

ANNEX C

Group C: Boali, Bossembélé, Bossangoa, Bozoum

o Twelfth transmission - ICC-01/05-01/08-1723-Conf-Exp-Anxs

Applicant [REDACTED]

Claim to victim status

The applicant states that at the time of the events, between the end of November 2002 and 15 March 2003 in the [REDACTED] area of [REDACTED] she had left on a trip, before the hostilities started. However, when she heard the news from [REDACTED] she returned and joined her family who had taken refuge in the bush. According to the applicant, her husband fell ill and died and he was buried in the bush. She adds that the soldiers occupied her house, took the metal sheets in order to sell them, ate her goats and used her bed as firewood. As a result of the alleged events, the applicant claims to have suffered material harm.²

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 November 2002.

¹ ICC-01/05-01/08-1723-Conf-Exp-Anx1; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 101 to 102.

² ICC-01/05-01/08-1723-Conf-Exp-Anx1, pages 4 to 5.

Applicant [REDACTED]

Claim to victim status

The applicant states that on Monday, 25 November 2002, he heard gunshots in the [REDACTED] area of [REDACTED]. He was wondering whether the attackers were soldiers from the Central African Republic, but he was informed that they were not speaking Sango. The applicant alleges that as the Banyamulengués were abducting all the men they met, he decided to take refuge in the fields, eight kilometers away from his house. He adds that during his absence, his house was occupied and used as a kitchen and that all his belongings from his carpentry workshop were pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(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 25 November 2002.

Applicant [REDACTED]

³ ICC-01/05-01/08-1723-Conf-Exp-Anx2; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 103 to 104.

⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx2, pages 4 to 5.

⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx3; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 105 to 106.

Claim to victim status

The applicant states that in the evening of 24 November 2002, she was at the funeral home in the area of [REDACTED] in [REDACTED]. The following morning, she heard gunshots and she was no longer able to return to her house. According to the applicant, her husband sent their ten-year old son to tell her about what was happening and they all took refuge in the fields. She mentions that her husband and children managed to take some of their belongings with them. The applicant states that some of her goods and a sum of money that were still in her house were pillaged. According to the applicant, the alleged 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.⁶

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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 25 November 2002 and 15 March 2003.

Applicant [REDACTED]

Claim to victim status

⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx3, pages 4 to 5.

⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx4; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 107 to 108.

The applicant states that in the morning of 25 November 2002, in the [REDACTED] area on the [REDACTED] axis, armed men from the Democratic Republic of the Congo took control of [REDACTED] and started firing their guns in order to drive out the rebels from the Central African Republic. The applicant alleges that she took refuge in a church and then took some luggage and fled to the fields. According to the applicant, she never returned to her place and therefore lost some of her belongings, which she lists. As a result of the alleged events, the applicant claims to have suffered material harm.⁸

Analysis and conclusions

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

The Chamber notes that the applicant claims that she lost her belongings because she abandoned her house and never returned to her village. In the absence of any indication that her belongings were pillaged, it is not clear whether the harm suffered is related to a crime covered by the charges confirmed against the accused. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 15 January 2003, twelve men under the control of Jean-Pierre Bemba broke into his store located at the central market in [REDACTED]. According to the applicant, they physically assaulted the security

⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx4, pages 4 to 5.

⁹ ICC-01/05-01/08-1723-Conf-Exp-Anx31; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 109 to 110.

guard who died a few hours later and they pillaged all the merchandise in the store. 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 and psychological harm.¹⁰

Analysis and conclusions

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

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

Applicant [REDACTED]¹

Claim to victim status

The applicant states that on 25 November 2002, armed men coming from the DRC and belonging to the MLC attacked the city and took control of it. According to the applicant he had stocked his merchandise in his warehouse located at the central market but despite his efforts, they pillaged some of his merchandise as well as some of his belongings in his house located in the area of [REDACTED]. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²

¹⁰ ICC-01/05-01/08-1723-Conf-Exp-Anx31, pages 4 to 5 and 8.

¹¹ ICC-01/05-01/08-1723-Conf-Exp-Anx33; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 111 to 112.

¹² ICC-01/05-01/08-1723-Conf-Exp-Anx33, pages 4 to 5.

Analysis and conclusions

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

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

Applicant [REDACTED]³

Claim to victim status

The applicant states that between the end of November 2002 and 15 March 2003, when he heard gunshots in the village of [REDACTED] he was in the fields. He states that some refugees informed him about the events. According to the applicant he never returned to the village, which is why he lost the engine of his mill, his pigs and his chickens. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴

Analysis and conclusions

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

The Chamber notes that the applicant states that he never returned to his village, which is why he lost his belongings. In the absence of any indication that his belongings were pillaged, it does not follow from the application that the

¹³ ICC-01/05-01/08-1723-Conf-Exp-Anx34; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 113 to 114.

¹⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx34, pages 4 to 5.

applicant suffered harm as a result of a crime covered by the charges confirmed against the accused. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that between 25 November 2002 and 15 March 2003, while he was trying to flee with his family to the bush, he was intercepted by Jean-Pierre Bemba's troops, who tied him up and tortured him. According to the applicant, they took his money and the livestock he had taken with him. The applicant further states that his store located in the [REDACTED] area of [REDACTED] was pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁶

Analysis and conclusions

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

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

¹⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx35; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 115 to 116.

¹⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx35, pages 4 to 5 and 9.

Applicant [REDACTED]⁷

Claim to victim status

The applicant states that on 25 November 2002, he heard gunshots and was told that they came from armed men coming from a neighboring country. The applicant alleges that he fled to the bush together with his family. He claims that during his absence, the Banyamulengués pillaged his belongings from his house, located in the [REDACTED] area, as well as his livestock. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁸

Analysis and conclusions

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

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that between the end of November 2002 and 15 March 2003, while Mr Bemba's armed men were in [REDACTED] he heard some gunshots and

¹⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx36; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 117 to 118.

¹⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx36, pages 4 to 5.

¹⁹ ICC-01/05-01/08-1723-Conf-Exp-Anx37; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 119 to 120.

fled to his farm together with his family. According to the applicant, the Banyamulengués pillaged his store, located at the central market as well as his house located in the [REDACTED] area. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(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 and the [REDACTED] of [REDACTED] on an unspecified date between 25 November 2002 and 15 March 2003.

Applicant [REDACTED]¹

Claim to victim status

The applicant states that on 25 November 2002, upon the invasion of the [REDACTED] area of [REDACTED] by the Banyamulengués, he fled together with his family to the bush where they stayed until 15 March 2003. According to the applicant, the Banyamulengués pillaged some of his belongings, livestock and money. As a result of the alleged events, the applicant claims to have suffered material harm.²²

Analysis and conclusions

²⁰ ICC-01/05-01/08-1723-Conf-Exp-Anx37, pages 4 to 5.

²¹ ICC-01/05-01/08-1723-Conf-Exp-Anx39; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 121 to 122.

²² ICC-01/05-01/08-1723-Conf-Exp-Anx39, pages 4 to 5 and 9.

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(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]³

Claim to victim status

The applicant states that on 2 March 2003, the Banyamulengués entered his house located in the [REDACTED] area of [REDACTED]. The applicant claims that they asked him for money and when he said that he did not have any money, they physically assaulted him, hit him on the head, whereupon the applicant had to go to the hospital. According to the applicant, the Banyamulengués pillaged two of his goats. The applicant also states that on 3 March 2003, whilst his wife and two daughters fled by car they had an accident which caused the death of the oldest daughter and hospitalization of his youngest daughter and his wife. The applicant appends a death certificate indicating that the death of his oldest daughter occurred on 3 March 2003, a medical certificate indicating that the applicant had been injured with a knife as well as a medical certificate indicating that his youngest daughter suffered a cranial traumatism. As a result of the alleged events, the applicant claims to have suffered material harm.²⁴

²³ ICC-01/05-01/08-1723-Conf-Exp-Anx40; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 123 to 124.

²⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx40, pages 4 to 5 and 10 to 15.

Analysis and conclusions

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

However, in the absence of any information regarding the circumstances causing the accident that lead to the applicant's daughter's death, only pillage will be considered for the purpose of the present assessment. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 2 March 2003.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that on 20 February 2003, one day after the arrival of the Banyamulengués in [REDACTED] she fled from [REDACTED] to hide at a place close to the town. When she returned to [REDACTED] in order to get some food, she was intercepted by a female soldier who asked her to remove her clothes. She states that she was raped vaginally and orally by five or six armed men. She further alleges that after being raped she was abandoned on the side of the road and only later she was able to return to her place of refuge. The applicant also claims that the soldiers pillaged her money. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁶

²⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx127; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 125 to 126.

²⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx127, pages 4 to 5, 10.

Analysis and conclusions

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

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

Applicant [REDACTED]⁷

Claim to victim status

The applicant states that on 19 February 2003, she fled from [REDACTED]. The following day, when she went back to rescue part of her belongings, she was intercepted by five armed men. One said “Yaka” which she did not understand and another man said that he was a Banyamulengué and that he would kill her. The applicant alleges that she started crying and a third man came and slapped her. Then, they pulled her in a room, where they undressed and raped her. She adds that they pillaged all her belongings. According to the applicant they then abandoned her and two hours later she managed to return to the bush, without any medicine, where she stayed until 30 March 2003. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁸

²⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx128; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 127 to 128.

²⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx128, pages 4 to 5.

Analysis and conclusions

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

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that on 19 February 2003, when the armed troops speaking Lingala entered [REDACTED] her husband fled to the bush, together with their first child. When the applicant returned to their house located in the [REDACTED] area after having left to get some water, four armed men came to her house. One of them pointed his gun at her and told her that he was a Banyamulengué and would kill her. According to the applicant he then ordered the other three soldiers to undress her, raped her one after the other and once they finished they told her “pessangai mbongo” which she did not understand. Then, the men left and she fled to the bush. She further asserts that her husband abandoned her, she developed psychological problems and she still suffers from stomach pain. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.³⁰

²⁹ ICC-01/05-01/08-1723-Conf-Exp-Anx129; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 129 to 130.

³⁰ ICC-01/05-01/08-1723-Conf-Exp-Anx129, pages 4 to 5.

Analysis and conclusions

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

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

Applicant [REDACTED]¹

Claim to victim status

The applicant states that in February 2003, a group of armed men came to her house, located in the [REDACTED] area of [REDACTED] and asked her in French whether she knew the Banyamulengués. When she replied that she did not know them, the man told her that he was going to kill her, and she started crying. The applicant states that at the time of the events, she was three months pregnant. She adds that they took her inside her room, undressed her and all four of them raped her. When she lost consciousness they stopped abusing her and started pillaging her belongings. The applicant declares that some hours later, when she regained consciousness, she fled to the bush. She further claims that she had a miscarriage and continues to have many problems after what happened to her. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³²

³¹ ICC-01/05-01/08-1723-Conf-Exp-Anx130; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 131 to 132.

³² ICC-01/05-01/08-1723-Conf-Exp-Anx130, pages 4 to 5.

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and 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]³

Claim to victim status

The applicant states that in mid-February 2003, armed men speaking Lingala broke into her house, located in [REDACTED]. Some of them started searching the room, whilst the others undressed and raped her during three hours. According to the applicant, when they saw that she had lost consciousness, they stopped abusing her and started looting everything they wanted. She alleges that later, she fled to the fields. The applicant further claims that her husband abandoned her and that she still suffers from stomach pain and psychological problems. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁴

Analysis and conclusions

³³ ICC-01/05-01/08-1723-Conf-Exp-Anx131; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 133 to 134.

³⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx131, 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 states between mid-February and mid-March 2003, when he heard gunshots in [REDACTED] and the surroundings, he was in panic and brought his wife, children and mother to the bush. He claims that when he returned in order to rescue his belongings, he was intercepted by a group of armed men who asked him a question in Lingala and then told him that they were Banyamulengués and that they would kill him. According to the applicant, they took his mattress, his bags with clothes and his bicycle. Then they left, shooting in the air and the applicant returned to the bush to look for his family. The applicant further claims that he lost his mother, who died during the flight. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁶

Analysis and conclusions

³⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx132; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 135 to 136 .

³⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx132, 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 between 15 February and 15 March 2003.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on 19 February 2003, she fled to the bush. The following day, she returned to her house, located in the [REDACTED] area of [REDACTED] in order to take some of her belongings. At that moment, five armed men came to her house and one of them said something in Lingala while another said that they were Banyamulengués and that they were going to kill her. A third man started to undress her, threw her on her mother's bed and threatened that he would kill her if she starts screaming. Then, she was raped by the five men. When they noticed that she had lost consciousness, they pillaged her belongings. The applicant alleges that she still suffers from physical problems. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁸

Analysis and conclusions

³⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx133; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 137 to 138.

³⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx133, 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 20 February 2003.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 19 February 2003, when the armed men speaking Lingala invaded [REDACTED] she was in her restaurant, located in the [REDACTED] area, preparing food. The applicant claims that she heard gun shots and when she was getting ready to flee, three armed men came and said “Yaka” and “Pessangäi mbong”. She states that she did not understand their language and started crying. She states that one man told her to put her hands up and another man started to undress her and then they all raped her. The applicant adds that when they finished they asked her to leave the house and they occupied it for some days and pillaged everything inside. The applicant alleges that her health condition deteriorated, that she cannot have children and she is very poor and worried for her life. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁰

Analysis and conclusions

³⁹ ICC-01/05-01/08-1723-Conf-Exp-Anx134; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 139 to 140.

⁴⁰ ICC-01/05-01/08-1723-Conf-Exp-Anx134, pages 4 to 5.

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

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

Applicant [REDACTED]¹

Claim to victim status

The applicant alleges that on 19 February 2003, at around 9.00, she was still at her house, located in the [REDACTED] area of [REDACTED] together with her children, her father and her younger sister. As her father was very tired, she was looking for means of transportation for him. She states that suddenly, four armed men came to the house and asked questions in Lingala. As they did not understand this language, they started crying. One of the men tried to speak French and said that they are the Banyamulengués and unless they give them money they would kill them. The applicant states that when three men started undressing them, her father also started to cry. She further claims that the men raped them one after the other and when a second group arrived, they left them alone and pillaged all their belongings. The applicant declares that following the assault, they fled to the bush where they stayed until mid-March 2003. She further states that her father died after the events, that she lost her husband and that she continues to

⁴¹ ICC-01/05-01/08-1723-Conf-Exp-Anx135; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 141 to 142.

suffer from stomach pain. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴²

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 19 February 2003.

Applicant [REDACTED]³

Claim to victim status

The applicant alleges that on 19 February 2003, at around 9.00, after hearing gun shots, he gathered with his family inside their house. A few minutes later, a group of armed men came to the house. They first asked a question in Lingala, which he did not understand, and then two other men threatened him in French, saying that they were Banyamulengués “effacez le tableau” and that they were going to kill them. He asserts that one of the men beat him while the others raped his wife. Subsequently, they pillaged his belongings and the applicant and his family fled to the bush where they stayed until March 2003. According to the

⁴² ICC-01/05-01/08-1723-Conf-Exp-Anx135, pages 4 to 5.

⁴³ ICC-01/05-01/08-1723-Conf-Exp-Anx136; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 143 to 144.

applicant, the alleged events took place in Bangui, [REDACTED] [REDACTED]

[REDACTED] and [REDACTED]⁴⁴

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 states that the events occurred in Bangui, [REDACTED] and [REDACTED] without specifying where he was assaulted. However, given that the applicant lives in [REDACTED] and states that the events occurred in his house, and noting that the Banyamulengués' attack on [REDACTED] on 19 February 2003 is corroborated by a number of applicants, the Chamber infers that the events took place in [REDACTED]. Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 19 February 2003.

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that at the time of the events, between February and March 2003, he was in PK [REDACTED] and he only returned to [REDACTED] after the hostilities had

⁴⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx136, pages 4 to 5.

⁴⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx137; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 145 to 146.

ended. The applicant claims that upon his return, he found that his house, located in the [REDACTED] of [REDACTED] had been pillaged and destroyed by the armed men whose origin he does not know and who attacked the town in February 2003. He specifies that all his belongings and construction materials had been looted. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁶

Analysis and conclusions

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

The Chamber notes that the applicant fails to identify the precise perpetrators of the crimes he allegedly suffered and merely refers to the “armed men whose origin he does not know and who attacked the town in February 2003”. In the absence of any indication in relation to the identity of the alleged perpetrators, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that in February, in the evening, when she heard gunfire, she fled from her house, located in [REDACTED] leaving all her belongings behind. She further claims that the Banyamulengués broke into her house and looted her livestock and belongings, which she lists. The applicant claims that Mr Bemba is responsible for the alleged events, because he sent his men to drive out Mr

⁴⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx137, pages 4 to 5.

