luggage in order to flee to the bush, and asked her questions in their language and gave signs instructing her to give them money. She further states that when she told them that she did not have any money, four of them proceeded to rape her one after the other while the two other men raped her daughter. She adds that they beat her as well as her daughter before burning down her house. The applicant states that she lost all her belongings because of the fire. The applicant further asserts that after the men left, she went to the bush and after a medical examination, she

⁹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx152, pages 4 to 5.

⁹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx153; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 409 to 410.

found out that she had been infected with HIV. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁰⁰

Analysis and conclusion

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

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.¹⁰¹ In the present case, the applicant clearly states that she lost her belongings because of the fire. Therefore, only the applicant's rape will be considered for the purpose of the present assessment.

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

Applicant [REDACTED]⁰²

Claim to victim status

¹⁰⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx153, pages 4 to 5.

¹⁰¹ ICC-01/05-01/08-1017, paragraph 56.

¹⁰² ICC-01/05-01/08-2073-Conf-Exp-Anx154; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 411 to 412.

The applicant alleges that in February 2003, troops of armed men speaking Lingala came to [REDACTED] and she consequently fled to the bush. She further states that five armed men found her in the bush when she was preparing food for her children. She states that they asked questions in Lingala, a language she did not understand, saying “yaka yaka”. She further alleges that two of them raped her one after the other. She adds that they infected her with HIV and she separated with her husband. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁰³

Analysis and conclusion

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

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

Applicant [REDACTED]⁰⁴

Claim to victim status

The applicant alleges that in February 2003, when the Banyamulengués came to [REDACTED] she fled to the fields, together with her mother. She further states that she came back the following day in order to pick up her blind father and her three younger brothers. She claims that she was leaving her house when four

¹⁰³ ICC-01/05-01/08-2073-Conf-Exp-Anx154, pages 4 to 5.

¹⁰⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx155; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 413 to 414.

armed men intercepted her and started raping her on her father's bed. She states that after one of them raped her, she was covered in blood, which is why the others did not rape her. The applicant states that she stayed in the house for some minutes and then joined her parents in the fields. She adds that she is stigmatised and has health problems. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁰⁵

Analysis and conclusion

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

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

Applicant [REDACTED]⁰⁶

Claim to victim status

The applicant alleges that in February 2003, armed men speaking a language she could not understand came to [REDACTED] and she consequently fled to the fields, seven kilometres away from the city. She further states that she came back to her house, two days later, to take some belongings and that five men intercepted her on her way out. She states that they asked her questions in a language she was not able to understand. She asserts that two of them dragged her on the bed of

¹⁰⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx155, pages 4 to 5 and 8.

¹⁰⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx156; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 415 to 416.

her father and raped her one after the other, which made her bleed. She states that she returned to the fields two hours later. She adds that she was a virgin at the time of the events and she is now stigmatised and has health problems. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁰⁷

Analysis and conclusion

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

The Chamber notes that the applicant does not identify the perpetrators of the alleged events and merely refers to the armed men who were speaking a language she did not understand. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the invasion of ██████████ in February 2003, the Chamber is of the view that the failure to identify the perpetrators should not serve to exclude the applicant.

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

Applicant ██████████⁰⁸

Claim to victim status

¹⁰⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx156, pages 4 to 5.

¹⁰⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx157; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 417 to 418.

The applicant alleges that in February 2003, when five of Mr Bemba's armed men came to her house, located in [REDACTED] her husband was already in the fields so she locked herself with her children in her house. She alleges that five armed men came to her house and asked questions in a language she did not understand saying "yaka". She further states that they raped her one after the other, laughed at her and left. She asserts that she fled to the bush and lost all her belongings. She adds that she is now stigmatised and has health problems. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁰⁹

Analysis and conclusion

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

The Chamber notes that the applicant claims to have lost her belongings after she had fled to the bush. Given that she states that the Banyamulengués left after raping her and in the absence of any indication that her belongings were pillaged by the Banyamulengués and whether she returned to her house, the Chamber is not in a position to determine whether the loss of the applicant's belongings is related to the charges confirmed against the accused. Therefore, only the applicant's rape will be considered for the purpose of the present assessment.

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

¹⁰⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx157, pages 4 to 5.

Applicant [REDACTED]¹⁰

Claim to victim status

The applicant alleges that in February 2003, when Mr Bemba's armed men came to [REDACTED] everybody started fleeing, but as she was handicapped, she was not able to do so and stayed at her house with her children. She further alleges that four armed men came to her house, and asked her questions in their language. She further states that they raped her one after the other. She claims that because they could not find anything they liked in the house, they destroyed everything in her house. She adds that she was five months pregnant during the alleged events and had a miscarriage two months after the events. As a result of the alleged events, the applicant claims to have suffered material, physical and psychological harm.¹¹¹

Analysis and conclusion

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

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

Applicant [REDACTED]¹²

¹¹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx158; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 419 to 420.

¹¹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx158, pages 4 to 5.

¹¹² ICC-01/05-01/08-2073-Conf-Exp-Anx159; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 421 to 422.

Claim to victim status

The applicant alleges that in February 2003, when Mr Bemba's men came to [REDACTED] she fled without taking any of her belongings. Upon her return, five Banyamulengués came to her house talking in their language and mentioning Mr Bemba's name. She further states that four of them raped her, one after the other before pillaging some of her belongings and burning her house down. She adds that her husband left her because of what happened to her. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹¹³

Analysis and conclusion

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

The Chamber observes that the applicant states that her house was burned. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.¹¹⁴ In the present case, the applicant clearly states that her belongings were first pillaged and that the Banyamulengués then burned her house.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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

¹¹³ ICC-01/05-01/08-2073-Conf-Exp-Anx159, pages 4 to 5.

¹¹⁴ ICC-01/05-01/08-1017, paragraph 56.

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

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that in February 2003, she was in the fields when she heard that armed men had invaded [REDACTED]. She further states that she came back to her house two days later to gather some items and that armed men speaking Lingala raped her one after the other. She adds that she was five months pregnant at the time and had a miscarriage two days later, and that her husband subsequently left her. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹¹⁶

Analysis and conclusion

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

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

Applicant [REDACTED]¹⁷

¹¹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx160; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 423 to 424.

¹¹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx160, pages 4 to 5.

¹¹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx161; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 425 to 426.

Claim to victim status

The applicant alleges that in February 2003, she was in the fields when she heard that the Banyamulengués had invaded [REDACTED]. She further states that her brother had to come back to their house to look for his cousin when he was intercepted by the soldiers and shot at three times, which caused his death. She states that his cousin managed to escape and informed her about the death of her brother. She asserts that a week later, she came back with her child and a cousin to bury the body of her brother and on her way back to the fields she was intercepted by five armed men who brought her to the school in [REDACTED] and raped her one after the other. The applicant further alleges that she lost all her belongings during the alleged events. She adds that she is now HIV positive and stigmatised. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹¹⁸

Analysis and conclusion

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

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

¹¹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx161, pages 4 to 5.

Applicant [REDACTED]¹⁹

Claim to victim status

The applicant alleges that in February 2003, when Mr Bemba's men came to the [REDACTED] area in [REDACTED] she managed to flee to the bush. She states that since her mother was unable to flee by herself, two days later she returned to her house where five armed men who were speaking Lingala found her. She further states that they raped her one after the other and then pillaged her belongings. She adds that she is now unable to conceive and that her husband left her. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²⁰

Analysis and conclusion

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

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

Applicant [REDACTED]²¹

¹¹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx162; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 427 to 428.

¹²⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx162, pages 4 to 5.

¹²¹ ICC-01/05-01/08-2073-Conf-Exp-Anx163; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 429 to 430.

Claim to victim status

The applicant alleges that in February 2003, when the Banyamulengués came to [REDACTED] she was in the fields. She states that she returned to the city to get her children and was intercepted by five men close to her house who spoke to her in their own language and gestured for her to open the door. She claims that they asked her for money and when she said that she did not have any money, four of them proceeded to rape her one after the other while the other one pillaged her belongings, which she lists. She claims to be infected with HIV. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²²

Analysis and conclusion

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

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

Applicant [REDACTED]²³

Claim to victim status

The applicant alleges that in February 2003, when the Banyamulengués came to [REDACTED] he was in the fields. He states that he returned to his house to get his

¹²² ICC-01/05-01/08-2073-Conf-Exp-Anx163, pages 4 to 5.

¹²³ ICC-01/05-01/08-2073-Conf-Exp-Anx164; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 431 to 432.

children and pregnant wife, but encountered five of the armed men who were speaking to him in their language saying “pessa ngai mbongo”. He claims that they proceeded to beat him with their hands and weapons. Afterwards, he states that they made him carry their loot back to their camp for three days before he was allowed to leave. He also alleges that they pillaged his belongings, which he lists, and a sum of money. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹²⁴

Analysis and conclusion

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

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

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that in February 2003, when Mr Bemba’s men came to [REDACTED] she was in her house with her children because she did not know where to flee. She alleges that they broke down the door to her house, and started asking questions in Lingala. She further alleges that four of the men grabbed her and proceeded to rape her. Afterwards, she states that they took her

¹²⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx164, pages 4 to 5.

¹²⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx165; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 433 to 434.

belongings, and she lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²⁶

Analysis and conclusion

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

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

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on 22 November 2002, while he was driving back to Bangui from [REDACTED] in Cameroon, where he bought merchandise, the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED] and his belongings were pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹²⁸

Analysis and conclusion

The Chamber notes that the date of birth as appearing on the application form does not correspond to the day the applicant was born but to the day the birth

¹²⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx165, pages 4 to 5.

¹²⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx169; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 435 to 436.

¹²⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx169, pages 4 to 5.

was declared and that according to the birth certificate, the birth was declared one day before the birth of the applicant. The Chamber considers that this discrepancy might be the result of inadvertent error in filling in the birth certificate and therefore the identity of the applicant is sufficiently demonstrated. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 22 November 2002.

Applicant [REDACTED]²⁹

Claim to victim status

The applicant alleges that on 22 November 2002, he was on his way back from a trip to [REDACTED] Cameroon, where he had bought belongings for his house, when the vehicle he was travelling in with other passengers was intercepted by the Banyamulengués in [REDACTED]. He states that they pillaged all of his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁰

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis

¹²⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx171; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 437 to 438.

¹³⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx171, 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 22 November 2002.

Applicant [REDACTED]³¹

Claim to victim status

The applicant states that on 23 November 2002, he was returning from [REDACTED] Cameroon, when the truck he was driving, filled with building materials for his business, was intercepted by the Banyamulengués near [REDACTED]. The applicant alleges that they pillaged the truck and its contents. The applicant appends a document in which he lists and values his loss as well as documents certifying he was the owner of the building materials. As a result of the alleged events, the applicant claims to have suffered material harm.¹³²

Analysis and conclusion

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

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

Applicant [REDACTED]³³

¹³¹ ICC-01/05-01/08-2073-Conf-Exp-Anx173 ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 439 to 440.

¹³² ICC-01/05-01/08-2073-Conf-Exp-Anx173, pages 4 to 5 and 9 to 16.

¹³³ ICC-01/05-01/08-2073-Conf-Exp-Anx180; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 441 to 442.

Claim to victim status

The applicant states that on 25 November 2002, the Banyamulengués came to [REDACTED] and started to pillage and steal items. He alleges that between 10 and 13 March 2003, he and his family had to flee from his house to the bush and upon their return, he discovered that his belongings had been pillaged and his livestock had been killed to be eaten. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 November 2002 and 13 March 2003.

Applicant [REDACTED]³⁵

Claim to victim status

The applicant states that on 15 December 2002, when the Banyamulengués took control of the village of [REDACTED] near [REDACTED] they came to his farm. He

¹³⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx180, pages 4 to 5 and 9 to 10.

¹³⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx180; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 443 to 444.

states that they took his belongings and killed his livestock. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³⁶

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 15 December 2002.

Applicant [REDACTED]³⁷

Claim to victim status

The applicant states that in February 2003, one Banyamulengué came to her house, located in [REDACTED] where she was with a sick relative, and told her to keep the door open as more men would come later. She claims that the day after, she saw a group of armed men go to her house and pillage her belongings and money. The applicant lists her loss. Further, she claims that her brother died when the events began due to lack of medical care. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³⁸

Analysis and conclusions

¹³⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx180, pages 4 to 5.

¹³⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx212; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 445 to 446.

¹³⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx212, pages 4 to 5 and 8.

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

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that on 19 February 2003, when the Banyamulengués came to [REDACTED] she fled to the bush and upon her return to her house one day later, she came across two MLC soldiers who proceeded to rape her one after the other. She claims that this event has caused problems between her and her husband. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁴⁰

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

¹³⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx213; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 447 to 448.

¹⁴⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx213, pages 4 to 5.

accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 19 February 2003.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant states that on 21 February 2003, when Jean-Pierre Bemba's MLC soldiers came to the [REDACTED] area of [REDACTED] she fled to the bush. She claims that she returned to her house three days later with two of her family members and found that her belongings and livestock had been pillaged. She lists her loss. Further, she states that one of her family members was beaten and that two Banyamulengués raped her one after the other. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁴²

Analysis and conclusions

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

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

¹⁴¹ ICC-01/05-01/08-2073-Conf-Exp-Anx214; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 449 to 450.

¹⁴² ICC-01/05-01/08-2073-Conf-Exp-Anx214, pages 4 to 5 and 8.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant states that in February 2003, when the Banyamulengués came to [REDACTED] she was at her grandmother's house in [REDACTED]. She states that she fled with her grandmother to the bush and was pursued by three of these men who found them the next day, on 20 February 2003. She claims that they threatened them, hit them with electrical cables then stripped them of their clothes and proceeded to rape them. Afterwards, she states that they hit them again and pillaged their belongings. She also claims that after these events, she has become stigmatised and is rejected by her parents. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁴⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 20 February 2003.

¹⁴³ ICC-01/05-01/08-2073-Conf-Exp-Anx215; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 451 to 452.

¹⁴⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx215, pages 4 to 5 and 8.

Applicant [REDACTED]⁴⁵

Claim to victim status

The applicant states that on 19 February 2003, when the Banyamulengués came to [REDACTED] she was at the market and upon hearing shots being fired, she fled with her daughter. She states that the men pointed their guns at them and threatened them and then proceeded to rape her and her daughter. She claims that as a result of the rape, her daughter could not walk and so she was helped by other Banyamulengués to cross the river. The applicant also states that the Banyamulengués pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁴⁶

Analysis and conclusions

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

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

¹⁴⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx216; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 453 to 454.

¹⁴⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx216, pages 4 to 5 and 8.

Applicant [REDACTED]⁴⁷

Claim to victim status

The applicant states that on 19 February 2003, he fled from his house, located in [REDACTED] and upon his return three days later, he found that his belongings had been pillaged by the Banyamulengués. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁸

Analysis and conclusions

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

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

Applicant [REDACTED]⁴⁹

Claim to victim status

The applicant states that on 19 February 2003, he fled from [REDACTED] and upon his return four days later, he found that his house had been pillaged by the Banyamulengués. The applicant lists his loss. Further, he claims that both his grandmother and his aunt were killed by the Banyamulengués on 20 February

¹⁴⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx217; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 455 to 456.

