

ANNEX E

Applicant with dual status

o Eleventh transmission - ICC-01/05-01/08-1604-Conf-Exp-Anxs

Applicant [REDACTED]

Claim to victim status

The applicant claims that at the time of the events, she was living in the [REDACTED] area of Bangui. She states that in October 2002, they witnessed heavy shooting. As people were saying that the Banyamulengués were committing pillage and rape, some of her children fled with her parents. The applicant hid with one of her daughters in a gutter and they only left the following day in order to join their parents in [REDACTED]. However, on their way, at the level of [REDACTED] they were intercepted by the Banyamulengués, three men and one woman. The applicant asserts that they beat, undressed and violently raped her. The applicant states that they took turns to rape her, forced her to perform oral and anal sex and further pillaged her luggage with her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²

Analysis and conclusions

The Chamber notes a discrepancy of one month between the applicant's date of birth as indicated in the application form on the one hand and as appearing on her identity card on the other. However, given that the applicant clarifies in her

¹ ICC-01/05-01/08-1604-Conf-Exp-Anx214; ICC-01/05-01/08-1606-Conf-Exp-Anx3, pages 55 to 56.

² ICC-01/05-01/08-1604-Conf-Exp-Anx214, pages 4 to 5, 8.

application that the date appearing on her identity card is erroneous, the Chamber is satisfied that the identity of the applicant is established.

The Chamber notes that the date provided by the applicant (October 2002) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, and given that the alleged events occurred over eight years ago, the Chamber is of the view that a failure to remember the precise date of the events should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 and 31 October 2002.