⁴⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx138; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 147 to 148.

Bozizé's rebels. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁸

Analysis and conclusions

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

The Chamber notes that the applicant merely states that the events occurred in February, without indicating the precise day and year of the alleged events. However, in light of the intrinsic coherence of the application in all other respects and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that a failure to provide the precise year of the alleged events 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 in February 2003.

Applicant [REDACTED]⁹

Claim to victim status

The applicant alleges that in February, when Mr Bemba's men, who were speaking Lingala, arrived in [REDACTED] she fled from her house, leaving all her belongings behind. The applicant states that her property was looted. The

⁴⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx138, pages 4 to 5.

⁴⁹ ICC-01/05-01/08-1723-Conf-Exp-Anx139; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 149 to 50.

applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁰

Analysis and conclusions

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

The Chamber notes that the applicant merely states that the events occurred in February, without indicating the precise day and year of the alleged events. However, in light of the intrinsic coherence of the application in all other respects and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that a failure to provide the precise year of the alleged events 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 in February 2003.

Applicant [REDACTED]¹

Claim to victim status

The applicant alleges that in February 2003, on a Wednesday, when the Banyamulengués came to [REDACTED] he fled to Chad, together with his family. He states that one of his sons stayed in [REDACTED] in order to take care of the

⁵⁰ ICC-01/05-01/08-1723-Conf-Exp-Anx139, pages 4 to 5.

⁵¹ ICC-01/05-01/08-1723-Conf-Exp-Anx140; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 151 to 152.

cattle, and he was killed by the Banyamulengués not far from the tribunal. The applicant further alleges that his house located in the [REDACTED] area was completely pillaged. The applicant lists part of his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵²

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

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

Applicant [REDACTED]³

Claim to victim status

The applicant alleges that in February 2003, the Banyamulengués who were speaking Lingala, came to the [REDACTED] area of [REDACTED] where she was living together with her great aunt and her younger brother. She states that the men broke the door of their house and beat up her aunt. She further claims that three soldiers raped her one after the other and that she contracted HIV as a

⁵² ICC-01/05-01/08-1723-Conf-Exp-Anx140, pages 4 to 5, 10.

⁵³ ICC-01/05-01/08-1723-Conf-Exp-Anx141; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 153 to 154.

consequence of the rape. The applicant adds that her younger brother was also beaten up. She further declares that the Banyamulengués pillaged all the household belongings and also looted the livestock from their small farm. The applicant states that after the events they had to flee to the bush and they only returned after Mr Bozizé came to power. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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, when the Banyamulengués entered [REDACTED] they had to flee to the bush, leaving all their belongings behind. According to the applicant, her sister returned to the town in order to collect some money and food. However, on her way, she was intercepted and raped by the Banyamulengués. The applicant further alleges that their house was

⁵⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx141, pages 4 to 5.

⁵⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx142; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 155 to 156.

completely pillaged and subsequently set on fire. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁶

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 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 an unspecified date in February 2003.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that in February 2003, the Banyamulengués entered [REDACTED] and came to her house, located in the [REDACTED] area, where she was living together with her family. She states that after they threatened her brothers and cousins, the soldiers raped both her and her aunt, who died as a result of the suffering and traumatism. According to the applicant, the soldiers forced her brothers to flee and they then pillaged their livestock. She further alleges that after these events, she fled to the bush where she stayed until Mr Bozizé came to

⁵⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx142, pages 4 to 5.

⁵⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx143; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 157 to 158.

power. The applicant further states that the Banyamulengués pillaged their livestock and set her house on fire. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁸

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any document establishing the identity of and kinship with her aunt, only 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 the [REDACTED] area of [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]⁹

Claim to victim status

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

It is stated that in February 2003, upon the invasion of [REDACTED] by Mr Bemba's troops, the applicant's family fled to the fields, six kilometres away from their house. It is alleged that one week later, three Banyamulengués came to the fields and pillaged their belongings and forced five young girls, including the applicant,

⁵⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx143, pages 4 to 5.

⁵⁹ ICC-01/05-01/08-1723-Conf-Exp-Anx162; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 159 to 160.

to carry the looted goods to their base. It is stated that on the way to their base, the soldiers committed acts as a result of which the applicant contracted HIV, which caused her death in March 2011. The person acting on behalf of the applicant appends a death certificate as well as various documents indicating that the applicant was suffering from AIDS. As a result of the alleged events, it is claimed that the applicant suffered physical and psychological harm. Furthermore, the person acting on behalf of the applicant claims to have suffered psychological and material harm.⁶⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and the person acting on the applicant's behalf as well as their kinship.

The Chamber notes that it is stated that "the soldiers committed acts as a result of which the applicant contracted HIV". The Chamber is of the view that this statement suggests that the applicant was raped. Accordingly, the Chamber considers that, overall, sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in the are of [REDACTED] on an unspecified date in February 2003. In addition, the Chamber considers that the person acting on behalf of the applicant has provided sufficient evidence to establish that he is a victim on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his daughter and the

⁶⁰ ICC-01/05-01/08-1723-Conf-Exp-Anx162, pages 4 to 5, 11 to 21.

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

Applicant [REDACTED]¹

Claim to victim status

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

It is stated that on 19 February 2003, when Jean-Pierre Bemba's rebels entered [REDACTED] they took refuge in the bush. The person acting on the applicant's behalf alleges that on 24 February 2003, his wife and the applicant tried to go back to their house, located in the [REDACTED] area of [REDACTED] in order to take some of their belongings, but they were intercepted by the Banyamulengués, who raped them both. The person acting on the applicant's behalf specifies that out of the eight soldiers who were present, three raped the applicant and two raped his wife. It is further claimed that the applicant was infected with HIV which eventually lead to her death. The death certificate appended to the application confirms that the death occurred in February 2003. The person acting on the applicant's behalf further claims that his wife was also infected with a sexually transmitted disease and he can no longer have sexual contact with her. As a result of the alleged events, it is claimed that the applicant suffered physical and psychological harm. Furthermore, the person acting on behalf of the applicant claims to have suffered psychological harm.⁶²

Analysis and conclusions

⁶¹ ICC-01/05-01/08-1723-Conf-Exp-Anx163; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 161 to 162.

⁶² ICC-01/05-01/08-1723-Conf-Exp-Anx163, pages 4 to 5.

The Chamber considers that the documents provided demonstrate the identity of both the applicant and the person acting on her behalf as well as their kinship.

The Chamber considers that, overall, sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 24 February 2003. In addition, the Chamber considers that the person acting on behalf of the applicant has provided sufficient evidence to establish *prima facie* that he is also a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the rape of his daughter by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 24 February 2003.

Applicant [REDACTED]

Claim to victim status

The applicant alleges that on 28 November 2002, on his way back from [REDACTED] (Cameroun), the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED] in the area of [REDACTED]. The applicant alleges that all passengers' belongings were pillaged, including his merchandise, luggage, documents and money. He adds that those who tried to resist, were severely beaten. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁴

Analysis and conclusions

⁶³ ICC-01/05-01/08-1723-Conf-Exp-Anx193; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 163 to 164.

⁶⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx193, 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 28 November 2002.

Applicant [REDACTED]⁵

Claim to victim status

The applicant alleges that in November 2002, three or four days before the festivities of 1 December, he was at his older brother's place, located in the [REDACTED] area of [REDACTED]. He claims that when the Banyamulengués came to [REDACTED] his tutor fled to the bush together with his wife and children, but the applicant stayed behind, because he was suffering from epilepsy and his state of health did not allow him to leave the house. The applicant alleges that the Banyamulengués beat him up and they pillaged the goods from the house, as well as his clothes, shoes and medicine. He adds that because of the beatings, he now has hearing problems. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶⁶

Analysis and conclusions

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

⁶⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx195; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 165 to 166.

⁶⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx195, 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 the [REDACTED] area of [REDACTED] on an unspecified date in November 2002.