¹⁴⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx217, pages 4 to 5.

¹⁴⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx218; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 457 to 458.

2003. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁵⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with his aunt and his grandmother, 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 between 19 and 23 February 2003.

Applicant [REDACTED]⁵¹

Claim to victim status

The applicant states that in February 2003, she fled and took refuge in the mountainous area of [REDACTED]. She states that she returned one week later to [REDACTED] to collect vegetables in her garden, when she was intercepted by three of Jean-Pierre Bemba's armed men, who were speaking a language she did not understand, and who threatened her and then proceeded to rape her one after the other. She claims that afterwards, they told her using a poor Sango that if

¹⁵⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx218, pages 4 to 5.

¹⁵¹ ICC-01/05-01/08-2073-Conf-Exp-Anx219; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 459 to 460.

they found her there again, they would kill her. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁵²

Analysis and conclusions

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

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

Applicant [REDACTED]⁵³

Claim to victim status

The applicant alleges that in February 2003, she was left behind in [REDACTED] by her parents who abandoned her and fled elsewhere. She claims that four Banyamulengués came and raped her and they also poured a powder into her eyes causing her temporary blindness for a few days. She states that as a result of the rape, she had an abortion two days later. She further states that they pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁵⁴

Analysis and conclusions

¹⁵² ICC-01/05-01/08-2073-Conf-Exp-Anx219, pages 4 to 5.

¹⁵³ ICC-01/05-01/08-2073-Conf-Exp-Anx220; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 461 to 462.

¹⁵⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx220, pages 4 to 5.

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

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

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that in February 2003, he fled to the fields and left all his belongings behind in [REDACTED]. He alleges that Mr Bemba's soldiers pillaged his belongings, which he lists, and a sum of money. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁶

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-

¹⁵⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx221; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 463 to 464.

¹⁵⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx221, pages 4 to 5.

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

Applicant [REDACTED]⁵⁷

Claim to victim status

The applicant alleges that on 22 February 2003, the Banyamulengués came to the [REDACTED] area of [REDACTED] and shot her old and sick uncle, who died. She further alleges that they pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁵⁸

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 22 February 2003.

Applicant [REDACTED]⁵⁹

¹⁵⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx222; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 465 to 466.

¹⁵⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx222, pages 4 to 5.

¹⁵⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx223; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 467 to 468.

Claim to victim status

The applicant alleges that in February 2003, the Banyamulengués came to [REDACTED] where he had a store and a house. He alleges that due to the presence of the soldiers, he and his family were forced to return to his native village. He further alleges that the next day he returned to see his store, hid in a mango tree and watched the Banyamulengués, who were armed and wearing uniforms, force the door open and pillaged his merchandise. He adds that some locals who had been taken hostage helped them load the looted items to bring them to their base in the [REDACTED]^h *arrondissement*. He claims that his house had been pillaged and then burned by another group of Banyamulengués. The applicant claims that he then returned to his family in his native village. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁶⁰

Analysis and conclusions

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

The Chamber observes that the applicant states that his house was burned. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.¹⁶¹ In the present case, the applicant clearly states that his house was first pillaged by the Banyamulengués and then burned by another group of Banyamulengués. 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

¹⁶⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx223, pages 4 to 5 and 8.

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

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]⁶²

Claim to victim status

The applicant alleges that on 25 February 2003, she was coming back from Chad when the Banyamulengués came to [REDACTED]. The applicant states that they took her and other women to the [REDACTED] near their base in the [REDACTED]^h *arrondissement*. She alleges that three of them raped her one after the other and she lost consciousness. She further alleges that after she was raped they offered her a piece of fabric, which she refused, and they pillaged all her goods. She claims that they said “Patassé made us come to kill all human beings in [REDACTED]”. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁶³

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 25 February 2003.

¹⁶² ICC-01/05-01/08-2073-Conf-Exp-Anx224; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 469 to 470.

¹⁶³ ICC-01/05-01/08-2073-Conf-Exp-Anx224, pages 4 to 5 and 8.

Applicant [REDACTED]⁶⁴

Claim to victim status

The applicant alleges that two days before the Banyamulengués came to [REDACTED] his cousin returned from Bangui to warn him about their arrival and he and his family fled to a camp in the fields. The applicant alleges that on 25 February 2003, four Banyamulengués soldiers arrived at their camp, fired three bullets into the air and when his father tried to escape they poured hot pepper into his eyes and had him face the sun until he became totally blind. The applicant further alleges that they took money and livestock from him, undressed women in front of everyone, and took fifteen people hostage in order to help them carry the looted goods to their base. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁶⁵

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 25 February 2003.

¹⁶⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx225; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 471 to 472.

¹⁶⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx225, pages 4 to 5 and 8.

Applicant [REDACTED]⁶

Claim to victim status

The applicant alleges that on 25 February 2003, the Banyamulengués came to her house, located in [REDACTED] and she fled to the fields. Upon her return, she saw that they had pillaged her belongings and livestock, which she lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁶⁷

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 25 February 2003.

Applicant [REDACTED]⁶⁸

Claim to victim status

The applicant alleges that before the Banyamulengués arrived in [REDACTED] he was temporarily staying with his family [REDACTED] kilometres away. He alleges that on 23 February 2003, he returned to check on his house and discovered that the armed soldiers were pillaging the houses and using people to transport the

¹⁶⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx226; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 473 to 474.

¹⁶⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx226, pages 4 to 5.

¹⁶⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx227; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 475 to 476.

pillaged goods back to their base. He states that they pillaged his belongings and he lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁶⁹

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 23 February 2003.

Applicant [REDACTED]⁷⁰

Claim to victim status

The applicant alleges that on 22 February 2003, she was at the cemetery in Bangui when Mr Bemba's men came to [REDACTED]. She alleges that upon her return she discovered that her belongings had been pillaged from her home, located in [REDACTED]. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁷¹

Analysis and conclusions

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

¹⁶⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx227, pages 4 to 5 and 8.

¹⁷⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx228; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 477 to 478.

¹⁷¹ ICC-01/05-01/08-2073-Conf-Exp-Anx228, pages 4 to 5.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 22 February 2003.

Applicant [REDACTED]⁷²

Claim to victim status

The applicant alleges that on 19 February 2003, he heard the sound of heavy weaponry and took his family to his house, located in the [REDACTED] area of [REDACTED]. He alleges that when he opened the door to see what was happening outside, two Banyamulengués were at the door, and when he tried to flee one shot him in the right leg. He further alleges that they wanted money which he gave them and that they pillaged his other belongings, which he lists. He claims that he left without getting treatment and the wound became infected and ultimately his leg was amputated. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁷³

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

¹⁷² ICC-01/05-01/08-2073-Conf-Exp-Anx229; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 479 to 480.

¹⁷³ ICC-01/05-01/08-2073-Conf-Exp-Anx229, pages 4 to 5 and 8.

accused, namely his attempted murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 19 February 2003.

Applicant [REDACTED]⁷⁴

Claim to victim status

The applicant alleges that in February 2003, he was at his business, located in the [REDACTED] area of [REDACTED] when he heard the Banyamulengués firing heavy weaponry. He alleges that he and his employees fled, abandoning all their equipment which was then pillaged by the Banyamulengués. He further alleges that he and his family were displaced to an area [REDACTED] kilometres away from [REDACTED] and that he was informed by inhabitants that his house 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.¹⁷⁵

Analysis and conclusions

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

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

¹⁷⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx230; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 481 to 482.

¹⁷⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx230, pages 4 to 5 and 8.

Applicant [REDACTED]⁷⁶

Claim to victim status

The applicant alleges that on 20 February 2003, she was in front of her house, located in [REDACTED] when she saw the Banyamulengués approaching. She claims that she fled to her cousin's house located in [REDACTED]. She alleges that these soldiers opened her door and pillaged her belongings and her livestock as well as her husband's woodwork tools. She lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁷⁷

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, to the extent of her personal belongings, by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 20 February 2003.

Applicant [REDACTED]⁷⁸

Claim to victim status

¹⁷⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx231; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 483 to 484.

¹⁷⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx231, pages 4 to 5.

¹⁷⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx232; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 485 to 486.

The applicant alleges that in February 2003, when the Banyamulengués invaded [REDACTED] he sought refuge in Bangui. He claims that while he was away the rebels pillaged his belongings, which he lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁷⁹

Analysis and conclusions

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

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

Applicant [REDACTED]⁰

Claim to victim status

The applicant alleges that in February 2003, she was with her children in her house, located in [REDACTED] when the Banyamulengués came. She states that a group of men and women knocked on her door and subsequently opened it with a crowbar. She alleges that four soldiers entered her house, undressed her, and took the sum of money she was hiding in her underwear. The applicant lists her pillaged belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁸¹

¹⁷⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx232, pages 4 to 5.

¹⁸⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx233; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 487 to 488.

¹⁸¹ ICC-01/05-01/08-2073-Conf-Exp-Anx233, 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 [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]⁸²

Claim to victim status

The applicant states that in 2003, the Banyamulengués came to [REDACTED] and he consequently took refuge on a hill from where he could see what was happening in the town. He further states that he saw the soldiers pillaging all the houses, including his house, and that they pillaged his livestock as well. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁸³

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

¹⁸² ICC-01/05-01/08-2073-Conf-Exp-Anx251; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 489 to 490.

¹⁸³ ICC-01/05-01/08-2073-Conf-Exp-Anx251, pages 4 to 5 and 9.

occupation of all areas of [REDACTED] by the Banyamulengués, the Chamber is of the view that a failure to provide a precise date shall not serve to exclude the applicant. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a 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.

Applicant [REDACTED]⁸⁴

Claim to victim status

The applicant states that after the Tabaski celebration in 2003, the Banyamulengués invaded [REDACTED] and pillaged and destroyed everything. He states that he lost everything he owned. The applicant appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁸⁵

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.

¹⁸⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx252; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 491 to 492.

¹⁸⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx252, pages 4 to 5 and 10.

The Chamber notes that the date provided by the applicant (2003) is broad and, as such, might fall outside the temporal scope of the present case. However, given that he states that the events occurred after the Tabaski celebration and that he refers to the invasion of [REDACTED] by the Banyamulengués, it can be inferred from the application that the events occurred in February 2003. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]⁸⁶

Claim to victim status

The applicant states that after the Tabaski celebration in 2003, the Banyamulengués came to his warehouse, located in [REDACTED]. He further states that the soldiers pillaged all his merchandise and he values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁸⁷

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2003) is broad and, as such, might fall outside the temporal scope of the present case. However, given that he states that the events occurred after the Tabaski celebration and

¹⁸⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx253; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 493 to 494.

¹⁸⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx253, pages 4 to 5.

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

Applicant [REDACTED]⁸

Claim to victim status

The applicant states that during the events of February 2003, the Banyamulengués came to [REDACTED] and pillaged her belongings and her livestock. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁸⁹

Analysis and conclusions

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

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

¹⁸⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx254; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 495 to 496.

¹⁸⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx254, pages 4 to 5.

Applicant [REDACTED]⁹⁰

Claim to victim status

The applicant states that during the events of 2003, the Banyamulengués came to [REDACTED] and pillaged her belongings and livestock. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹¹

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, the Chamber is of the view that a failure to provide a precise date should not serve to exclude the applicant. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January 2003 and 15 March 2003.

Applicant [REDACTED]⁹²

Claim to victim status

¹⁹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx255; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 497 to 498.

¹⁹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx255, pages 4 to 5.

¹⁹² ICC-01/05-01/08-2073-Conf-Exp-Anx255; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 499 to 500.

The applicant states that in February 2003, he was selling clothes when the Banyamulengués came to [REDACTED]. He further states that the soldiers pillaged his merchandise and belongings. The applicant appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹³

Analysis and conclusions

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

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

Applicant [REDACTED]⁴

Claim to victim status

The applicant states that in February 2003, when the Banyamulengués came to [REDACTED] firing their weapons, she fled from her house. She further states that during her absence, the soldiers pillaged her belongings and she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹⁵

Analysis and conclusions

¹⁹³ ICC-01/05-01/08-2073-Conf-Exp-Anx256, pages 4 to 5 and 10.

¹⁹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx257; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 501 to 502.

¹⁹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx257, 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 in February 2003.

Applicant [REDACTED]⁹⁶

Claim to victim status

The applicant states that in 2003, she was at the hospital when the Banyamulengués attacked [REDACTED]. She claims that when the hospital staff fled, she went back home, found her young child and she fled to the bush, together with her child, where they faced difficult living conditions. She asserts that during her absence, the assailants pillaged all her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁹⁷

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

¹⁹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx258; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 503 to 504.

¹⁹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx258, 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 a failure to provide a precise date should not serve to exclude the applicant. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 January and 15 March 2003.

Applicant [REDACTED]⁹⁸

Claim to victim status

The applicant states that during the Tabaski celebration, he went to visit his family, located in [REDACTED] and during this time, his belongings and livestock were pillaged by the Banyamulengués from his house, located [REDACTED] kilometres away from [REDACTED]. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹⁹

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any date for the alleged events. However, given that he states that the events occurred during the Tabaski celebration and that he refers to the invasion of [REDACTED] by the Banyamulengués,

¹⁹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx259; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 505 to 506.

¹⁹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx259, pages 4 to 5.

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

Applicant [REDACTED]⁰⁰

Claim to victim status

The applicant states that in 2003, the Banyamulengués came to her house, located in [REDACTED] and demanded a sum of money from her mother whom they threatened to kill otherwise. She states that when they left, her mother fled but they returned, beat them and pillaged their belongings and livestock. She claims that as a result of the beating, she has problems with her left leg. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.²⁰¹

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

²⁰⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx260; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 507 to 508.

²⁰¹ ICC-01/05-01/08-2073-Conf-Exp-Anx260, pages 4 to 5.

occupation of [REDACTED] by the Banyamulengués, the Chamber is of the view that a 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 1 January 2003 and 15 March 2003.

Applicant [REDACTED]⁰²

Claim to victim status

The applicant states that in February 2003, when fighting broke out between the rebels and the Banyamulengués, she fled with others and took refuge in the fields. She states that upon their return, she found that the door to her house, located in [REDACTED] was broken down and her belongings had been pillaged. The applicant lists her loss. Further, she claims that her eight-month-old baby died in the fields as a result of lack of medical care. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰³

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

²⁰² ICC-01/05-01/08-2073-Conf-Exp-Anx261; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 509 to 510.

²⁰³ ICC-01/05-01/08-2073-Conf-Exp-Anx261, pages 4 to 5.