Applicant [REDACTED]⁷

Claim to victim status

The applicant alleges that on an unspecified date in November 2002, some days before the festivities of 1 December, he was on his way back to Bangui from [REDACTED] where he had attended his daughter's wedding. He alleges that when he arrived in [REDACTED] the vehicle he was travelling in was intercepted by the Banyamulengués and all his belongings were pillaged. He adds that one Banyamulengué severely slapped him. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶⁸

Analysis and conclusions

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

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

⁶⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx198; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 167 to 168.

⁶⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx198, pages 4 to 5.

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant claims that the events occurred between the end of November 2002 and 15 March 2003 in the [REDACTED] area of [REDACTED]. She states that when she returned from school, they could hear heavy gunshots, whereupon she fled to the bush, together with her family, leaving all their property behind. The applicant alleges that she stayed in the bush until the end of the conflict and upon her return she found that all her personal belongings and merchandise had been pillaged by the Banyamulengués. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁰

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 November 2002 and 15 March 2003.

⁶⁹ ICC-01/05-01/08-1723-Conf-Exp-Anx202; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 91 to 92.

⁷⁰ ICC-01/05-01/08-1723-Conf-Exp-Anx202, pages 4 to 5.

Applicant [REDACTED]¹

Claim to victim status

The applicant claims that the events occurred between 25 November 2002 and 15 March 2003 in the [REDACTED] area of [REDACTED]. She states that at the end of November 2002, when the armed Banyamulengués came from the other side of the river and took control over [REDACTED] she fled together with her children, leaving all her property behind. The applicant states that when the conflict was over, she returned to her house and found that all her belongings had been looted. She appends a document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷²

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 November 2002.

Applicant [REDACTED]³

Claim to victim status

⁷¹ ICC-01/05-01/08-1723-Conf-Exp-Anx203; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 93 to 94.

⁷² ICC-01/05-01/08-1723-Conf-Exp-Anx203, pages 4 to 5, 8.

⁷³ ICC-01/05-01/08-1723-Conf-Exp-Anx204; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 95 to 96.

The applicant claims that the events occurred between 25 November 2002 and 15 March 2003 in [REDACTED]. He states that he fled to the bush together with his children and only returned after 15 March 2003, to find that his house, located in the [REDACTED] area, and all his merchandise had been pillaged by the Banyamulengués. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁴

Analysis and conclusions

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

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

Applicant [REDACTED]⁵

Claim to victim status

The applicant claims that the events occurred between 25 November 2002 and mid-March 2003 in the [REDACTED] area of [REDACTED]. She states that when the Banyamulengués attacked [REDACTED] she was not able to flee because she was physically handicapped. The applicant alleges that she was threatened by the

⁷⁴ ICC-01/05-01/08-1723-Conf-Exp-Anx204, pages 4 to 5, 8.

⁷⁵ ICC-01/05-01/08-1723-Conf-Exp-Anx205; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 97 to 98.

Banyamulengués and that her property was pillaged. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁶

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 25 November 2002 and 15 March 2003.

Applicant [REDACTED]⁷

Claim to victim status

The applicant claims that the events occurred between 25 November 2002 and 15 March 2003 in the [REDACTED] area of [REDACTED]. He alleges that at the end of November 2002, when the Banyamulengués took control over his area, he fled from his house leaving some of his belongings behind. The applicant states that when the hostilities ended, five months later, he returned to his house and found that his house had been pillaged. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁸

⁷⁶ ICC-01/05-01/08-1723-Conf-Exp-Anx205, pages 4 to 5.

⁷⁷ ICC-01/05-01/08-1723-Conf-Exp-Anx206; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 99 to 100.

⁷⁸ ICC-01/05-01/08-1723-Conf-Exp-Anx206, pages 4 to 5.

Analysis and conclusions

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

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

o Thirteenth transmission - ICC-01/05-01/08-1806-Conf-Exp-Anxs

Applicant [REDACTED]⁹

Claim to victim status

The applicant is living abroad and the application is introduced on his behalf by his brother.

It is stated that on 8 March 2003, the applicant's house, located in [REDACTED] was pillaged by the Banyamulengués. The loss is listed in an appended document. As a result of the alleged events, it is claimed that the applicant suffered material harm.⁸⁰

Analysis and conclusions

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

⁷⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx1; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 299 to 300.

⁸⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx1, pages 4 to 5 and 9 to 11.

kinship between them and the consent given by the applicant for the application to be submitted on his behalf by his brother.

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

Applicant [REDACTED]¹

Claim to victim status

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. As a result of the alleged events, the applicant claims to have suffered material harm.⁸²

Analysis and conclusions

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

The Chamber notes that the applicant does not provide a precise date for the alleged events but merely claims that he returned in April 2003. Given that the applicant only returned when the Banyamulengués had already left, the Chamber is not in a position to determine whether his belongings were pillaged

⁸¹ ICC-01/05-01/08-1806-Conf-Exp-Anx2; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 301 to 302.

⁸² ICC-01/05-01/08-1806-Conf-Exp-Anx2, pages 10 to 11 and 18.

by the Banyamulengués. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]³

Claim to victim status

The applicant states that between 12 and 15 February 2003, the Banyamulengués occupied the [REDACTED] area of [REDACTED] and committed violent acts, notably arson, murder and pillage. He states that his belongings and livestock were 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.⁸⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(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 12 and 15 February 2003.

Applicant [REDACTED]⁵

Claim to victim status

⁸³ ICC-01/05-01/08-1806-Conf-Exp-Anx24; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 303 to 304.

⁸⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx24, pages 4 to 5 and 9.

⁸⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx25; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 305 to 306.

The applicant states that on 13 February 2003, twelve Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] threatened her and pillaged all her belongings and livestock. 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.⁸⁶

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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] of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁷

Claim to victim status

The applicant states that on 13 February 2003, the Banyamulengués invaded the [REDACTED] area of [REDACTED] and ten armed soldiers came to his house and pillaged his property. 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.⁸⁸

Analysis and conclusions

⁸⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx25, pages 4 to 5 and 9 to 10.

⁸⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx26; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 307 to 308.

⁸⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx26, pages 4 to 5 and 9 to 10.

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

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

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that on 13 February 2003, after their clashes with the Chadian rebels, the Banyamulengués invaded [REDACTED]. He states that six Banyamulengués came to his compound shooting in the air, pillaged his property, killed his livestock and left one hour later. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁰

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

⁸⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx27; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 309 to 310.

⁹⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx27, pages 4 to 5.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 13 February 2003.

Applicant [REDACTED]¹

Claim to victim status

The applicant states that on 12 February 2003, the armed Banyamulengués came to his compound, located in the [REDACTED] area of [REDACTED] threatened him and pillaged all his belongings and his money. 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.⁹²

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 13 February 2003.

Applicant [REDACTED]³

Claim to victim status

⁹¹ ICC-01/05-01/08-1806-Conf-Exp-Anx28; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 311 to 312.

⁹² ICC-01/05-01/08-1806-Conf-Exp-Anx28, pages 4 to 5 and 9.

⁹³ ICC-01/05-01/08-1806-Conf-Exp-Anx29; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 313 to 314.

The applicant states that on 13 February 2003, the armed Banyamulengués came to her compound, located in the [REDACTED] area of [REDACTED] threatened her and pillaged all her belongings. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that on 15 February 2003, the armed Banyamulengués attacked [REDACTED] and committed crimes, notably pillage. He states that eight Banyamulengués came to his house, pillaged his belongings and livestock and loaded them in their vehicle. The applicant appends a document in which he lists

⁹⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx29, pages 4 to 5 and 9.

⁹⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx30; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 315 to 316.

and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁶

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 February 2003.

Applicant [REDACTED]⁷

Claim to victim status

The applicant states that on 12 February 2003, the Banyamulengués invaded [REDACTED] and committed crimes, notably pillage. He states that ten Banyamulengués came to his compound, located in the [REDACTED] area, entered his house and pillaged all his belongings and money. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁸

Analysis and conclusions

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

⁹⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx30, pages 4 to 5 and 9.

⁹⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx31; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 317 to 318.

⁹⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx31, pages 4 to 5 and 9.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 12 February 2003.

Applicant [REDACTED]⁹

Claim to victim status

The applicant states that on 12 February 2003, two groups of respectively eight and ten Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED]. The applicant states that all his family members had previously fled, whilst he stayed in the house together with two of his brothers in order to look after the house and their belongings. The applicant claims that the Banyamulengués shot five times in the air and then started pillaging his property, livestock and money. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁰

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

⁹⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx32; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 319 to 320.

¹⁰⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx32, 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 12 February 2003.