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

Applicant [REDACTED]⁰⁴

Claim to victim status

The applicant states that during the war between the rebels and the Banyamulengués, when the Banyamulengués started shooting, she fled with others to the fields. She states that during this time, they came to her house, located in [REDACTED] and took away her belongings and money. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰⁵

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any date for the alleged events. However, in light of the intrinsic coherence of the application as a whole, notably the reference to the occupation of [REDACTED] by the Banyamulengués during the war between the rebels and the Banyamulengués, the Chamber is of the view that a 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

²⁰⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx262; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 511 to 512.

²⁰⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx262, pages 4 to 5.

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]⁰⁶

Claim to victim status

The applicant states that in February 2003, when the Banyamulengués came to [REDACTED] he fled with others to the fields. He states that upon his return, he found that his house had been emptied and 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 material harm.²⁰⁷

Analysis and conclusions

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

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

Applicant [REDACTED]⁰⁸

Claim to victim status

²⁰⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx263; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 513 to 514.

²⁰⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx263, pages 4 to 5.

²⁰⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx264; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 515 to 516.

The applicant states that in 2003, the day after the Tabaski celebration, she fled with others when the Banyamulengués attacked the [REDACTED] area of [REDACTED]. She states that upon their return, they found that the door to her house had been broken and her belongings had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰⁹

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2003) is broad and, as such, might fall outside the temporal scope of the present case. However, given that she states that the events occurred the day after the Tabaski celebration and that she refers to the invasion of [REDACTED] by the Banyamulengués, it can be inferred from the application that the events occurred in February 2003. 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 the [REDACTED] area of [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]¹⁰

Claim to victim status

²⁰⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx264, pages 4 to 5.

²¹⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx265; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 517 to 518.

The applicant states that the day after the Tabaski celebration, the Banyamulengués came to her house, located in [REDACTED] and demanded a sum of money. She states that when she said that she did not have any money, one of the armed female Banyamulengué threatened to beat her whereupon the applicant gave her the money. Afterwards, she claims that they were all beaten as a punishment and that before leaving, the Banyamulengués emptied her house. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.²¹¹

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any date for the alleged events. However, given that she states that the events occurred during the Tabaski celebration and that she refers to the invasion of [REDACTED] by the Banyamulengués, it can be inferred from the application that the events occurred in February 2003.

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 February 2003.

Applicant [REDACTED]¹²

²¹¹ ICC-01/05-01/08-2073-Conf-Exp-Anx265, pages 4 to 5 and 8.

²¹² ICC-01/05-01/08-2073-Conf-Exp-Anx266; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 519 to 520.

Claim to victim status

The applicant states that during the Tabaski celebration in February 2003, the Banyamulengués came to her compound, located in [REDACTED] and demanded money from her husband. She states that he said that he did not have any money and when the men tried to search him, he started fighting and they shot and killed him. She claims that she fled with the others and that the men pillaged their belongings during her absence. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²¹³

Analysis and conclusions

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

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

Applicant [REDACTED]¹⁴

Claim to victim status

²¹³ ICC-01/05-01/08-2073-Conf-Exp-Anx266, pages 4 to 5 and 8.

²¹⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx268; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 523 to 524.

The applicant states that in February 2003, while they were praying in the [REDACTED] they heard canons being fired causing them to flee towards Chad. He states that during his absence, Mr Bemba's men broke into his house, located in [REDACTED] and pillaged his belongings and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²¹⁵

Analysis and conclusions

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

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

Applicant [REDACTED]⁶

Claim to victim status

The applicant states that in February 2003, the [REDACTED] area of [REDACTED] was occupied by General Bozizé's rebels and during the Tabaski celebration, the Banyamulengués drove these rebels out. He alleges that because of the Banyamulengués he was forced to flee to Chad. He further alleges that upon his return he discovered that his house, store and livestock had been pillaged. The

²¹⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx268, pages 4 to 5.

²¹⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx269; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 525 to 526.

applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²¹⁷

Analysis and conclusions

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

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

Applicant [REDACTED]¹⁸

Claim to victim status

The applicant states that in February 2003, during the fights between the rebels and the Banyamulengués in the [REDACTED] area of [REDACTED] he and his family fled to the bush. He alleges that they spent three weeks in the bush and upon their return they found that the door to their house had been broken and their belongings had been pillaged. The applicant appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²¹⁹

Analysis and conclusions

²¹⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx269, pages 4 to 5.

²¹⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx270; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 527 to 528.

²¹⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx270, pages 4 to 5 and 10.

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

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

Applicant [REDACTED]²⁰

Claim to victim status

The applicant states that in February 2003, the Banyamulengués came to the [REDACTED] area of [REDACTED] and the applicant and her family fled to the bush. She alleges that upon their return, they discovered that the door to their house was broken and that their belongings had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²²¹

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

²²⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx271; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 529 to 530.

²²¹ ICC-01/05-01/08-2073-Conf-Exp-Anx271, pages 4 to 5.

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]²²

Claim to victim status

The applicant states that in February 2003, the Banyamulengués took the city of [REDACTED]. She alleges that she was forced to flee to the bush from her house, located in the [REDACTED] area of [REDACTED]. She claims that upon her return, she discovered that her belongings had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²²³

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.

²²² ICC-01/05-01/08-2073-Conf-Exp-Anx272; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 531 to 532.

²²³ ICC-01/05-01/08-2073-Conf-Exp-Anx272, pages 4 to 5.

Applicant [REDACTED]²⁴

Claim to victim status

The applicant states that a few days before Mr Bozizé seized power in March 2003, her village of [REDACTED] located [REDACTED] kilometres away from [REDACTED] was invaded by the Banyamulengués. She alleges that she and her family fled to the bush and upon their return, she discovered that her house had been pillaged and her livestock had been killed and eaten. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²²⁵

Analysis and conclusions

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

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

Applicant [REDACTED]²⁶

Claim to victim status

The applicant states that in February 2003, the Banyamulengués came to the [REDACTED] area of [REDACTED]. She alleges that she and her family fled to the

²²⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx273; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 533 to 534.

²²⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx273, pages 4 to 5.

²²⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx274; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 535 to 536.

bush until Mr Bozizé came into power and while they were gone, all of the houses in the area, including hers, were pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²²⁷

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 between February 2003 and 15 March 2003.

Applicant [REDACTED]²⁸

Claim to victim status

The applicant states that in February 2003, the Banyamulengués attacked [REDACTED]. She alleges that she fled to the bush and upon her return, she discovered that her house, located in the [REDACTED] area of [REDACTED] had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²²⁹

Analysis and conclusions

²²⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx274, pages 4 to 5.

²²⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx275; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 537 to 538.

²²⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx275, 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 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 February 2003, the Banyamulengués invaded the [REDACTED] area of [REDACTED]. He alleges that he fled to the bush for five days and upon his return, he discovered that his house had been ransacked, all of his belongings had been pillaged, and his livestock had been eaten. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²³¹

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

²³⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx276; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 539 to 540.

²³¹ ICC-01/05-01/08-2073-Conf-Exp-Anx276, pages 4 to 5.

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

Applicant [REDACTED]³²

Claim to victim status

The applicant states that in February 2003, when the Banyamulengués came to [REDACTED] she and her family fled. She states that upon her return, she found that the container with her merchandise was broken and that her goods had been pillaged. She further alleges that the belongings from her house were pillaged. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²³³

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]⁴

²³² ICC-01/05-01/08-2073-Conf-Exp-Anx278; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 541 to 542.

²³³ ICC-01/05-01/08-2073-Conf-Exp-Anx278, pages 4 to 5.

²³⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx279; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 543 to 544.

Claim to victim status

The applicant states that when the Banyamulengués came to [REDACTED] he and his family fled to the bush. He claims that when he heard that his house had been burned down, he returned and upon his arrival he saw the Banyamulengués invade his compound. He alleges that they asked him for money, tied him up and he saw them pillage his second house, located in the [REDACTED] area of [REDACTED]. He also claims that the Banyamulengués raped his wife one after the other. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²³⁵

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any date for the alleged events. However, in light of the intrinsic coherence of the application as a whole, notably the reference to the occupation of [REDACTED] by the Banyamulengués, the Chamber is of the view that the failure to provide a precise date shall not serve to exclude the applicant.

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

²³⁵ ICC-01/05-01/08-2073-Conf-Exp-Anx279, pages 10 to 11 and 23.

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

Applicant [REDACTED]⁶

Claim to victim status

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

It is stated that on 21 February 2003, when the person acting on behalf heard the sound of weapons being shot, she fled from her house, located in [REDACTED] whilst the applicant and his father stayed in the house. It is alleged that the mother of the applicant returned to the house to retrieve some kitchen utensils, when she found that the applicant had been killed by the Banyamulengués. The person acting on behalf of the applicant appends a death certificate attesting that the applicant's death occurred on 20 February 2003. As a result of the alleged events, it is claimed that the applicant has suffered physical harm.²³⁷

Analysis and conclusions

The Chamber notes a discrepancy of one year, three months and ten days between the date of birth of the person acting on behalf of the applicant as appearing in the application form and on the electoral card of the person acting on behalf of the applicant 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 discrepancy might be the result of inadvertent error in filling in the form and is therefore satisfied

²³⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx280; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 545 to 546.

²³⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx280, pages 9 and 19.

that the documents provided sufficiently demonstrate the identity of the applicant and the person 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 on behalf of the applicant to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his murder by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 20 February 2003.

Applicant [REDACTED]³⁸

Claim to victim status

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

It is stated that on 21 February 2003, when the person acting on behalf heard the sound of weapons being shot, she fled from her house located in [REDACTED]. It is stated that the applicant and his son stayed in the house. It is alleged that the mother returned to the house to retrieve some kitchen utensils, when she found that the applicant had been killed by the Banyamulengués. The person acting on behalf appends a death certificate attesting that the death occurred on 20 February 2003. As a result of the alleged events, it is claimed that the applicant has suffered physical harm.²³⁹

Analysis and conclusions

²³⁸ ICC-01/05-01/08-2073-Conf-Exp-Anx281; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 547 to 548.

²³⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx281, pages 9 to 11, 18 to 19.

The Chamber notes a discrepancy of ten days three months and one year between the date of birth of the person acting on behalf of the applicant as appearing in the application form and on the electoral card of the person acting on behalf of the applicant 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 and the person acting on behalf, as well as the kinship between them.

Having considered the application as a whole, the Chamber considers that sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his murder by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 20 February 2003.

Applicant [REDACTED]⁰

Claim to victim status

The applicant states that on 21 February 2003, when she heard the sound of weapons being shot, she fled from her house located in [REDACTED]. She claims that her brother and her father stayed in the house. She alleges that her mother returned to the house to retrieve some kitchen utensils, when she found that both men had been killed by the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered psychological harm.²⁴¹

²⁴⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx282; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 549 to 550.

²⁴¹ ICC-01/05-01/08-2073-Conf-Exp-Anx282, pages 19.

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identities of the applicant, her father and her brother, as well as the kinship between them.²⁴²

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her father and her brother by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 20 February 2003.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant states in the application form, that the events occurred on 25 October 2002 in the village of [REDACTED] when the Congolese Banyamulengués attacked [REDACTED]. She states that the following day, everybody fled and she found out that her house had been burned down on the first day. She adds that all of her belongings were turned to ashes. She lists her loss. The applicant further claims that when she returned to her house she was almost killed by the Banyamulengués. However, in the additional statement, the applicant states that she does not remember the exact date of the events. She claims that she sought refuge in the bush together with her children. She further claims that four days after the attacks, she returned to the village and discovered that the Banyamulengués had come to her house and taken all the belongings of the

²⁴² See related applications a/17411/11 and a/17412/11 respectively in ICC-01/05-01/08-2073-Conf-Exp-Anx280 and ICC-01/05-01/08-2073-Conf-Exp-Anx281.

²⁴³ ICC-01/05-01/08-2073-Conf-Exp-Anx342; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 307 to 308.

██████ which she had in her house because she was the ██████ of the ██████ and used them as kitchen utensils. The applicant further alleges that all of her personal belongings were pillaged and transported to Bangui. She states that her house was set on fire only after the belongings were pillaged. She adds that she returned to the bush where she stayed until Mr Bozizé came to power and that her mother-in-law almost died when the Banyamulengués set her house on fire. Finally, in another statement appended to the form, the applicant reiterates the fact that her belongings were pillaged only after the house was destroyed. As a result of the alleged events, the applicant claims to have suffered material harm.²⁴⁴

Analysis and conclusions

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

The Chamber notes that in the additional statements, the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic coherence of the application as a whole, notably the reference to the occupation of ██████ by the Banyamulengués and the day when Mr Bozizé came into power, the Chamber is of the view that the failure to provide a precise date shall not serve to exclude the applicant.

The Chamber further observes that the applicant states in the original application that her house had been burned down on the first day and that all of her belongings were turned to ashes whilst in the additional statements she states that her belongings were pillaged only after the house was destroyed. In this regard, the Chamber recalls that it has already ruled that in case of destruction of

²⁴⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx342, pages 9 to 11, 21 to 27.

property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.²⁴⁵ In the present case, the applicant clearly states that her house was pillaged before being burned by the Banyamulengués and that all of her personal belongings were pillaged by the Banyamulengués and transported to Bangui.

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

Applicant [REDACTED]⁴⁶

Claim to victim status

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

It is stated that on 8 November 2002 Jean-Pierre Bemba's troops entered [REDACTED] situated [REDACTED] kilometres away from [REDACTED] and burned down the applicant's house, including his furniture, his materials and a sum of money that was hidden under the bed. In an additional statement appended to the application, the person acting on behalf of the applicant specifies that at the time of the events his father was living in the [REDACTED] area of [REDACTED] and that during the Banyamulengués' attack on 25 November 2002, his father came to his house located in [REDACTED] village. He states that three days after the attack he

²⁴⁵ ICC-01/05-01/08-1017, paragraph 56.

²⁴⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx343; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 309 to 310.

went to his father's house and he found that it was burned down. He states that he does not know whether the house was pillaged before it was set on fire. In a further additional statement, the person acting on behalf of the applicant claims that he was able to find a mattress and a lamp on the ground, burned down, but that he could not find any of the applicant's clothes or other more important belongings. The person acting on behalf states that he assumed that the Banyamulengués had pillaged the property and he adds that he saw the trucks of the soldiers loaded with goods that had been pillaged in his village. He also explains that the burning of a house is a cultural issue inasmuch as in his community, having one's house burned down is similar to a death and is a very serious act. He states that under such circumstances, the pillage appears secondary when one recounts the events, which is why in his initial statement he did not mention the pillage but rather emphasised that the house had been burned down. As a result of the alleged events, it is claimed that the applicant suffered material harm.²⁴⁷

Analysis and conclusions

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

The Chamber notes that in the original application, it is stated that the house was burned together with all the belongings and nothing was found, whilst in the additional statements the person acting on behalf of the applicant states that although the house was burned down and he found a burned mattress and a lamp inside, since he did not find the remains of some important items burned

²⁴⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx343, pages 9 to 11, 19 to 29.

inside and that he saw trucks loaded with looted goods, he assumed that the house had been pillaged before it was burned. Furthermore, the Chamber notes that the person acting on behalf of the applicant clarifies in one of his statements that in his culture the burning of a house is a very serious act, similar to a person's death which explains that in the original application, he did not mention the pillage but rather emphasised that the house was burned down. 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.²⁴⁸ In the present case, in light of the information provided, the Chamber is not in a position to determine whether the harm suffered by the applicant is related to the charges confirmed against the accused. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁴⁹

Claim to victim status

The applicant states, in the original application, that on 25 October 2002, Jean-Pierre Bemba's Banyamulengués entered [REDACTED] situated [REDACTED] kilometres away from [REDACTED] and occupied the town. She states that her house was burned down together with all her belongings. In the supplementary information provided upon the request of the VPRS, the applicant states that she does not remember the exact date of the events, but that it was during the clashes between the Banyamulengués and Mr Bozizé's troops. She alleges that after the clashes, she fled to the bush and when she returned, one week later, she found her house

²⁴⁸ ICC-01/05-01/08-1017, paragraph 56.

²⁴⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx344; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 311 to 312.

burned down. She further contends that she found her suitcase, which had been completely destroyed and her mattress which was completely ripped. She states that it is possible that the content of the suitcase had been taken away by the Banyamulengués. She further states that she did not find anything else in the house and that outside the house, she found slats from her bed. She further remembers that in that year, she spent the festivities of 1 December in the bush. Furthermore, in a further additional statement, the applicant states that she does not understand why the person who assisted her in filling in the form has described the events as arson, as she specified that upon her return to her house all her property was gone. She adds that she is illiterate and was therefore not able to check the information in her declaration. She also explains that her big house had been set on fire, but that her smaller house had not been burned down and that all the belongings inside, including her clothes, bed and mattress had been pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁵⁰

Analysis and conclusions

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

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the reference to the potential pillaging of the content of her suitcase was inconsistent with her previous statement that her house had been burned down together with all her belongings and that she found her suitcase “completely destroyed”.²⁵¹ The Chamber also notes that in the additional statements, it is stated that although

²⁵⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx344, pages 9 to 11, 19 to 22.

²⁵¹ ICC-01/05-01/08-1862-Conf-Exp-AnxC, pages 16 to 18.

the bigger house was burned down, her smaller house had not been burned down and that all the belongings inside, including her clothes, bed and mattress had been pillaged. Furthermore, the applicant states that she does not understand why the person who assisted her in filling in the form has described the events as arson, as she specified that upon her return to her house all her property was gone. The Chamber also notes that the applicant claims that she is illiterate and was therefore not able to check the information in her declaration. 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.²⁵² In the present case, the applicant clearly states that her small house was pillaged before being burned by the Banyamulengués.

The Chamber further notes that in the additional statement, the applicant states that she does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the application and notably the fact that the applicants refers to the clashes between the Banyamulengués and Mr Bozizé's troops followed by her flight to the bush around 1 December, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

²⁵² ICC-01/05-01/08-1017, paragraph 56.

Applicant [REDACTED]⁵³

Claim to victim status

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

In the original application, it is stated that at the end of 2002, when the armed Banyamulengués arrived in [REDACTED] the applicant fled together with his family members to the fields, leaving their property behind. It is further claimed that upon his return, he found that his house, which was empty at the time as it had just been build, had been burned down by the Banyamulengués. In the additional statement, it is stated that at the end of 2002, when the armed Banyamulengués arrived in [REDACTED] the applicant fled together with his family members to the fields, leaving their property behind. It is further claimed that upon their return, they found that the house had been burned down and they could find some of the belongings destroyed by fire, but that some other belongings had been pillaged by the Banyamulengués. These pillaged belongings are listed in the additional statement. The person acting on behalf of the applicant adds that the person who filled in the form misunderstood the applicant's account of the events and that the house was not empty as it contained the belongings of the whole family at the time. As a result of the alleged events, it is claimed that the applicant suffered material harm.²⁵⁴

Analysis and conclusions

²⁵³ ICC-01/05-01/08-2073-Conf-Exp-Anx345; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 313 to 314.

²⁵⁴ ICC-01/05-01/08-2073-Conf-Exp-Anx345, pages 9 to 11, 19 to 22.

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

The Chamber notes that in the original application, it is stated that the Banyamulengués burned the applicant house although the house was completely empty at the time as it had just been build whereas in the additional statement it is stated that the applicant and his family found that the house had been burned down and they could find some of the belongings destroyed by fire but that some other belongings had been pillaged by the Banyamulengués. 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.²⁵⁵ In the present case, the person acting on behalf of the applicant clearly states that his house was pillaged before being burned by the Banyamulengués and that the person who assisted in the completion of the original application misunderstood the applicant's account of the events.

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, to the extent of his 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]⁵⁶

²⁵⁵ ICC-01/05-01/08-1017, paragraph 56.

²⁵⁶ ICC-01/05-01/08-2073-Conf-Exp-Anx346; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 315 to 316.

Claim to victim status

The applicant claims that for a period of five months, from 25 October 2002 to 15 March 2003, the Banyamulengués, who were speaking only Lingala, occupied the [REDACTED] area, [REDACTED] kilometre away from [REDACTED]. She further claims that she had to flee to the bush, forty kilometres away from her town, and she had to abandon her house and her belongings, which were pillaged by the Banyamulengués. She claims that it is difficult to tell when the pillage precisely occurred. In an additional statement, she claims that the assailants occupied her house for a few weeks by the end of the year 2002, which made it impossible for her to return before they finally left the village. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁵⁷

Analysis and conclusions

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the only document attached to the application form was a vaccination card, which does not sufficiently establish the identity of the applicant.²⁵⁸ Given that the applicant has now appended a declaration by the *chef de quartier* certifying that the applicant lost her identity documents during the events of 2002-2003 and establishing the applicant's identity as well as a baptism card and an additional statement clarifying the discrepancy between the date of birth as appearing in her baptism card and in the application form, the Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

²⁵⁷ ICC-01/05-01/08-2073-Conf-Exp-Anx346, pages 9 to 11, 18, 22 and 24.

²⁵⁸ ICC-01/05-01/08-1017-Conf-Exp-AnxC, pages 107 to 108.

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

Applicant [REDACTED]⁵⁹

Claim to victim status

The applicant states that as soon as she heard that assailants from Congo, whom she also refers to as the Banyamulengués, arrived in the [REDACTED] area of [REDACTED] she fled to the bush leaving all her belongings behind. She claims that her flight lasted from the end of October 2002 until 15 March 2003 when she returned to her house. She alleges that, upon her return, she realized her material loss and she mentions that her house was burned. In an additional statement, she states that at the end of the year 2002, when the Banyamulengués came to the [REDACTED] area, she fled with one of her sons. She states that she then returned to the house to look for her other children, at which time she saw the Banyamulengués in her house pillaging their chicken and goats. She adds that they then shot their guns as a result of which the house caught fire and burned down. The applicant adds that during her flight one of her children was bitten by a snake, but that he survived. She also states that she once more tried to return to her village and that the Banyamulengués saw her and chased her, but that she

²⁵⁹ ICC-01/05-01/08-2073-Conf-Exp-Anx348; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 317 to 318.

managed to escape. As a result of the alleged events, the applicant claims to have suffered material harm.²⁶⁰

Analysis and conclusions

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the only document attached to the application form was a vaccination card, which does not sufficiently establish the identity of the applicant.²⁶¹ Given that the applicant has now appended an electoral card and an additional statement clarifying the discrepancy between the date of birth as appearing in her electoral card and in the application form, the Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant.

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

Applicant [REDACTED]⁶²

Claim to victim status

The applicant states in the original application that at the end of November 2002, the Banyamulengués invaded the [REDACTED] area of [REDACTED]. He further states that the assailants occupied his neighbourhood until 15 March 2003 and

²⁶⁰ ICC-01/05-01/08-2073-Conf-Exp-Anx348, pages 9 to 11 and 22.

²⁶¹ ICC-01/05-01/08-1091-Conf-Exp-AnxC, pages 8 to 9.

²⁶² ICC-01/05-01/08-2073-Conf-Exp-Anx350; ICC-01/05-01/08-2075-Conf-Exp-Anx3, pages 319 to 320.

committed pillage in the area. According to the applicant, he fled to the bush and did not return until the soldiers had left. The applicant maintains that, upon his return, he found that his belongings were destroyed to be used as firewood and that he lost his livestock. In an additional statement, the applicant adds that his six-month-old baby fell ill and died. He also states that the Banyamulengués chased them in the bush and pillaged his livestock there and that upon his return to his house, one week after Mr Bozizé came to power, he could only find his bed whilst the rest of his property was missing, his house had been destroyed and parts of his belongings had been used by the Banyamulengués as firewood. He clarifies that although he had previously stated that his belongings had been destroyed, he misused the word 'destroy' and meant 'pillage'. As a result of the alleged events, the applicant claims to have suffered material harm.²⁶³

Analysis and conclusions

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

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that there was no indication that the animals were pillaged and that pillage occurred.²⁶⁴ In the additional statement, the applicant clearly states that the Banyamulengués pillaged his livestock whilst he was in the bush and that upon his return to his house, he could only find his bed whilst the rest of his property had been pillaged and parts of his belongings had been used as firewood.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis

²⁶³ ICC-01/05-01/08-2073-Conf-Exp-Anx350, pages 4 to 5, 10 and 12.

²⁶⁴ ICC-01/05-01/08-1590-Conf-Exp-AnxC, pages 107 to 108.

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 November 2002.

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Applicant [REDACTED]⁶⁵

Claim to victim status

The applicant states that on 21 February 2003, the Banyamulengués came to [REDACTED] broke down his door and pillaged his belongings and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁶⁶

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 21 February 2003.

Applicant [REDACTED]⁶⁷

²⁶⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx22; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 394 to 395.

²⁶⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx22, pages 4 to 5 and 9.

²⁶⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx54; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 396 to 397.

Claim to victim status

The applicant states that on 14 January 2003, when he was fifteen years old, he arrived together with his grandmother in [REDACTED] which was occupied by the Banyamulengués of Jean-Pierre Bemba. He states that his grandmother was a trader and that she lost all her merchandise and money during the events. He lists the loss suffered by him and his grandmother, with a total estimated value of 10,500,000 CFA. As a result of the alleged events, the applicant claims to have suffered material harm.²⁶⁸

Analysis and conclusions

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

The Chamber notes that it has already issued three decisions on the merits of the application. In the first decision, the application was rejected on the basis that it followed from the application that the pillaged items were the property of the applicant's grandmother and not of the applicant himself, who was only fifteen years old at the time of the events.²⁶⁹ In the second decision, the application was rejected on the basis that the applicant failed to indicate whether he intended to act on behalf of his deceased grandmother and that the account of the events, notably the claimed value of items allegedly pillaged, created a doubt as to the existence of the pillage as well as to the value of the lost items.²⁷⁰ Subsequently, the applicant submitted an additional application, in which he explicitly stated that he intended to act on behalf of his deceased grandmother. The application introduced on behalf of his grandmother received a separate application number

²⁶⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx54, pages 9 to 11, 20 and 24 to 25.

²⁶⁹ ICC-01/05-01/08-1017-Conf-Exp-AnxC, pages 47 to 48.

²⁷⁰ ICC-01/05-01/08-1590-Conf-Exp-AnxC, pages 138 to 139.

and was accepted by the Chamber.²⁷¹ In the additional statement of the present application, it is stated that the applicant also wishes to act on his own behalf. Concerning the harm claimed by the applicant himself, it follows from the application and the additional statement that the pillaged items were the property of the applicant's grandmother and not of the applicant himself. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁷²

Claim to victim status

The applicant alleges that in February 2003, the Banyamulengués killed her brother and took her belongings in [REDACTED]. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷³

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 brother, only pillage will be considered for the purpose of the present assessment.

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

²⁷¹ Application a/16860/11, accepted in ICC-01/05-01/08-2219-AnxC, pages 341 to 342.

²⁷² ICC-01/05-01/08-2130-Conf-Exp-Anx166; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 396 to 397.

²⁷³ ICC-01/05-01/08-2130-Conf-Exp-Anx166, pages 4 to 5.

Applicant [REDACTED]⁷⁴

Claim to victim status

The applicant alleges that in February 2003, when the Banyamulengués came to [REDACTED] he fled with his family to Chad. He states that he returned with one child and upon hearing canon fire, he fled again abandoning all of his belongings. He claims that the men pillaged his belongings and livestock and he lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷⁵

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 in February 2003.

Applicant [REDACTED]⁷⁶

Claim to victim status

The applicant states that in the beginning of March 2003, he did not leave [REDACTED] at first, in order to save his belongings. The applicant claims that

²⁷⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx167; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 398 to 399.

²⁷⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx167, pages 4 to 5.

²⁷⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx168; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 400 to 401.

when the Banyamulengués arrived, they killed his wife. He further states that this caused him to take refuge with his family in Chad. He alleges that the Banyamulengués pillaged his belongings. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁷⁷

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his wife, only 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 between 1 and 15 March 2003.

Applicant [REDACTED]⁷⁸

Claim to victim status

The applicant states that on 19 February 2003, when he heard Mr Bemba's men approaching, he fled from his house, located in [REDACTED] to the fields and abandoned all his merchandise. He alleges that his belongings were pillaged by the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered material and psychological harm.²⁷⁹

²⁷⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx168, pages 4 to 5.

²⁷⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx169; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 402 to 403.

²⁷⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx169, pages 4 to 5.

Analysis and conclusion

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

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

Applicant [REDACTED]⁸⁰

Claim to victim status

The applicant states that in February 2003, when the Banyamulengués came to the [REDACTED] area of [REDACTED] he fled to take refuge in the bush. He alleges that the Banyamulengués pillaged his belongings and livestock. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁸¹

Analysis and conclusion

²⁸⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx170; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 404 to 405.

²⁸¹ ICC-01/05-01/08-2130-Conf-Exp-Anx170, pages 4 to 5.

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

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

Applicant [REDACTED]⁸²

Claim to victim status

The applicant states that in 2003 when she heard the Banyamulengués' weapons being fired, she fled [REDACTED] to take refuge in the bush. She alleges that they broke down her door and pillaged her belongings, money and livestock. She lists her loss. As a result of the alleged events the applicant claims to have suffered psychological and material harm.²⁸³

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

²⁸² ICC-01/05-01/08-2130-Conf-Exp-Anx171; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 406 to 407.

²⁸³ ICC-01/05-01/08-2130-Conf-Exp-Anx171, pages 4 to 5.

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]⁸⁴

Claim to victim status

The applicant states that on 20 February 2003, when Banyamulengués arrived at his house, located in [REDACTED] he fled, leaving his family locked in his house. The applicant alleges that a group of male and female Banyamulengués forced his door open. He adds that his wife indicated that four of them raped his niece. He further alleges that they pillaged his belongings, money and livestock. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁸⁵

Analysis and conclusion

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

²⁸⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx172; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 408 to 409.