Applicant [REDACTED]⁰¹

Claim to victim status

The applicant states that on 12 February 2003, when the Banyamulengués soldiers invaded [REDACTED] the population fled. However, the applicant and her family decided to stay and to flee only later. The applicant claims that ten Banyamulengués came to her house, located in the [REDACTED] area, screaming and shooting in the air and they pillaged all her belongings and livestock. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰²

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 12 February 2003.

Applicant [REDACTED]⁰³

¹⁰¹ ICC-01/05-01/08-1806-Conf-Exp-Anx33; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 321 to 322.

¹⁰² ICC-01/05-01/08-1806-Conf-Exp-Anx33, pages 4 to 5.

¹⁰³ ICC-01/05-01/08-1806-Conf-Exp-Anx34; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 323 to 324.

Claim to victim status

The applicant states that on 13 February 2003, twelve Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] threatened him with their guns and pillaged all his belongings. He further states that his fourteen-year-old daughter was raped by five Banyamulengués and now suffers from AIDS. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁴

Analysis and conclusions

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

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

Applicant [REDACTED]⁰⁵

Claim to victim status

The applicant states that in December 2002, the Sarawis came to [REDACTED] followed in early January 2003 by the Banyamulengués. The applicant claims that on 12 and 13 February 2003, there were clashes between General Bozizé's

¹⁰⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx34, pages 4 to 5 and 9.

¹⁰⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx35; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 325 to 326.

troops and the Banyamulengués and she and her family were driven out of their house in the [REDACTED] area by the Banyamulengués who pillaged all their belongings. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁶

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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 12 February 2003.

Applicant [REDACTED]⁰⁷

Claim to victim status

The applicant states that on 13 February 2003, ten Banyamulengués came to her compound, located in the [REDACTED] area of [REDACTED] threatened her and pillaged all her belongings and her livestock. The applicant appends her document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁸

Analysis and conclusions

¹⁰⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx35, pages 4 to 5.

¹⁰⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx36; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 327 to 328.

¹⁰⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx36, 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 she is 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 13 February 2003.

Applicant [REDACTED]⁰⁹

Claim to victim status

The applicant states that on 13 February 2003, eight armed Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] threatened her, beat her sisters and brothers and pillaged all their 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.¹¹⁰

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 13 February 2003.

¹⁰⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx37; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 329 to 330.

¹¹⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx37, pages 4 to 5 and 10.

Applicant [REDACTED]¹¹

Claim to victim status

The applicant states that on 13 February 2003, ten Banyamulengués came to her compound, located in the [REDACTED] area of [REDACTED] stayed there for one week and pillaged all 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.¹¹²

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 13 February 2003.

Applicant [REDACTED]¹³

Claim to victim status

The applicant states that on 12 February 2003, eight Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] threatened her and pillaged

¹¹¹ ICC-01/05-01/08-1806-Conf-Exp-Anx38; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 331 to 332.

¹¹² ICC-01/05-01/08-1806-Conf-Exp-Anx38, pages 4 to 5 and 9.

¹¹³ ICC-01/05-01/08-1806-Conf-Exp-Anx39; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 333 to 334.

all her belongings. The applicant also states that they had sexual intercourse with her, treating her in a violent manner. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹¹⁴

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 12 February 2003.

Applicant [REDACTED]¹¹⁵

Claim to victim status

The applicant states that when the Banyamulengués invaded [REDACTED] and the surrounding areas, they went from house to house to commit violent acts. He claims that on 13 February 2003, they came to his house, located in the [REDACTED] area, threatened him and pillaged his belongings and his livestock. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹¹⁶

¹¹⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx39, pages 4 to 5.

¹¹⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx40; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 335 to 336.

¹¹⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx40, pages 4 to 5 and 10.

Analysis and conclusions

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

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

Applicant [REDACTED]¹⁷

Claim to victim status

The applicant states that on 13 February 2003, the Banyamulengués invaded his village, [REDACTED] and pillaged his belongings and his livestock. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹⁸

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 13 February 2003.

¹¹⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx41; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 337 to 338.

¹¹⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx41, pages 4 to 5 and 9.

Applicant [REDACTED]¹⁹

Claim to victim status

The applicant states that on 12 February 2003, a group of five Banyamulengués soldiers entered her compound, located in the [REDACTED] area of [REDACTED] and threatened her family by shooting with their weapons. She further states that she and her family were taken hostage by the aggressors, who pillaged all the belongings in the house and left one hour later. The applicant appends a document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²⁰

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 12 February 2003.

Applicant [REDACTED]²¹

Claim to victim status

¹¹⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx42; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 339 to 340.

¹²⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx42, pages 4 to 5 and 9 to 10.

¹²¹ ICC-01/05-01/08-1806-Conf-Exp-Anx43; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 341 to 342.

The applicant states that on 13 February 2003, a group of twelve Banyamulengués entered her compound, located in the [REDACTED] area of [REDACTED] and pillaged all her belongings as well as her livestock. She states that the Banyamulengués stayed in her compound for one week. The applicant appends a document in which she lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹²²

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 13 February 2003.

Applicant [REDACTED]²³

Claim to victim status

The applicant states that on 12 December 2002, Abdoulaye Miskine's men, who had their headquarters at the crossroad of [REDACTED] and [REDACTED] arrived to the [REDACTED] area. He states that on 16 December 2002, Mr Miskine's men fought against Mr Bozizé's men who had come from [REDACTED]. According to the applicant, between 18 and 24 December, the "Saharoui" invaded the city, searched the houses and pillaged people's belongings to sell them at auctions.

¹²² ICC-01/05-01/08-1806-Conf-Exp-Anx43, pages 4 to 5 and 9 to 10.

¹²³ ICC-01/05-01/08-1806-Conf-Exp-Anx44; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 343 to 344.

The applicant adds that on 24 December 2002, the first group of Mr Bemba's men arrived in the [REDACTED] area and immediately started to pillage all the houses. On 15 January 2003, three of Jean-Pierre Bemba's armed men broke into his house, located in [REDACTED] [REDACTED], in the [REDACTED] area, and pillaged his belongings. The applicant states that on 17 January, General Bozizé's men entered and fought with Mr Bemba's Banyamulengués who were supported by the "Saharouis". He further states that on 13 February 2003, more Banyamulengués arrived in the [REDACTED] area and committed rape, pillage, murders and inhuman and degrading treatment against the entire population. He states that the Banyamulengués burnt down dozens of houses with people's belongings and in some cases with entire families inside, and forced people to transport the cattle they had killed to their headquarters. According to the applicant, they occupied the [REDACTED] area until 6 March 2003. The applicant states that after taking shelter in the fields for a period of three weeks, he returned to his house and found that it had been entirely looted. The applicant states that as a consequence of the difficult situation in which they found themselves after losing their property, his wife died some months later on [REDACTED] September 2003. Furthermore, he claims that his wife's niece was raped by Mr Bemba's men, whereupon she contracted an infectious disease and died in July 2003. He further states that other neighbours who were raped by the Banyamulengués had also died or were still suffering, and left the village to avoid stigmatization. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material and psychological harm.¹²⁴

Analysis and conclusions

¹²⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx44, pages 4 to 5 and 9 to 12.

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

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

Applicant [REDACTED]¹²⁵

Claim to victim status

The applicant states that during the Tabaski celebration, when a group of rebels, who were coming from Bangui, entered the village of [REDACTED] located [REDACTED] kilometres away from [REDACTED] on the road to Bangui, she fled the area, together with her children. According to the applicant, the rebels pillaged all her belongings. She further states that later, when she was in the fields, the rebels entered Bozoum shooting their weapons. As a result of the alleged events, the applicant claims to have suffered material harm.¹²⁶

Analysis and conclusions

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

¹²⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx45; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 345 to 346.

¹²⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx45, pages 4 to 5.

However, the Chamber notes that the applicant does not provide a precise date for the alleged events but merely states that the events occurred during the Tabaski celebration. The Chamber further notes that the applicant fails to identify any precise group as being responsible for the events and merely refers to the “rebels” who were coming from Bangui. In the absence of any such information, the Chamber cannot determine whether the alleged events fall under the scope of the present case and the application for participation in the proceedings is rejected.