²⁸⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx172, pages 4 to 5 and 8.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a 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 20 February 2003.

Applicant [REDACTED]⁸⁶

Claim to victim status

The applicant states that in February 2003, she was in the fields and on her way back she heard from people fleeing to the bush with their children that the Banyamulengués had invaded [REDACTED]. The applicant further states that she went to her house to collect a few of her belongings and her children before she returned to the fields. She alleges that when she arrived at her house nobody was there. She further alleges that five men forced out her door and asked her a question in their language which she did not understand. She claims that one of them slapped her, another hit her in the pelvis. The applicant alleges that they realized that they could not rape her because she was pregnant and therefore beat her. She further alleges that they pillaged her belongings, money and livestock and left to their base in [REDACTED]. She states that she came back to the bush and approximately two days later she gave birth to a stillborn baby girl. She lists her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.²⁸⁷

Analysis and conclusion

²⁸⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx173; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 410 to 411.

²⁸⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx173, pages 4 to 5 and 8.

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

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

Applicant [REDACTED]⁸⁸

Claim to victim status

The applicant states that in February 2003, when armed men came to [REDACTED] she was in the fields. She claims that on her way home, she noticed that everybody in her area had already fled. The applicant further alleges that when she was preparing her luggage to flee, five armed men came and one of them asked her a question in Lingala which she could not understand. She alleges that they threatened her and hit her while she was holding her baby. She states that they searched her house, took the items they liked and then set the house on fire. She further claims that as a result of the beating parts of her back vertebrae were broken and her child suffered from mental issues. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁸⁹

Analysis and conclusion

²⁸⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx174; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 412 to 413.

²⁸⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx174, pages 4 to 5.

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

The Chamber notes 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.²⁹⁰ In the present case, the applicant clearly states that her belongings were first pillaged and that the Banyamulengués then set her house on fire.

The Chamber notes that the applicant does not clearly identify the perpetrators. However, in light of the intrinsic coherence of the application as a whole, notably the reference to armed men who were speaking Lingala and who invaded ██████████ in February 2003, the Chamber infers that the perpetrators were the Banyamulengués.

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

Applicant ██████████¹

Claim to victim status

The applicant states that in February 2003, five days after the armed men came to ██████████ she, her father, and her younger sister were in the fields. She alleges that they came across ten armed men speaking Lingala. She states that they

²⁹⁰ ICC-01/05-01/08-1017, paragraph 56.

²⁹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx175; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 414 to 415.

attempted to flee, but the men unarmed her father and took her father's machete from him and beat him with their weapons until he began vomiting blood. She adds that they pillaged her money. The applicant further alleges that six of the men raped her younger sister while five others raped her one after the other. She claims that they released her father and took her and her sister back to their base. Additionally, she states that that night they took her and her sister back to their house where they used them as their servants until they returned to [REDACTED]. Furthermore she claims that she lost her eye sight after getting gun powder in her eyes and that her sister, who had become pregnant due to the rape, had to have an abortion. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁹²

Analysis and conclusion

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

The Chamber notes that the applicant does not clearly identify the perpetrators. However, in light of the intrinsic coherence of the application as a whole, notably the reference to armed men who were speaking Lingala and who invaded [REDACTED] in February 2003, the Chamber infers that the perpetrators were the Banyamulengués.

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

²⁹² ICC-01/05-01/08-2130-Conf-Exp-Anx175, pages 4 to 5 and 8.

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

Applicant [REDACTED]⁹³

Claim to victim status

The applicant states that on 25 November 2002, the Banyamulengués came to the [REDACTED] area of [REDACTED]. He alleges that as a result he fled to the fields leaving everything behind. He further alleges that one week later he came back to check his belongings, but he was beaten up by the Banyamulengués. He further states that he fled one more time and upon his return around 16 March 2003, he found that his belongings had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁹⁴

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 25 November 2002.

²⁹³ ICC-01/05-01/08-2130-Conf-Exp-Anx183; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 416 to 417.

²⁹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx183, pages 4 to 5.

Applicant [REDACTED]⁹⁵

Claim to victim status

The applicant alleges that on 25 November 2002, when he heard weapons being shot by Jean-Pierre Bemba's troops, which were in the [REDACTED] area of [REDACTED] he fled to the fields with his family. He states that on his way back to his house two weeks later, he met people who said that the men were cannibals and did not speak Sango or French, so he fled and did not return until 18 March 2003. He claims that upon his return, he found that his, his wife's and his children's belongings and livestock had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁹⁶

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings, to the extent of his personal belongings, by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 25 November 2002.

²⁹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx185; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 418 to 419.

²⁹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx185, pages 4 to 5.

Applicant [REDACTED]⁹⁷

Claim to victim status

The applicant alleges that on 24 November 2002, when Mr Bemba's rebels, who were speaking Lingala and whom he heard were cannibals, invaded the [REDACTED] area, he fled with his family to the fields, abandoning his house because he thought it was secured. He states that upon his return one month later, he found that his belongings and livestock had been taken, causing him to return to the fields until 16 March 2003. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.²⁹⁸

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 25 November 2002.

Applicant [REDACTED]⁹⁹

Claim to victim status

²⁹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx186; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 420 to 421.

²⁹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx186, pages 4 to 5.

²⁹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx187; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 422 to 423.

The applicant alleges that on 25 November 2002, he was on his way back from hunting when he met his wife who told him that the cannibals had invaded the [REDACTED] area. It is further alleged that the applicant's wife fled abandoning everything in their house. He claims that they stayed in the fields for one month and upon his return to collect some belongings, he found his house without door and windows and claimed that his belongings and livestock were lost, causing him to return to the fields until 16 March 2003. He claims that the men from the other side of the river, their neighbors from Zaire are responsible for the alleged events. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁰⁰

Analysis and conclusion

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

The Chamber notes that the applicant does not explicitly state that his belongings were pillaged and merely states that his belongings were missing. However, in the absence of any indication that the loss of his belongings was due to other circumstances such as the destruction by fire and given that the applicant returned to his home, the information provided in the application suggests that the applicant's belongings were pillaged. Under these circumstances, the Chamber is satisfied that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre

³⁰⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx187, pages 4 to 5.

Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 25 November 2002.

Applicant [REDACTED]⁰¹

Claim to victim status

The applicant alleges that between 25 November 2002 and 15 March 2003, he heard the sound of weapons being fired as people were running throughout the [REDACTED] area. He further states that he fled from his house and encountered somebody who informed him that the man-eating Banyamulengués had arrived. As a result, the applicant alleges to have stayed in the bush for one week. He states that when he returned to his house, he saw that he has lost all his belongings which he lists. As a result of the alleged events, the applicant claims to have suffered material harm.³⁰²

Analysis and conclusion

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

The Chamber notes that the applicant does not explicitly state that his belongings were pillaged and merely states that he lost his belongings. However, in the absence of any indication that the loss of his belongings was due to other circumstances such as the destruction by fire and given that the applicant returned to his home, the information provided in the application suggests that the applicant's belongings were pillaged. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence

³⁰¹ ICC-01/05-01/08-2130-Conf-Exp-Anx188; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 424 to 425.

³⁰² ICC-01/05-01/08-2130-Conf-Exp-Anx188, pages 4 to 5.

to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between 25 November 2002 and 15 March 2003.

Applicant [REDACTED]⁰³

Claim to victim status

The applicant alleges that on 25 November 2002, he heard the sound of weapons coming from the Zaire area, where his neighbors had told him that the Banyamulengués had begun eating the inhabitants. He claims that he fled from his house, located in the [REDACTED] area of [REDACTED] without any of his belongings. He states that five days later, he was intercepted by the Banyamulengués, who were speaking Lingala, and who told him not to return to his house since if he did so they would kill him. He states that they took his watch from his wrist. He alleges that he then fled and as a result he lost his belongings. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁰⁴

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

³⁰³ ICC-01/05-01/08-2130-Conf-Exp-Anx189; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 426 to 427.

³⁰⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx189, pages 4 to 5.

that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 25 November 2002.

Applicant [REDACTED]⁰⁵

Claim to victim status

The applicant alleges that after the attack on 25 November 2002, when Mr Bemba's men were breaking down the doors of houses in the [REDACTED] area of [REDACTED] the Banyamulengués beat him with sticks and he fled without taking any of his belongings. He states that three days later, he came back to check on his belongings and discovered that the doors and windows of his house were gone and that his belongings were missing. He alleges that they accused him of being a thief and he fled one more time and came back on 16 March 2003. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁰⁶

Analysis and conclusion

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

The Chamber notes that the applicant does not explicitly state that his belongings were pillaged and he merely states that his belongings were missing. However, in the absence of any indication that the loss of his belongings was due to other circumstances such as the destruction by fire and given that the applicant

³⁰⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx190; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 428 to 429.

³⁰⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx190, pages 4 to 5.

returned to his home where he met the Banyamulengués, the information provided in the application suggests 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 he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 25 November 2002.

Applicant [REDACTED]³⁰⁷

Claim to victim status

The applicant alleges that during the month of November, after hearing weapons being fired and receiving news that the man-eating men who spoke Lingala had arrived in his area of [REDACTED] and had already killed the pastor's son, he fled to the fields. He states that a few days later, he returned to his house to check on his belongings, but he found that all his belongings and livestock were missing and that his garden had been destroyed by Jean-Pierre Bemba's men. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁰⁸

Analysis and conclusion

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

³⁰⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx191; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 430 to 431.

³⁰⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx191, pages 4 to 5.

The Chamber notes that the applicant does not provide any precise date for the alleged events and merely states that they occurred in November. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of the [REDACTED] area of [REDACTED] by the Banyamulengués, as well as the fact that a number of applicants refer to the occupation of the [REDACTED] area of [REDACTED] by the Banyamulengués as of November 2002, the Chamber infers from the application that the alleged events occurred in November 2002.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a 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 November 2002.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant alleges that on 20 February 2003, six armed men who spoke Lingala came to his house, located in the [REDACTED] area of [REDACTED] and asked him if he knew the Banyamulengués before proceeding to demand money from him in French. He states that when he told them he did not know the Banyamulengués nor have money, they proceeded to beat him, while others searched his house and took his belongings, which he lists. He further claims that the men used him to carry the loot back to their base in [REDACTED] and kept him as a carrier for three

³⁰⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx192; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 432 to 433.

days. He states that as he became too tired, they let him go and he fled to the bush. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³¹⁰

Analysis and conclusion

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on and as of 20 February 2003.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant alleges that in February 2003, when the armed men who spoke Lingala came to [REDACTED] she was in the fields. She states that when she heard the sound of weapons, she decided to return to her house to find her children. She claims that when she reached the [REDACTED] the gunfire was more intense and when she reached the [REDACTED] area, she was intercepted by four armed men, who asked her questions in French that she did not understand. She further alleges that one of them hit her back with his stick, and demanded that she transport packages to their base, where they used her as a cook for two days before letting her free. She states that upon her return, she discovered that her

³¹⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx192, pages 4 to 5.

³¹¹ ICC-01/05-01/08-2130-Conf-Exp-Anx193; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 434 to 435.

house was empty and all her belongings had been pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.³¹²

Analysis and conclusion

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

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

Applicant [REDACTED]¹³

Claim to victim status

The applicant alleges that when weapons were being fired in [REDACTED] in February 2003, he, along with the rest of the population, fled to the bush. He states that upon his return a week later he noticed that the doors of the houses in the area were all open, and when he returned to his house, he noticed bullet holes in the door. He further alleges that the inside of his house was a mess, and his livestock and belongings had been pillaged. He lists his loss. The applicant alleges that people who were speaking Lingala were responsible for the alleged

³¹² ICC-01/05-01/08-2130-Conf-Exp-Anx193, pages 4 to 5.

³¹³ ICC-01/05-01/08-2130-Conf-Exp-Anx194; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 436 to 437.

events. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³¹⁴

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 in February 2003.

Applicant [REDACTED]¹⁵

Claim to victim status

The applicant alleges that on 19 February 2003, as he was returning from the fields to his house, located in [REDACTED] he heard a rumor that the Banyamulengués, who spoke Lingala, had arrived in [REDACTED] and people started to flee to the bush. He states that he took his family to another location and heard the sound of weapons the next morning. He claims that two days after the Banyamulengués took control of [REDACTED] he went into the town to see what was taking place, and 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.³¹⁶

³¹⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx194, pages 4 to 5 and 8.

³¹⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx195; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 438 to 439.

³¹⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx195, pages 4 to 5 and 8.

Analysis and conclusion

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

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

Applicant [REDACTED]¹⁷

Claim to victim status

The applicant alleges that on 19 November 2002, he fled from his house, located in [REDACTED] shortly after his wife gave birth by caesarean. He states that when he returned on 14 March 2003, he discovered that the Banyamulengués, who spoke Lingala, had pillaged his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³¹⁸

Analysis and conclusion

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

³¹⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx196; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 440 to 441.

³¹⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx196, 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 19 November 2002.

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that in February 2003, his family took refuge while there were sounds of weapons being fired in [REDACTED]. He states that when he returned to his house few days later, he discovered that his belongings had been pillaged, which he partially lists. He further claims that while he was at his house, two armed Banyamulengués, who spoke Lingala, approached pointing their weapons at him, at which point he thought he was going to be killed. He claims that the men proceeded to beat him, and forced him to carry loot to their base for four days. He states that he witnessed the rape of women whilst he was held in captivity. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.³²⁰

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

³¹⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx197; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 442 to 443.

³²⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx197, pages 4 to 5 and 8.

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

Applicant [REDACTED]²¹

Claim to victim status

The applicant alleges that on 19 November 2002, when the Banyamulengués came to [REDACTED] she fled from her house and upon her return after a long period of suffering she discovered that her belongings and livestock had been pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³²²

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 19 November 2002.

Applicant [REDACTED]²³

Claim to victim status

³²¹ ICC-01/05-01/08-2130-Conf-Exp-Anx198; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 444 to 445.

³²² ICC-01/05-01/08-2130-Conf-Exp-Anx198, pages 4 to 5.

³²³ ICC-01/05-01/08-2130-Conf-Exp-Anx199; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 446 to 447.

The applicant alleges that on 19 February 2003, when the Banyamulengués, who were speaking Lingala, came to [REDACTED] he heard shots being fired which caused him to flee and take refuge in the bush. He states that after three days, his neighbour went to [REDACTED] and informed him that the town was being pillaged. The applicant states that he returned to his house the next day and found that the doors to his house were broken and 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 psychological and material harm.³²⁴

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 19 February 2003.

Applicant [REDACTED]²⁵

Claim to victim status

The applicant alleges that in February 2003, when they heard shots being fired, she fled with her family to the bush. She states that after two weeks, her husband returned to their house, located in [REDACTED] and found that there were bullet holes in them and that the doors of their three houses were all open and that

³²⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx199, pages 4 to 5 and 8.