Applicant [REDACTED]²⁷

Claim to victim status

The applicant states that one day after the Tabaski celebration, when the Banyamulengués invaded [REDACTED] she fled to [REDACTED] together with her family. She further states that three months later, that is one month after Mr Bozizé came to power, she returned to her house, located in the [REDACTED] area of [REDACTED] and found that her property had been looted. According to the applicant, even though she did not see the Banyamulengués pillaging her belongings, she was told by other people from [REDACTED] that it was them who committed the pillage. As a result of the alleged events, the applicant claims to have suffered material harm.¹²⁸

Analysis and conclusions

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

¹²⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx46; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 347 to 348.

¹²⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx46, pages 4 to 5.

The Chamber notes that the applicant fails to provide a precise date for the alleged events. However, given that she states that the events occurred one day after the Tabaski celebration, which took place in February 2003, and further refers to the day when Mr Bozizé came to power, it can be inferred from the application that the events occurred in February 2003.

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

Applicant [REDACTED]²⁹

Claim to victim status

The applicant states that in February 2003, one month before Mr Bozizé came to power and while she was in Bangui, the Banyamulengués invaded the town of [REDACTED] and committed acts of pillage. She states that they broke into her house, located in the [REDACTED] area of [REDACTED] and threatened her family members who were looking after the house during the applicant's absence and subsequently fled to [REDACTED]. She states that they pillaged the entire house, including her personal belongings. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁰

Analysis and conclusions

¹²⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx47; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 349 to 350.

¹³⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx47, 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]³¹

Claim to victim status

The applicant states that during the Tabaski celebration, the Banyamulengués invaded [REDACTED]. When she heard the gunshots, she fled from the area together with her family. According to the applicant, her grandfather who decided to stay behind was murdered by the soldiers. Three days later, when she returned to her house, located in the [REDACTED] area of [REDACTED], she found that her property had been pillaged, whereupon she fled to [REDACTED] where she stayed for one month. She states that she returned to her house once Mr Bozizé had come to power. The applicant lists her loss. According to the applicant, even though she did not see the Banyamulengués pillaging her belongings, she was told by other people from [REDACTED] that it was them who committed the pillage. As a result of the alleged events, the applicant claims to have suffered material harm.¹³²

Analysis and conclusions

¹³¹ ICC-01/05-01/08-1806-Conf-Exp-Anx48; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 351 to 352.

¹³² ICC-01/05-01/08-1806-Conf-Exp-Anx48, pages 4 to 5.

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 grandfather, only pillage will be considered for the present assessment.

The Chamber notes that the applicant fails to provide a precise date for the alleged events. However, given that she states that the events occurred during the Tabaski celebration and that she refers to the day when Mr Bozizé came to power, 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 she is 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]³³

Claim to victim status

The applicant states that in 2003, one day after the Tabaski celebration, upon the attack of the [REDACTED] area of [REDACTED] by the Banyamulengués, she fled to [REDACTED] together with her family and then to [REDACTED] and to [REDACTED]. The applicant further states that upon her return, after Mr Bozizé had come to power, she found that her house had been entirely looted. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁴

¹³³ ICC-01/05-01/08-1806-Conf-Exp-Anx49; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 353 to 354.

¹³⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx49, pages 4 to 5.

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 one day after the Tabaski celebration and that she refers to the day when Mr Bozizé came to power, 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 she is 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]³⁵

Claim to victim status

The applicant states that one day after the Tabaski celebration and two months after Bozizé entered Bangui, the Banyamulengués troops of Mr Bemba attacked the [REDACTED] area of [REDACTED] and she fled to [REDACTED] together with her family. She further states that when she returned to [REDACTED] when Bozizé came to power, she found that her house had been damaged and entirely looted. According to the applicant, her uncle was murdered by the Banyamulengués soldiers. The

¹³⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx50; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 355 to 356.

applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁶

Analysis and conclusions

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

The Chamber notes that the applicant does not provide a precise date for the alleged events. However, given that the applicant states that the alleged events occurred on the day after the Tabaski celebration, two months after Mr Bozizé entered Bangui, and before Mr Bozizé came to power, the Chamber infers from the application that the alleged events occurred between February and 15 March 2003. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date between February and 15 March 2003.

Applicant [REDACTED]³⁷

Claim to victim status

The applicant states that one day after the Tabaski celebration and between 22 to 23 days before Mr Bozizé came to power, she heard that the Banyamulengués

¹³⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx50, pages 4 to 5.

¹³⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx51; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 357 to 358.

had arrived in [REDACTED] She states that she heard rumors according to which they had received the order from Mr Patassé to clean the slate ("*effacer le tableau*") in [REDACTED] The applicant states that she fled from her house, located in the [REDACTED] area of [REDACTED] together with some other people. Upon her return, she saw that her house was entirely looted. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁸

Analysis and conclusions

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events. However, as the applicant states that the alleged events occurred in the period between the day after the Tabaski celebration and 22 to 23 days before Bozizé came to power, the Chamber infers from the application that the alleged events took place between February and 15 March 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of February 2003.

Applicant [REDACTED]³⁹

Claim to victim status

¹³⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx51, pages 4 to 5.

¹³⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx52; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 359 to 360.

The applicant states that one day after the Tabaski celebration, the Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] threatening her and asking her for money. She states that they then entered her house and pillaged her belongings in her presence. She states that she fled to [REDACTED] where she took refuge for a period of three months and that upon her return, she found that her property had been pillaged. The applicant lists part of her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁰

Analysis and conclusions

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events and merely states that the events occurred one day after the Tabaski celebration. However, in light of the reference to the invasion of [REDACTED] by the Banyamulengués which according to a number of applicants occurred at the time of the Tabaski celebration in February 2003, the Chamber infers from the application that the alleged events occurred in February 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on an unspecified date as of February 2003.

¹⁴⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx52, pages 4 to 5.

Applicant [REDACTED]⁴¹

Claim to victim status

The applicant states that one day after the Tabaski celebration, the Banyamulengués invaded [REDACTED] and committed pillage and acts of violence against the civilian population. The applicant claims that she fled to [REDACTED] and upon her return, two months later, she found that her house, located in the [REDACTED] area of [REDACTED] had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴²

Analysis and conclusions

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events and merely states that the events occurred one day after the Tabaski celebration. However, in light of the reference to the invasion of [REDACTED] by the Banyamulengués which according to a number of applicants occurred at the time of the Tabaski celebration in February 2003, the Chamber infers from the application that the alleged events occurred in February 2003. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is 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.

¹⁴¹ ICC-01/05-01/08-1806-Conf-Exp-Anx53; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 361 to 362.

¹⁴² ICC-01/05-01/08-1806-Conf-Exp-Anx53, pages 4 to 5 and 10.

Applicant [REDACTED]⁴³

Claim to victim status

The applicant states that during the Tabaski celebration, when the Banyamulengués invaded [REDACTED] she fled to [REDACTED] together with her family. The applicant further states that when she was in [REDACTED] she heard shootings in [REDACTED] and that her grandfather was murdered. According to the applicant, upon her return, the following day, she saw the Banyamulengués loading goods on a vehicle and found that her house, located in the [REDACTED] area, had been entirely looted. As a result of the alleged events, the applicant claims to have suffered 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 demonstrating the identity of her grandfather and the kinship between them, only pillage will be considered for the purpose of the present assessment.

The Chamber notes that the applicant fails to provide a precise date for the alleged events and merely states that the events occurred during the Tabaski celebration. However, in light of the reference to the invasion of [REDACTED] by the Banyamulengués which according to a number of applicants occurred at the time of the Tabaski celebration in February 2003, the Chamber infers from the application that the alleged events occurred in February 2003. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered

¹⁴³ ICC-01/05-01/08-1806-Conf-Exp-Anx54; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 363 to 364.

¹⁴⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx54, pages 4 to 5 and 10.

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]⁴⁵

Claim to victim status

The applicant states that at the time of the Tabaski celebration, a group of armed Banyamulengués broke into his house, located in the [REDACTED] area of [REDACTED] threatened his family and stole his son's watch and shirt. The applicant states that he fled together with his children and upon their return, three months later, he found that all his belongings had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁶

Analysis and conclusions

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events and merely states that the events occurred during the Tabaski celebration. However, in light of the reference to the invasion of [REDACTED] by the Banyamulengués which according to a number of applicants occurred at the time of the Tabaski celebration in February 2003, the Chamber infers from the application that the alleged events occurred in February 2003. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered

¹⁴⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx55; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 365 to 366.