³²⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx200; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 448 to 449.

their belongings had been pillaged by the Banyamulengués. She lists her loss and adds that her husband died one day after he returned home. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³²⁶

Analysis and conclusion

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

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

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on 19 February 2003, when the Banyamulengués came to [REDACTED] he fled leaving all his family members behind. He states that while he was in the bush, the Banyamulengués pillaged his belongings and money. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³²⁸

Analysis and conclusion

³²⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx200, pages 4 to 5 and 8.

³²⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx201; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 450 to 451.

³²⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx201, pages 4 to 5.

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

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that on 24 November 2002, while she was visiting her family in [REDACTED] after the Banyamulengués had been driven out Mr Bozizé's troops, she fled together with her family. She states that the Banyamulengués took her to their base, where they raped her and used her as their sex slave for three days before she was able to escape. The applicant further alleges that she lost all her belongings in her bag which they had taken. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.³²⁹

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

³²⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx233; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 454 to 455.

³³⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx233, pages 4 to 5.

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 24 November 2002.

Applicant [REDACTED]³¹

Claim to victim status

The applicant states that before Mr Bozizé's coup, when the first group of the Banyamulengués arrived in [REDACTED] six of them came to the [REDACTED] house, located in the [REDACTED] area of [REDACTED] where the applicant was working and living with his family. The applicant alleges that the Banyamulengués asked him where his employer was hiding his money, but he answered that there was no money at the house. He claims that they tied him up and searched and pillaged his house, taking some of his personal belongings which he lists. He further alleges that they raped his wife in front of him and that she died afterwards. According to the applicant, a second group came and raped his younger sister. He lists his loss and states that he lost his job. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³³²

Analysis and conclusion

The Chamber notes a discrepancy of three months and 22 days between the date of birth as appearing in the application form and on the electoral card attached thereto. However, given that the remainder of the information provided in the electoral card is consistent with the data entered in the application form, the

³³¹ ICC-01/05-01/08-2130-Conf-Exp-Anx270; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 456 to 457.

³³² ICC-01/05-01/08-2130-Conf-Exp-Anx270, pages 4 to 5 and 8.

Chamber is of the view that this might be the result of an inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant. However, in the absence of any document demonstrating the identity of and kinship with his wife and his younger sister, only the pillage of the applicant's personal belongings will be considered for the purpose of the present assessment.

The Chamber further notes that the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation of [REDACTED] by the Banyamulengués prior to Mr Bozizé's coup, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]³³³

Claim to victim status

The applicant submits that one day after the 2003 Tabaski celebration, upon the arrival of the Banyamulengués, he took his children and fled from [REDACTED]. He claims that his two houses were ransacked and his belongings and livestock

³³³ ICC-01/05-01/08-2130-Conf-Exp-Anx271; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 458 to 459.

pillaged. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³³⁴

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, might fall outside the temporal scope of the present case. However, given that he states that the events occurred one day after the Tabaski celebration and that he refers to the invasion of [REDACTED] by the Banyamulengués, it can be inferred from the application that the events occurred in February 2003.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a 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]³⁵

Claim to victim status

The applicant is an [REDACTED] organisation whose mission includes promoting [REDACTED] and raising awareness regarding the [REDACTED] the fight against [REDACTED] and [REDACTED] and [REDACTED]. The application is introduced on the organisation's behalf by its president.

³³⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx271, pages 4 to 5.

³³⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx274; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 460 to 461.

It is stated that in December 2002, when the troops coming from the other side of the river, who were not speaking Sango, took control over [REDACTED] they set up their base in the [REDACTED] village, located [REDACTED] kilometres on the axis to [REDACTED]. It is alleged that it was at that point that the men located the organisation and started pillaging their belongings. According to the person submitting the application, the members of the organisation fled to the bush, where they stayed until 16 March 2003. The pillaged belongings are listed. As a result of the alleged events, it is claimed that the applicant organisation has suffered material harm.³³⁶

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant and the person introducing the application, as well as his legal standing to act on behalf of the organisation.

Having examined the application as a whole, and noting the charitable purpose of the organisation, the Chamber is satisfied that the organisation and its belongings fall under the scope of Rule 85(b) of the Rules and that sufficient evidence has been provided to establish *prima facie* that the organisation is a victim under Rule 85(b) on the basis that it suffered harm as a result of crimes confirmed against the accused, namely the pillage of its belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of December 2002.

Applicant [REDACTED]³⁷

³³⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx274, pages 4 to 5.

³³⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx275; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 462 to 463.

Claim to victim status

The applicant organisation is a community of churches and the application is introduced by a former pastor of one of the churches.

It is stated that the events occurred between 25 November 2002 and 15 March 2003 in [REDACTED]. According to the person acting on behalf, Mr Bemba's militiamen pillaged all the property and livestock belonging to the church. The person acting on behalf of the church lists the loss. As a result of the alleged events, it is claimed that the applicant organisation has suffered material harm.³³⁸

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant organisation and the person introducing the application, as well as his legal standing to act on behalf of the organisation.

Having examined the application as a whole, and taking into account the religious purpose of the organisation, the Chamber is satisfied that the organisation and its belongings fall under the scope of Rule 85(b) of the Rules and that sufficient evidence has been provided to establish *prima facie* that the applicant organisation is a victim under Rule 85(b) on the basis that it suffered harm as a result of crimes confirmed against the accused, namely the pillage of its belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 November 2002 and 15 March 2003.

Applicant [REDACTED]⁹

Claim to victim status

³³⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx275, pages 4 to 5.

³³⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx276; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 464 to 465.

The applicant organisation is a religious youth group and the application is introduced on its behalf by its president.

It is stated that from 25 November 2002 to 15 March 2003, there was continuous fighting between the Banyamulengués and the rebels in [REDACTED]. It is further alleged that the store of the organisation, located in the [REDACTED] area of [REDACTED] was pillaged by the Banyamulengués. The person submitting the application lists the items that were pillaged from the group and further states that the Banyamulengués pillaged a sum of money belonging to him. As a result of the alleged events, it is claimed that the applicant organisation has suffered material harm.³⁴⁰

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identities of both the applicant organisation and the person introducing the application on its behalf, as well as his legal standing to act on the organisation's behalf.

Having examined the application as a whole, and taking into account the religious purpose of the organisation, the Chamber is satisfied that the organisation and its belongings fall under the scope of Rule 85(b) of the Rules and that sufficient evidence has been provided to establish *prima facie* that the applicant organisation is a victim under Rule 85(b) on the basis that it suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of its belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between 25 November 2002 and 15 March 2003.

³⁴⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx276, pages 4 to 5 and 11.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant alleges that during the war in 2003, he does not remember the date, when the Banyamulengués occupied [REDACTED] he fled from his house, located in the [REDACTED] area of [REDACTED]. He claims that during his absence, his belongings were pillaged and he appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁴²

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, who had come to support former President Patassé, 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.

³⁴¹ ICC-01/05-01/08-2130-Conf-Exp-Anx277; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 466 to 467.

³⁴² ICC-01/05-01/08-2130-Conf-Exp-Anx277, pages 4 to 5 and 10 to 11.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant alleges that on 15 January 2003, he was returning to Bangui with others from [REDACTED] Cameroon, where he had purchased merchandise, when the vehicle they were travelling in was intercepted by Jean-Pierre Bemba's Banyamulengués in [REDACTED]. He states that they pillaged their belongings and he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁴⁴

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 vicinity of [REDACTED] on 15 January 2003.

Applicant [REDACTED]⁴⁵

Claim to victim status

³⁴³ ICC-01/05-01/08-2130-Conf-Exp-Anx283; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 374 to 375.

³⁴⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx283, pages 10 to 12.

³⁴⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx286; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 376 to 377.

The applicant has completed the original application and an additional statement. As the applicant died on 13 November 2011, the application is followed by a family member on the applicant's behalf.

The applicant alleges that the Banyamulengués came to the [REDACTED] village, located [REDACTED] kilometres from [REDACTED] in order to burn down the houses where they believed their enemies were hiding. She states that after hearing the sounds of weapons being fired, she fled to the bush, where she stayed for one month. Upon her return she noticed that many of her belongings had been taken by the Banyamulengués. The applicant further alleges that she was obliged to come back to the bush and stayed there until François Bozizé came into power. She further states that after her return, she discovered that her house had been burned down and she was told that her belongings were pillaged before the house was burned. The applicant lists her loss. In the original application, it is stated that the events occurred on 25 or 26 October 2002. In the additional statement, the applicant states that she does not remember the precise date of the events but she states that they occurred the same day as the events described by other victims. As a result of the alleged events, the applicant claims to have suffered material harm.³⁴⁶

Analysis and conclusion

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

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

³⁴⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx286, pages 9 to 11 and 21-23.

the intrinsic coherence of the additional statement in all other respects, and notably the reference to the occupation of [REDACTED] by the Banyamulengués until Mr Bozizé came into power, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber further notes 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.³⁴⁷ In the present case, the applicant clearly states that her belongings were first pillaged and then the Banyamulengués set her house 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 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]⁴⁸

Claim to victim status

The applicant states that in December 2002 and in January, February and March 2003, there were confrontations between the Banyamulengués and the rebels in [REDACTED] causing the population to flee. The applicant alleges that on 13 February 2003, his belongings were pillaged. He appends a document in which he lists and values his loss. He also claims that family members were killed. As a

³⁴⁷ ICC-01/05-01/08-1017, paragraph 56.

³⁴⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx289; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 378 to 379.

result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁴⁹

Analysis and conclusion

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any information concerning the alleged killing of his family members, 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 13 February 2003.

Applicant [REDACTED]⁵⁰

Claim to victim status

In the additional statement appended to the application, the applicant alleges that in December 2002, when the Banyamulengués came to [REDACTED] she fled together with her husband to take refuge in the bush, and left everything behind. The applicant asserts that she stayed in the bush until Bozizé came to power in 2003. She further states that a group of Banyamulengués followed them and that they raped her. She asserts that upon her return, she found that her belongings had been pillaged and that part of her house had been destroyed. She adds that her husband abandoned her because she was raped. As a result of the alleged

³⁴⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx286, pages 9 to 11 and 18.

³⁵⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx302; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 380 to 381.

events, the applicant claims to have suffered physical, psychological and material harm.³⁵¹

Analysis and conclusion

The Chamber notes a discrepancy of three years between the date of birth as appearing in the application form and on the extract of the birth certificate attached thereto. However, given that the applicant explains in the additional statement that the birth date appearing in the extract of the birth certificate is correct while the date appearing in the application form is erroneous, 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 her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of December 2002.

Applicant [REDACTED]⁵²

Claim to victim status

The applicant states that on 25 November 2002 the Banyamulengués, who were carrying heavy weapons, attacked the city of [REDACTED]. According to the applicant, when he heard the gunshots, he fled from his house, located in the

³⁵¹ ICC-01/05-01/08-2130-Conf-Exp-Anx302, pages 9 to 11 and 18 to 19.

³⁵² ICC-01/05-01/08-2130-Conf-Exp-Anx303; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 382 to 383.

██████ area, and took refuge in the fields, where he had previously stocked part of his belongings. He adds that he was unable to save the rest of his property. The applicant alleges that while he was gone, his belongings were pillaged from his house. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁵³

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 ████████ on an unspecified date as of 25 November 2002.

Applicant ████████⁵⁴

Claim to victim status

The applicant states that when the armed troops took control over ████████ he fled, leaving all his property behind. The applicant alleges that the Banyamulengués set up their base in his area, which prevented him from coming back to collect his belongings. Upon his return, he found that all of his property had been pillaged. The applicant lists his loss. He further claims that the events occurred between the end of November 2002 and 15 March 2003 and that he stayed in the bush for five months until the *sursaut patriotique* of 15 March 2003.

³⁵³ ICC-01/05-01/08-2130-Conf-Exp-Anx303, pages 4 to 5.

³⁵⁴ ICC-01/05-01/08-2130-Conf-Exp-Anx304; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 384 to 385.

As a result of the alleged events, the applicant claims to have suffered material harm.³⁵⁵

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 November 2002.

Applicant [REDACTED]⁵⁶

Claim to victim status

The applicant claims that the events occurred between 25 November 2002 and 15 March 2003 in [REDACTED] and [REDACTED]. The applicant, who was a goat breeder in [REDACTED] alleges that he did not flee because he had too much luggage. He asserts that his 49 goats were eaten by the Banyamulengués and he adds that they also took his eighteen pigs and some of his belongings in the [REDACTED] area of [REDACTED]. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.³⁵⁷

Analysis and conclusion

³⁵⁵ ICC-01/05-01/08-2130-Conf-Exp-Anx304, pages 4 to 5.

³⁵⁶ ICC-01/05-01/08-2130-Conf-Exp-Anx305; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 386 to 387.

³⁵⁷ ICC-01/05-01/08-2130-Conf-Exp-Anx305, 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 25 November 2002.

Applicant [REDACTED]⁵⁸

Claim to victim status

The applicant states that when the Banyamulengués took control of the [REDACTED] area of [REDACTED] he fled, leaving all of his belongings behind. The applicant alleges that the Banyamulengués pillaged part of his property and he lists his loss. He claims that the events occurred between 25 November 2002 and 15 March 2003. As a result of the alleged events, the applicant claims to have suffered material harm.³⁵⁹

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

³⁵⁸ ICC-01/05-01/08-2130-Conf-Exp-Anx306; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 388 to 389.

³⁵⁹ ICC-01/05-01/08-2130-Conf-Exp-Anx306, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of 25 November 2002.

Applicant [REDACTED]⁶⁰

Claim to victim status

The applicant states that when the Banyamulengués took control over the [REDACTED] area of [REDACTED] he was in the fields, where he remained until the *sursaut patriotique* of 15 March 2003. He alleges that upon his return, he noticed that some of his belongings and administrative documents had been taken. The applicant lists his loss. The applicant claims that the events occurred between 25 November 2002 and 15 March 2003. As a result of the alleged events, the applicant claims to have suffered material harm.³⁶¹

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 25 November 2002.

³⁶⁰ ICC-01/05-01/08-2130-Conf-Exp-Anx307; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 392 to 393.

³⁶¹ ICC-01/05-01/08-2130-Conf-Exp-Anx307, pages 4 to 5.

Applicant [REDACTED]⁶²

Claim to victim status

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

It is stated that during the events in 2002, [REDACTED] kilometres away from [REDACTED] the applicant was taken hostage by Jean-Pierre Bemba's soldiers who raped her. It is stated that the applicant contracted HIV and subsequently died, in April 2002. In two additional statements appended to the form, it is stated that the applicant died in April 2003. It is further stated that the applicant was held hostage in the Banyamulengués' camp in [REDACTED] and when she was liberated, her family tried to cure her, spending two weeks with a healer, but the applicant's state of health did not improve and she ultimately died. As a result of the alleged events, it is claimed that the applicant suffered physical and psychological harm.³⁶³

Analysis and conclusion

The Chamber notes a discrepancy of one year, ten months and one day between the applicant's date of birth as appearing in the application form and on the birth certificate attached thereto, as well as a discrepancy of eight days between the person acting on behalf's date of birth as appearing in the application form and on the *extrait d' acte de naissance* attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form and that in the additional declaration the person acting on behalf of the applicant indicates that his and his sister's birth

³⁶² ICC-01/05-01/08-2130-Conf-Exp-Anx308; ICC-01/05-01/08-2132-Conf-Exp-Anx3, pages 392 to 393.

³⁶³ ICC-01/05-01/08-2130-Conf-Exp-Anx308, pages 4 to 5.

dates are as they appear in the birth certificate and the *extrait d' acte de naissance*, the Chamber is of the view that this might be the result of an inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant, the person acting on the applicant's behalf as well as the kinship between them.

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the inconsistencies in relation to the date of death undermine the intrinsic coherence of the application.³⁶⁴

The Chamber notes that the person acting on the applicant's behalf provides a new statement attesting that the alleged events probably took place at the end of 2002 and that the applicant died in April 2003. He clarifies that due to the political instability at the time of the events, his family did not ask for the provision of a death certificate. In light of this additional declaration and given that the person acting on behalf of the applicant states that the alleged events occurred during the attack of [REDACTED] by the Banyamulengués, the Chamber is of the view that sufficient evidence has been provided to establish *prima facie* that the applicant 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 an unspecified date between 26 October and 31 December 2002.

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³⁶⁴ ICC-01/05-01/08-2011-Conf-Exp-AnxC, page 97.

Applicant [REDACTED]⁶⁵

Claim to victim status

The applicant states that on 27 November 2002, two days after the Banyamulengués took control over [REDACTED] she abandoned her belongings in the village of [REDACTED]. She adds that her belongings were subsequently pillaged and she lists her loss. In an additional statement, she claims that during the events, she was not *chef de quartier* but a simple citizen. Furthermore she claims to have stayed in the bush during the events because she had been informed that the Banyamulengués could hurt her. As a result of the alleged events, the applicant claims to have suffered material harm.³⁶⁶

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on an unspecified date as of 27 November 2002.

Applicant [REDACTED]⁶⁷

³⁶⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx5; ICC-01/05-01/08-2179-Conf-Exp-Anx1-Corr; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 119 to 120.

³⁶⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx5, pages 4 to 5, 8 and 10.

³⁶⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx14; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 129 to 130.

Claim to victim status

The applicant states that on 14 March 2003, during their flight from the liberators, the Banyamulengués came to [REDACTED] located [REDACTED] kilometres from [REDACTED]. He claims that they came to every house asking for money. He alleges that while he was fleeing they attacked him, shot at him, and pillaged his money and bicycle. He further alleges that the bullet went through his right shoulder and broke his shoulder blade. As a result of the alleged events, the applicant claims to have suffered physical, psychological, and material harm.³⁶⁸

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his attempted murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on 14 March 2003.

Applicant [REDACTED]⁶⁹

Claim to victim status

The applicant organisation is a [REDACTED] and the application has been submitted by its [REDACTED] who is also [REDACTED] of the [REDACTED]

³⁶⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx14, pages 4 to 5 and 9.

³⁶⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx16; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 131 to 132.

It is stated that on 13 February 2003, ten Banyamulengués soldiers, shooting in the air, came to the [REDACTED] located in the [REDACTED] area of [REDACTED] and pillaged all of the [REDACTED] belongings. It is further alleged that they took the livestock after shooting the animals and that they broke all the windows and doors. A document in which the [REDACTED] pillaged belongings are listed and valued is appended. As a result of the alleged events, it is claimed that the applicant [REDACTED] has suffered material harm.³⁷⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the person acting on behalf of the organisation as well as his *locus standi* to act on its behalf.

Having examined the application as a whole, the Chamber is satisfied that the organisation and its belongings fall under the scope of Rule 85(b) of the Rules and that sufficient evidence has been provided to establish *prima facie* that it is a victim under Rule 85(b), on the basis that it suffered direct harm as a result of crimes confirmed against the accused, namely the pillage of its property by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁷¹

Claim to victim status

The applicant states that on 8 March 2003, he was in the fields with his wife, in [REDACTED] when they heard the sound of heavy weapons being shot and they

³⁷⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx16, pages 3 to 5, 9, 11 and 12.

³⁷¹ ICC-01/05-01/08-2155-Conf-Exp-Anx17; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 133 to 134.

fled to the bush leaving their children behind. He states that his neighbours took care of their children. He claims that during his absence, his belongings were pillaged and his livestock was killed. He lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁷²

Analysis and conclusions

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

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

Applicant [REDACTED]⁷³

Claim to victim status

The applicant states that at the end of 2002, probably in December, when the Banyamulengués came to [REDACTED] she fled to the bush together with her family, where she stayed for two months. She further states that upon her return, she found that her house had been burned down. She adds, in an additional statement, that the door to her house and the windows were broken and that she found some burned furniture inside. She states that she assumes the Banyamulengués pillaged her house before burning it first of all because they would not have destroyed the doors and windows if they did not want to loot

³⁷² ICC-01/05-01/08-2155-Conf-Exp-Anx17, pages 4 to 5, 8 to 10.

³⁷³ ICC-01/05-01/08-2155-Conf-Exp-Anx42; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 103 to 104.

anything and second because one of her relatives who was living nearby had her merchandise pillaged. She also adds that her livestock was gone and that she believes that the Banyamulengués ate it. As a result of the alleged events, the applicant claims to have suffered material harm.³⁷⁴

Analysis and conclusions

The Chamber notes a discrepancy of one day, eleven months and nine 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 and that the applicant clarifies in the additional statement that her date of birth as appearing on the application form is erroneous and that her correct date of birth is the one appearing on her baptism card, the Chamber is of the view that this might be the result of inadvertent error in filling in the form and is therefore satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that the applicant states that her house was burned down. 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.³⁷⁵ In the present case, in the additional statement, the applicant assumes that her house was pillaged because the windows and doors had been destroyed and one of her neighbour's house was pillaged. She further states that she found her furniture burned down inside the house. She also believes that her livestock may have been eaten by the Banyamulengués because it was missing.

³⁷⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx42, pages 9 to 11, 21, 23 to 24.

³⁷⁵ ICC-01/05-01/08-1017, paragraph 56.

However, in light of the information provided, the Chamber is not in a position to determine whether the applicant's belongings and livestock were pillaged. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁷⁶

Claim to victim status

The applicant states that on 25 October 2002, when the Banyamulengués came to [REDACTED] everyone fled to the bush. She alleges that while she and her family were gone, her house was burned down and as a result her and her family's lives have been very difficult. In an additional statement, the applicant alleges that at the end of 2002, probably in December, when the Banyamulengués came to [REDACTED] she fled to the bush together with her family, where she stayed for two months. She further alleges that upon her return, she found that her house had been burned down. She adds that the door to her house and the window were broken and that she could not find any burned items and consequently believes that her house has been pillaged before being burned down. As a result of the alleged events, the applicant claims to have suffered material harm.³⁷⁷

Analysis and conclusions

The Chamber notes a discrepancy of two months and 26 days between the date of birth as appearing in the application form and on the electoral card attached thereto. However given that the remainder of the information provided in the electoral card is consistent with the data entered in the application form, the Chamber is of the view that this might be the result of an inadvertent error in

³⁷⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx43; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 105 to 106.

³⁷⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx43, pages 9 to 11, 18, 21 and 25 to 26.

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

The Chamber notes that the applicant states that her house was burned down. 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.³⁷⁸ In the present case, in the additional statement, the applicant assumes that her house was pillaged because she did not find any burned furniture inside the house.

However, in light of the information provided, the Chamber is not in a position to determine whether the applicant's belongings and livestock were pillaged. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁷⁹

Claim to victim status

The applicant states that between the end of November 2002 and 15 March 2003, upon hearing weapons in the [REDACTED] area of [REDACTED] she fled from her house, whereupon her belongings were pillaged and her livestock was eaten by Mr Bemba's men. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁸⁰

Analysis and conclusions

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

³⁷⁸ ICC-01/05-01/08-1017, paragraph 56.

³⁷⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx46; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 125 to 126.

³⁸⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx46, pages 4 to 5.

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

Applicant [REDACTED]⁸¹

Claim to victim status

The applicant states that between 25 November 2002 and 15 March 2003, when Mr Bemba's Banyamulengués arrived in the [REDACTED] area of [REDACTED] he was in Cameroon for work purposes. He states that his wife fled and when he tried to pay five men to transport his belongings, he was warned by people not to do so. As a result, he abandoned that plan resulting in the pillage of his belongings. He states that on 7 January 2003, when he was in Bangui, he saw the assailants with his belongings at the port. Finally, he claims that they used his house as a toilet causing him to leave [REDACTED]. He lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁸²

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

³⁸¹ ICC-01/05-01/08-2155-Conf-Exp-Anx47; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 127 to 128.

³⁸² ICC-01/05-01/08-2155-Conf-Exp-Anx47, pages 4 to 5.

that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between 25 November 2002 and 15 March 2003.

Applicant [REDACTED]⁸³

Claim to victim status

The applicant states that on 29 November 2002, when Mr Bemba's men came to the [REDACTED] area of [REDACTED] she fled together with her family to take refuge in the fields. She further states that the soldiers set up their base in her house and that her belongings were pillaged. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.³⁸⁴

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 29 November 2002.

³⁸³ ICC-01/05-01/08-2155-Conf-Exp-Anx48; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 121 to 122.

³⁸⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx48, pages 4 to 5.

Applicant [REDACTED]⁸⁵

Claim to victim status

The applicant is an organisation and the application is introduced on its behalf by the organisation [REDACTED]

According to the information provided in the application form, the organisation is a commercial company selling [REDACTED] and the documents appended to the application all relate to this commercial activity. However, in an additional statement appended to the application, the person acting on behalf of the organisation clarifies that the institution is also a NGO, with the mission to promote the development of the [REDACTED] sector and to heighten the population's awareness of [REDACTED]. Moreover, it is claimed that since the legal documentation relating to the organisation was taken by the assailants and that other documents were burned down in the administrative building, only the documents related to the commercial activities of the organisation are available.

It is stated that the events occurred on 25 November 2002 in [REDACTED]. It is claimed that the person acting on behalf of the organisation fled from [REDACTED] leaving the organisation and his house behind. During that time, the premises of the organisation were broken into and the [REDACTED] were taken. Further, it is stated that the house of the person acting on behalf of the organisation was pillaged. The organisation's loss is listed and valued. As a result of the alleged events, it is claimed that the applicant organisation has suffered material harm.³⁸⁶

Analysis and conclusions

³⁸⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx52; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 123 to 124.

³⁸⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx52, pages 8 to 11.

The Chamber considers that the documents provided demonstrate the identity of the person acting on behalf of the organisation as well as his *locus standi* to act on its behalf.

The Chamber notes that the person acting on behalf of the organisation claims that the documents related to the humanitarian branch of the organisation were pillaged or burned. As a result, the application only includes documents showing that the organisation was a private business which was storing and selling ammunitions and which was registered as such before the relevant authorities. In the absence of any indication that the organisation qualifies as an organisation under Rule 85(b) of the Rules, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁸⁷

Claim to victim status

The applicant states that between 25 October 2002 and 15 March 2003 the Banyamulengués attacked [REDACTED] where the applicant's houses were located. He states that towards the end of October 2002, his two houses were burned down with all his belongings and those of his family. He lists his loss. In an additional statement, the applicant clarifies that at the end of 2002, probably in December, when the Banyamulengués came to [REDACTED] he fled to the bush together with his family, where he stayed for two months. He further states that upon his return, he found that his houses had been burned down. He adds that the doors to his houses and the windows were broken and that he could not find any burned items and consequently believed that his houses had been pillaged

³⁸⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx54; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 107 to 108.

before being burned down. He adds that his livestock was gone and that he believes that the Banyamulengués had eaten it. As a result of the alleged events, the applicant claims to have suffered material harm.³⁸⁸

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 houses were burned down. 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.³⁸⁹ In the present case, in the additional statement, the applicant clearly states that everything was burned and that he did not find any of his belongings either in his houses or anywhere else. Furthermore, the applicant assumes that his houses were pillaged because the windows and doors had been destroyed and that his livestock was eaten because it was missing.

In the absence of any indication that some of the applicant's belongings were pillaged by the Banyamulengués, the Chamber is not in a position to determine whether a crime falling under the scope of the case occurred, therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁹⁰

Claim to victim status

³⁸⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx54, pages 4 to 5.

³⁸⁹ ICC-01/05-01/08-1017, paragraph 56.

³⁹⁰ ICC-01/05-01/08-2155-Conf-Exp-Anx55; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 109 to 110.

The applicant states that during the events of 2002-2003, he was in the fields and he was told that on 28 October 2002, his house, located in [REDACTED] [REDACTED] kilometres away from [REDACTED] was burned down by the MLC troops of Jean-Pierre Bemba. The applicant states that all his belongings were destroyed by the fire and that the soldiers occupied the town for five months. In an additional statement, the applicant clarifies that his belongings were pillaged before the house was set on fire. According to the applicant, this is proven by the fact that he could find some of his goods in the possession of others. In another additional statement, the applicant confirms that his house was burned down and that his belongings were pillaged. He further states that since the events he has had to sleep in the fields with his family. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁹¹

Analysis and conclusions

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

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that in the original application the applicant states that his house was burned along with all his belongings whereas in the additional statement, he contends that he found some of his belongings in the hands of other individuals and that this inconsistency undermines the credibility of the applicant.³⁹²

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

³⁹¹ ICC-01/05-01/08-2155-Conf-Exp-Anx55, pages 4 to 5.

³⁹² ICC-01/05-01/08-2011-Conf-Exp-AnxC, pages 88 to 89.

being destroyed, applications for participation will be rejected.³⁹³ In the present case, in the second additional statement, the applicant confirms his first additional statement, according to which his house was pillaged and burned without clarifying under which circumstances the alleged pillage occurred. In the absence of any new elements concerning the alleged events, the Chamber is not a position to determine whether pillage occurred and the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁹⁴

Claim to victim status

The applicant states that on 13 February 2003, the Banyamulengués came to his house, located in [REDACTED] and pillaged his belongings and livestock. He appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁹⁵

Analysis and conclusions

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

³⁹³ ICC-01/05-01/08-1017, paragraph 56.

³⁹⁴ ICC-01/05-01/08-2155-Conf-Exp-Anx58; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 111 to 112.

³⁹⁵ ICC-01/05-01/08-2155-Conf-Exp-Anx58, pages 9 to 11, 18 and 20.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a 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 13 February 2003.