¹⁴⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx55, pages 4 to 5 and 10.

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]⁴⁷

Claim to victim status

The applicant states that during the Tabaski celebration in 2003, a group of Banyamulengués came to her house, located in the [REDACTED] area of [REDACTED] and started shooting at the roof. She states that she fled together with her children and they hid in the fields for a period of three months. According to the applicant, the Banyamulengués were committing acts of pillage in the area, and upon her return, she could not find any of her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁸

Analysis and conclusions

The Chamber notes that the applicant appends a health card (*carte sanitaire*) as proof of identity. As this means of identification is not included in the list of documents accepted by the Chamber and as it has similar features as medical cards and vaccination cards, which were rejected as proof of identity,¹⁴⁹ the Chamber is of the view that the applicant's identity is not sufficiently demonstrated and the application for participation in the proceedings is rejected.

¹⁴⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx56; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 367 to 368.

¹⁴⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx56, pages 4 to 5.

¹⁴⁹ ICC-01/05-01/08-1017, paragraph 42.

Applicant [REDACTED] 50

Claim to victim status

The applicant states that on 19 November 2002, Mr Bozizé's rebels arrived in [REDACTED] on 19 February 2003, Mr Bemba's rebels attacked the town, on 8 March 2003 they were driven out and on 15 March 2003, they entered Bangui. According to the applicant, during these events he took refuge in the fields and in his absence all his belongings were stolen by Mr Bemba's rebels. The applicant lists his loss and appends a document in which he also lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵¹

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 19 November 2002 and 15 March 2003.

Applicant [REDACTED] 52

Claim to victim status

¹⁵⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx122; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 369 to 370.

¹⁵¹ ICC-01/05-01/08-1806-Conf-Exp-Anx122, pages 4 to 5.

¹⁵² ICC-01/05-01/08-1806-Conf-Exp-Anx124; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 371 to 372.

The applicant states that on 9 February 2003, when the Banyamulengués recaptured [REDACTED] he did not know where to go so he stayed in his house, located in the [REDACTED] area, together with his family. According to the applicant, two groups of five Banyamulengués each broke into his house. He states that the first group pillaged the goods and the money and because there was nothing left to loot, the second group beat the applicant. He alleges that his wife and children managed to flee and he joined them in the bush three days later. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁵³

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 9 February 2003.

Applicant [REDACTED]⁵⁴

Claim to victim status

The applicant states that in February 2003, when the Banyamulengués invaded [REDACTED] shooting everywhere, she fled together with her husband, her children and other neighbours. She states that her house, located in the [REDACTED]

¹⁵³ ICC-01/05-01/08-1806-Conf-Exp-Anx124, pages 4 to 5.

¹⁵⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx141; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 373 to 374.

■■■■ area of ■■■■ in the ■■■■ *arrondissement*, was damaged and looted. According to the applicant, her husband died in 2006 as a consequence of the shock suffered because of the loss of their property. 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.¹⁵⁵

Analysis and conclusions

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

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

Applicant ■■■■⁵⁶

Claim to victim status

The applicant states that on 14 January 2003, the Banyamulengués, who were wearing military uniforms and speaking Lingala, invaded ■■■■ He states that they were fighting the rebels from ■■■■ and drove them out to ■■■■ causing many casualties among the rebels. The applicant further states that, whilst fleeing the area, the Banyamulengués abducted him, together with a group of young men, and forced them to bury dead bodies. The applicant alleges

¹⁵⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx141, pages 4 to 5.

¹⁵⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx142; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 375 to 376.

that after burying the dead bodies in common graves, they forced them to come with them in order to obtain more information about the rebels' hideouts and to carry their loots to their base in [REDACTED]. Whilst at their base, the applicant states that they were used as cooks and sexual slaves for three days. He states that he managed to escape but he could not go back to his house because [REDACTED] was under the control of the Banyamulengués, who had established their base there and had looted all the houses, including the applicant's house. He states that the other male victims of rape did not want to participate in the ICC proceedings due to fear of being stigmatized. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁵⁷

Analysis and conclusions

The Chamber notes a discrepancy of two years and twenty 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 his rape and the pillage of his belongings by the

¹⁵⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx142, pages 4 to 5.

Banyamulengués of Jean-Pierre Bemba in the [REDACTED] [REDACTED] area of [REDACTED] on an unspecified date as of 14 January 2003.

Applicant [REDACTED]⁵⁸

Claim to victim status

The applicant states that shortly after the Tabaski celebration, the Banyamulengués invaded [REDACTED] looking for rebels, especially for Muslims because they were told that the rebels were Chadians and therefore Muslims. She further states that the Banyamulengués broke into her house and asked her for money. According to the applicant, since she did not give them any money, they pillaged her belongings. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁹

Analysis and conclusions

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

The Chamber notes that the applicant fails to provide a precise date for the alleged events and merely states that the events occurred shortly after the Tabaski celebration. However, in light of the reference to the invasion of [REDACTED] by the Banyamulengués which according to a number of applicants occurred at the time of the Tabaski celebration in February 2003, the Chamber infers from the application that the alleged events occurred in February 2003. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on

¹⁵⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx143; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 377 to 378.

¹⁵⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx143, pages 4 to 5.

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]⁶⁰

Claim to victim status

The applicant states that on 13 February 2003, during the Tabaski celebration, there were clashes between the Banyamulengués and the Chadian rebels, in [REDACTED] on the major road to [REDACTED]. He states that the Banyamulengués broke into his house, located in the [REDACTED] area of [REDACTED] and pillaged his belongings, including his vehicle. The applicant appends a document issued by a national jurisdiction which makes reference to the pillage occurred on 14 January 2003 and which lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁶¹

Analysis and conclusions

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

The Chamber notes that in his application form, the applicant states that the events occurred in February 2003 while the document appended to the form refers to the pillage allegedly committed on 14 January 2003. However, in light of the intrinsic coherence of the application in all other respects, and given that both dates fall under the temporal scope of the present case, the Chamber is of the view that such discrepancy should not serve to exclude the applicant. Under

¹⁶⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx144; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 379 to 380.

¹⁶¹ ICC-01/05-01/08-1806-Conf-Exp-Anx144, pages 4 to 5 and 8 to 9.

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 13 February 2003.

Applicant [REDACTED]⁶²

Claim to victim status

The applicant states that on 13 February 2003, during the Tabaski celebration, a group of eight Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] shooting in the air and at his domestic animals. The applicant states that they asked him for money saying ‘mbongo-mbongo’, but he showed them with signs that he did not have any money. He states that they pillaged all his belongings. He further states that he managed to flee from the house and took refuge in the bush. 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.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 he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the

¹⁶² ICC-01/05-01/08-1806-Conf-Exp-Anx145; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 381 to 382.

¹⁶³ ICC-01/05-01/08-1806-Conf-Exp-Anx145, pages 4 to 5 and 8.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁶⁴

Claim to victim status

The applicant states that on 15 February 2003, a group of twenty Banyamulengués came in vehicles to the [REDACTED] area of [REDACTED] PK [REDACTED] and started shooting in the air. The applicant states that they physically assaulted and threatened the civilian population, pillaged all the houses and killed the animals. He further states that they loaded their loot, including the applicant's belongings, on a truck and took everything to [REDACTED] where they had their base. 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.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 the [REDACTED] area of [REDACTED] on 15 February 2003.

¹⁶⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx146; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 383 to 384.

¹⁶⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx146, pages 4 to 5 and 8.

Applicant [REDACTED]⁶⁶

Claim to victim status

The applicant states that in early February 2003, a group of twenty Banyamulengués arrived to [REDACTED] looking for people fleeing and for provisions. The applicant states that they were shooting their guns in order to frighten the civilian population and once they fled, they pillaged their belongings and killed their animals. According to the applicant, the Banyamulengués left the area at the end of February. The applicant appends a document in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.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 he is a victim under Rule 85(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 early February 2003.

Applicant [REDACTED]⁶⁸

Claim to victim status

¹⁶⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx147; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 385 to 386.

¹⁶⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx147, pages 4 to 5 and 9.

¹⁶⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx148; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 387 to 388.