Applicant [REDACTED]⁹⁶

Claim to victim status

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

It is stated that on 12 February 2003, when the Banyamulengués attacked [REDACTED] the applicant fled and was killed [REDACTED] kilometres away from [REDACTED]. Furthermore, in an additional statement, the person acting on behalf of the applicant attached a death certificate confirming that the applicant died on 12 February 2003. Moreover, the person acting on behalf lists the lost livestock and claims that a house was burned down. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological harm.³⁹⁷

Analysis and conclusions

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

³⁹⁶ ICC-01/05-01/08-2155-Conf-Exp-Anx60; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 113 to 114.

³⁹⁷ ICC-01/05-01/08-2155-Conf-Exp-Anx60, pages 9 to 11 and 21.

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 and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on 12 February 2003.

Furthermore, the Chamber considers that, overall, the person acting on behalf of the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his aunt by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on 12 February 2003.

Applicant [REDACTED]⁹⁸

Claim to victim status

The applicant states that on 12 February 2003, the Banyamulengués committed acts of violence, pillage and killing in [REDACTED]. She ascertains that when she was returning from the market, two of them followed her. She claims that they got into her house, located in the [REDACTED] area, threw her on her husband's bed and beat her. Further, in an additional statement, the applicant claims that as she returned from the market, she was followed by three Banyamulengués who, upon reaching her house, proceeded to rape her. She states that she now has problems giving birth and already had four miscarriages. As a result of the

³⁹⁸ ICC-01/05-01/08-2155-Conf-Exp-Anx69; ICC-01/05-01/08-2157-Conf-Exp-Anx3, pages 117 to 118.

alleged events, the applicant claims to have suffered physical and psychological harm.³⁹⁹

Analysis and conclusions

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

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the applicant allegedly suffered harm as a result of beatings, which is not related to the crimes confirmed against the accused.⁴⁰⁰ The Chamber notes that in the additional statement, the applicant clarifies that she was followed by three Banyamulengués who, upon reaching her house, proceeded to rape her. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 12 February 2003.

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Applicant [REDACTED]⁰¹

Claim to victim status

The applicant alleges that on 24 February 2003, in [REDACTED] the Banyamulengués pillaged part of his property and forced him to carry the loot to

³⁹⁹ ICC-01/05-01/08-2155-Conf-Exp-Anx69, pages 4 to 5, 8 and 11.

⁴⁰⁰ ICC-01/05-01/08-1590-Conf-Exp-AnxC, page 136.

⁴⁰¹ ICC-01/05-01/08-2185-Conf-Exp-Anx10; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 195 to 196.

their base. According to the applicant, he was held hostage for five days and upon his return to his house he found that everything had been pillaged. The applicant lists his loss. He adds that the Banyamulengués raped his fourteen year old sister in front of him. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁰²

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a 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 24 February 2003.

Applicant [REDACTED]⁰³

Claim to victim status

The applicant claims that on 18 February 2003, upon their return from the [REDACTED] market, his mother, his grand-mother and his younger brother were shot and killed by the Banyamulengués [REDACTED] kilometres away from [REDACTED]. The applicant appends a declaration signed and stamped by the *chef de village*, indicating that the mother, the grandmother and his younger brother died on 18

⁴⁰² ICC-01/05-01/08-2185-Conf-Exp-Anx10, pages 4 to 5.

⁴⁰³ ICC-01/05-01/08-2185-Conf-Exp-Anx11; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 197 to 198.

February 2003. As a result of the alleged events the applicant claims to have suffered psychological harm.⁴⁰⁴

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant, his mother, his grandmother and his younger brother as well as the kinship between them.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his mother, his grandmother and his younger brother by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on 18 February 2003.

Applicant [REDACTED]⁰⁵

Claim to victim status

The applicant alleges that on 19 February 2003, when the Banyamulengués arrived in [REDACTED] he fled to the fields, but his father stayed at their house, where he was killed by the soldiers, who thought that he was one of Mr Bozizé's rebels. The applicant appends a declaration signed and stamped by the *chef de quartier*, indicating that his father died on 19 February 2003 as a result of being shot by Mr Bemba's soldiers. As a result of the alleged events, the applicant claims to have suffered psychological harm.⁴⁰⁶

⁴⁰⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx11, pages 4 to 5.

⁴⁰⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx12; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 199 to 200.

⁴⁰⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx12, pages 4 to 5.

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and his father as well as the kinship between them.

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

Applicant [REDACTED]⁰⁷

Claim to victim status

The applicant alleges that in February 2003, when the Banyamulengués arrived in [REDACTED] she and her husband fled, but her father-in-law took refuge together with other elderly persons in a mosque and he was killed by the Banyamulengués. The applicant further alleges that their house was pillaged and that her husband's truck and all the merchandise inside were looted. The loss is listed and valued. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁰⁸

Analysis and conclusions

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

⁴⁰⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx13; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 201 to 202.

⁴⁰⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx13, pages 4 to 5.

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

Applicant [REDACTED]⁰⁹

Claim to victim status

In the original application, the applicant states that he spent five months in [REDACTED] and upon his return in April 2003, he found that his family had fled to the bush and that his house, located in [REDACTED] as well as his livestock had been pillaged by the Banyamulengués. The applicant lists his loss. In the additional statement appended to the application, the applicant clarifies that when they heard the Banyamulengués arrive, everyone in the village fled. He alleges that he fled at this time with his children to the bush and after three days, he returned to his house and found that his animals and belongings had been pillaged. He further claims that as there was nothing left in the house, he returned to his family in the bush. In addition, he states that his neighbor told him that the Banyamulengués were the people who pillaged his belongings. The applicant states that he and his family stayed in the bush for a long time before returning to [REDACTED] and that he does not remember the date of the events. As a result of the alleged events, the applicant claims to have suffered material harm.⁴¹⁰

Analysis and conclusions

⁴⁰⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx14; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 175 to 176.

⁴¹⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx14, pages 10 to 11, 18 and 23.

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

The Chamber notes that in the additional statement, the applicant states that he does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the invasion of [REDACTED] by the Banyamulengués, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant states that on 21 February 2003, when the Banyamulengués arrived in [REDACTED] she fled with her family to take refuge on their plantation located in the [REDACTED] area. The applicant alleges that after pillaging their neighbor's house, the Banyamulengués took her sister to their base. The applicant further alleges that while she and her other sister were looking for her, a group of Banyamulengués came up to them, took her child away from her and raped her and her sister at gunpoint. She states that as a result, her partner abandoned her and her child. She also claims that the Banyamulengués pillaged her belongings

⁴¹¹ ICC-01/05-01/08-2185-Conf-Exp-Anx15; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 170 to 171.

and a sum of money, which she lists. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴¹²

Analysis and conclusions

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

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

Applicant [REDACTED]¹³

Claim to victim status

In the original application, the applicant states that on 19 February 2003, the troops of Jean-Pierre Bemba came to his house, located in the [REDACTED] area of [REDACTED] and took all his belongings, his construction materials and his livestock and set his house on fire. In a different section of the application it is stated that the house was completely burned with all his belongings. The applicant lists his loss. In the additional statement appended to the application the applicant clarifies that he has two wives and two houses and that one house

⁴¹² ICC-01/05-01/08-2185-Conf-Exp-Anx15, pages 9 to 11, 18 to 20.

⁴¹³ ICC-01/05-01/08-2185-Conf-Exp-Anx16; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 177 to 178.

was burned down while the other one was pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴¹⁴

Analysis and conclusions

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

The Chamber notes that it has already issued a decision on the merits of the application, whereby the application was rejected on the basis that the inconsistency relating to the burning of his house undermines the credibility of the applicant.⁴¹⁵ However, given that in the additional statement the applicant clarifies that one house was pillaged and another house was burned, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 19 February 2003.

Applicant [REDACTED]¹⁶

Claim to victim status

The applicant alleges that in March, at the time when Mr Patassé was president and before the Banyamulengués were driven out by Mr Bozizé's soldiers around 14 to 15 March 2003, the rebels came to [REDACTED]. She states that her husband fled when he heard the sound of gunfire. She states that when she returned to her house with her children, she was intercepted by a group of Banyamulengués.

⁴¹⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx16, pages 9 to 11, 24.

⁴¹⁵ ICC-01/05-01/08-1862-Conf-Exp-AnxC, page 12.

⁴¹⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx36; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages

She claims that six of them raped her, hit her children and then proceeded to pillage her house. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴¹⁷

Analysis and conclusions

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

The Chamber notes that the date of the alleged events provided by the applicant (March) is broad and as such might fall outside the temporal scope of the present case. However, the Chamber considers that, in light of the intrinsic coherence of the application in all other respects, notably the reference to the time when Mr Patassé was president, the Banyamulengués' defeat by Mr Bozizé's soldiers around 14 to 15 March 2003 and their presence in [REDACTED] the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber therefore considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 and 15 March 2003.

Applicant [REDACTED]¹⁸

Claim to victim status

⁴¹⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx36, pages 4 and 11.

⁴¹⁸ ICC-01/05-01/08-2185-Conf-Exp-Anx37; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 181 to 182.

The applicant alleges that on 17 February 2003, the Banyamulengués killed his nephew in the [REDACTED] village, located [REDACTED] kilometres away from [REDACTED] and took a sum of money from his nephew. In addition, he states that they burned some of his own belongings in his house which he lists. Furthermore, in an appended declaration, the applicant claims that when the Banyamulengués came, they fled to the bush and upon his return, he saw them burning some of his belongings. He states that he remained in the bush and when he returned later, he discovered that some of his belongings had been burned, that many of his other belongings had been pillaged and that the Banyamulengués had pillaged and eaten his pigs. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴¹⁹

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with his nephew, 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 17 February 2003.

Applicant [REDACTED]²⁰

⁴¹⁹ ICC-01/05-01/08-2185-Conf-Exp-Anx37, pages 4 to 5, 10.

⁴²⁰ ICC-01/05-01/08-2185-Conf-Exp-Anx39; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 183 to 185.

Claim to victim status

The applicant claims that while she was at her fiancé's house in [REDACTED] the Banyamulengués burst into the house and ordered them to give them money. She further alleges that one of the men hit her and she fell to the ground, and they raped her until she started bleeding. She claims that they brutalised and stabbed her fiancé, who died approximately one week later. According to the applicant, the men also pillaged her belongings, including the merchandise she had brought from Bangui. The applicant appends a medical document confirming that she is HIV positive. She alleges that she is stigmatised as a result of the alleged events. Furthermore she appends a document signed by the mayor, in which her loss is listed. In the additional statement, the applicant states that she does not remember the precise date of the alleged events, but that it could be 6 January 2003, the date provided in the original application. She adds that it was during the time period before Mr Patassé was overthrown and before Mr Bozizé came into power in 2003. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴²¹

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. The Chamber further notes that the identity of and kinship with her fiancé is established through the identity documents appended to the application submitted on behalf of her deceased fiancé (application [REDACTED]). The Chamber notes that in the additional statement, the applicant states that she does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, and

⁴²¹ ICC-01/05-01/08-2185-Conf-Exp-Anx39, pages 4 to 5, 11, 13 to 14.

notably the statement that the events occurred during the time period before Mr Patassé was overthrown and before Mr Bozizé came into power in 2003 and given that the death certificate appended to the application submitted on behalf of her deceased fiancé indicates that the death occurred on ■ January 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape, the murder of her fiancé and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in ■ on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant ■²

Claim to victim status

The applicant submits that on 10 January 2003, while he was looking for a car to transport his merchandise to Bangui, the Banyamulengués came to his house in ■ He states that they had been informed that he was selling food, so they invaded his house and asked for food. He claims that when he responded that he did not have any food for them, a man saw the bags of food, and they started kicking him with their feet and beating him with the butts of their guns. He further alleges that they loaded the merchandise into a car and transported it to their base. The applicant appends a document signed and stamped by the mayor of the area in which he lists and values his loss. As a result of the alleged

⁴²² ICC-01/05-01/08-2185-Conf-Exp-Anx41; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 186 to 188.

events, the applicant claims to have suffered physical, psychological and material harm.⁴²³

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 10 January 2003.

Applicant [REDACTED]²⁴

Claim to victim status

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

It is submitted that in the morning of 6 January, when the applicant was in bed because he was ill, the Banyamulengués invaded the applicant's and her partner's home located in the [REDACTED] area of [REDACTED]. It is claimed that the Banyamulengués asked for money, but the applicant's partner, who at the time held her baby in her arms, replied that she did not have any money. It is alleged that they pushed her to the ground and started raping her. It is further stated that they entered the bedroom and they stabbed the applicant in the chest. It is further stated that they pillaged their belongings, including radio sets, money,

⁴²³ ICC-01/05-01/08-2185-Conf-Exp-Anx41, pages 4 to 5, 9, 11.

⁴²⁴ ICC-01/05-01/08-2185-Conf-Exp-Anx61; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 189 to 191.

and merchandise the applicant's partner had brought from Bangui to sell. It is stated that as the medical centre was not functioning at the time of the events, the applicant died three days later as a result of internal bleeding. The declaration of death appended to the application certifies that the death occurred on 9 January 2003. The person acting on behalf of the applicant states that the events occurred on 6 January but that she does not remember the year. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm.⁴²⁵

Analysis and conclusions

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

The Chamber notes that in the additional statement, the person acting on behalf of the applicant states that the events occurred on 6 January but that she does not remember the year. However, as the death certificate appended to the application indicates that the applicant's death occurred on [REDACTED] January 2003, the Chamber is of the view that the failure to indicate the precise year should not serve to exclude the application.

Under these circumstances, the Chamber considers that, overall, sufficient evidence has been provided on behalf of the applicant to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 6 January 2003.

⁴²⁵ ICC-01/05-01/08-2185-Conf-Exp-Anx61, pages 4 to 5 and 12 to 14.

Applicant [REDACTED]²⁶

Claim to victim status

The applicant alleges that the armed Banyamulengués invaded her village of [REDACTED] located around [REDACTED] kilometres away from [REDACTED]. She claims that they broke into her house and severely beat her, while her grand children were crying. In addition, she contends that they took her belongings, and that, as a result, she fled to the bush and came back to Bangui when the current president came into power. She further states that the Banyamulengués also went to other towns, including Bossembélé, Bossangoa and [REDACTED]. The applicant appends a document in which she lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴²⁷

Analysis and conclusions

The Chamber notes a discrepancy of 49 days between the dates of birth indicated in the original application form on the one hand and the identity document on the other. However, given that the remainder of the identifying information provided is consistent and considering that the applicant states that she does not know her age because she is illiterate, the Chamber is of the view that this discrepancy could be the result of inadvertent error and that the identity of the applicant is sufficiently established.

The Chamber further notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the statement

⁴²⁶ ICC-01/05-01/08-2185-Conf-Exp-Anx69; ICC-01/05-01/08-2187-Conf-Exp-Anx4, pages 172 to 174.

⁴²⁷ ICC-01/05-01/08-2185-Conf-Exp-Anx69, pages 9 to 11, 18, 22 to 25.

that the Banyamulengués also went to other towns, including Bossembélé, Bossangoa and [REDACTED] the Chamber considers that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.