The applicant states that on 13 February 2003, during the Tabaski celebration, a group of ten armed Banyamulengués broke into his house, located in the [REDACTED] area of [REDACTED] and pillaged his belongings in front of him. The applicant further states that he fled together with his family and they took refuge in a village near [REDACTED]. According to the applicant, upon his return, five months later, he found that his house had been entirely looted. 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.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 the [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁷⁰

Claim to victim status

The applicant states that on 13 February 2003, during the Tabaski celebration, a group of twelve armed Banyamulengués came to his house, located in the [REDACTED] area of [REDACTED] threatened him and pillaged his belongings in his presence. The applicant adds that they took their loot to their base in [REDACTED]

¹⁶⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx148, pages 4 to 5 and 8.

¹⁷⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx149; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 389 to 390.

According to the applicant, he fled and sought refuge in [REDACTED]. He states that upon his return, three months later, he found that the doors and windows of his house were missing. The applicant appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁷¹

Analysis and conclusions

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 [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁷²

Claim to victim status

The applicant states that on 13 February 2003, during the Tabaski celebration, there were clashes between the Chadian rebels and the Banyamulengués and ten Banyamulengués broke into his compound, located in the [REDACTED] area of [REDACTED] where he was together with his two brothers, firing their guns in order to frighten them. According to the applicant, four soldiers entered their house and one started pillaging their property, whilst three men remained outside to

¹⁷¹ ICC-01/05-01/08-1806-Conf-Exp-Anx149, pages 4 to 5 and 9.

¹⁷² ICC-01/05-01/08-1806-Conf-Exp-Anx150; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 391 to 392.

keep watch. The applicant lists and values his loss. As a result of the alleged events, the applicant claims to have suffered 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 accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁷⁴

Claim to victim status

The applicant states that on 13 February 2003, during the Tabaski celebration, after the attacks by Bozizé's rebels and by the Banyamulengués, the Banyamulengués occupied [REDACTED] and its surroundings. According to the applicant, a group of ten Banyamulengués came to his compound, located in the [REDACTED] area of [REDACTED] and pillaged his property. He further states that on 14 February 2003 he fled and later learnt that the Banyamulengués had shot dead his father and that his body had been buried inside the compound. The applicant appends a document in which he lists and values his loss. As a result of the

¹⁷³ ICC-01/05-01/08-1806-Conf-Exp-Anx150, pages 4 to 5.

¹⁷⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx151; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 393 to 394.

alleged events, the applicant claims to have suffered psychological and material harm.¹⁷⁵

Analysis and conclusions

The Chamber considers that the documents provided sufficiently demonstrate the identity of the applicant, the identity of his father and 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 pillage of his belongings and the murder of his father by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on and as of 13 February 2003.

Applicant [REDACTED]⁷⁶

Claim to victim status

The applicant states that in the beginning of January 2003 the Banyamulengués passed by [REDACTED] and after the attacks of the Chadian rebel forces, they set up their base in [REDACTED]. According to the applicant, on 12 February 2003, they came to his house, located in the [REDACTED] area, and pillaged his property. 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.¹⁷⁷

Analysis and conclusions

¹⁷⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx151, pages 3 to 4 and 6 to 7.

¹⁷⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx152; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 395 to 396.

¹⁷⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx152, pages 4 to 5 and 8.

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 12 February 2003.

Applicant [REDACTED]⁷⁸

Claim to victim status

The applicant states that on 13 February 2003, during the Tabaski celebration, ten armed Banyamulengués wearing black and kaki uniforms came to his compound, located in the [REDACTED] area, shooting in the air. According to the applicant, he went outside the house and when they asked for money saying ‘mbongo mbongo’ he made signs to show that he did not have any money. He states that six men entered his house and pillaged all his property in less than thirty minutes. He states that he then fled together with his family. 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.¹⁷⁹

Analysis and conclusions

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

¹⁷⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx153; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 397 to 398.

¹⁷⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx153, 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 the [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁸⁰

Claim to victim status

The applicant states that on 13 February 2003, during the Tabaski celebration, he heard shots and people fleeing were announcing the arrival of the Banyamulengués who were chasing Mr Bozizé's rebels. He states that five Banyamulengués came to his compound, located in the [REDACTED] area, asked him for money saying 'mbongo mbongo' and when he tried to explain that he did not have any money, they slapped him and pillaged his property. He states that after the events he fled. 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.¹⁸¹

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

¹⁸⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx154; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 399 to 400.

¹⁸¹ ICC-01/05-01/08-1806-Conf-Exp-Anx154, pages 4 to 5 and 8.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the [REDACTED] area of [REDACTED] on 13 February 2003.

Applicant [REDACTED]⁸²

Claim to victim status

The applicant states that on 8 March 2003, he heard gunshots and fled from [REDACTED] to the bush. He states that during his absence Mr Bemba's men pillaged his belongings. The applicant appends a list in which he lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁸³

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]⁸⁴

Claim to victim status

¹⁸² ICC-01/05-01/08-1806-Conf-Exp-Anx155; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 401 to 402.

¹⁸³ ICC-01/05-01/08-1806-Conf-Exp-Anx155, pages 4 to 5 and 9.

¹⁸⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx204; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 281 to 282.

The applicant states that on 5 November 2002, the Banyamulengués broke into her house, located in [REDACTED] and pillaged her money and her livestock. She further states that they beat her. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁸⁵

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 5 November 2002.

Applicant [REDACTED]⁸⁶

Claim to victim status

The applicant states that by the end of October 2002, while she was in the fields, her house, located in [REDACTED] [REDACTED] kilometres away from [REDACTED] was burned down by the MLC soldiers. She states that due to the fire, she lost, among other things, her bed, kitchen utensils including her *marmite*, seeds, her identity card and her clothes. In an additional statement appended to the application, the applicant states that her belongings were pillaged before the house was set on fire. She specifies that she found her *marmite* and her *canari traditionnel* in the village which proves that there was an incident of pillage and claims that houses

¹⁸⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx204, pages 9 to 10.

¹⁸⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx205; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 283 to 284.

were burned to conceal acts of pillaging. The applicant lists her 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 sufficiently demonstrate the identity of the applicant.

The Chamber notes that in the original application, the applicant states that her house was burned down by the MLC soldiers and that she lost her belongings, including her *marmite*, due to the fire. In the additional statement, on the other hand, she contends that she found her *marmite* in the village, which proves that the Banyamulengués pillaged her belongings before setting the house on fire. The Chamber is of the view that this inconsistency undermines the credibility of the applicant and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁸⁸

Claim to victim status

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] 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. He further states that he cannot return to the village because “the loss was too heavy”. In an additional statement appended to the application form, it is stated that his

¹⁸⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx205, pages 9 to 11 and 23.

¹⁸⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx206; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 285 to 286.

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 other individuals' possession. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁸⁹

Analysis and conclusions

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

The Chamber notes that in the original application, the applicant states that his house was burned down and that all his belongings were destroyed. In the additional statement, on the other hand, he contends that he found some of his belongings in the hands of other individuals which proves that some of his belongings were pillaged. The Chamber is of the view that this inconsistency undermines the credibility of the applicant and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁹⁰

Claim to victim status

The applicant states that on 25 October 2002 the Banyamulengués invaded and occupied [REDACTED] situated [REDACTED] kilometres away from [REDACTED] and burned down his house, under the suspicion that "enemies" could be hiding inside the house. He further states that his livestock and other valuables were burned and specifies that due to the burning of the house, he notably lost a sewing machine, a weapon, a transistor, kitchen material, clothes and seeds. In

¹⁸⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx206, pages 9 to 11 and 21.

¹⁹⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx207; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 287 to 288.

the additional statement appended to the form, the applicant explains that his property was pillaged and only eight or ten days later, the house was burned down by the attackers in order to conceal the looting. He further states that he could find part of his belongings that had been used by the soldiers and then abandoned which proves that he was also a victim of pillage. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁹¹

Analysis and conclusions

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

The Chamber notes that the applicant states that the alleged events occurred on 25 October 2002. In this respect, the Chamber recalls that according to the Revised Second Amended Document Containing the Charges, which has been accepted by the Chamber,¹⁹² the accused is charged with the crimes of murder, rape and pillage committed from “on or about” 26 October 2002 to 15 March 2003. Under these circumstances, the Chamber considers that the application falls under the temporal scope of the present case. However, the Chamber also notes that in the original application, the applicant states that his house was burned down together with all his belongings. In the additional statement, on the other hand, he contends that his house was burned only eight or ten days after having been pillaged and that he found some of his belongings which had been used and abandoned by the Banyamulengués. The Chamber is of the view that this

¹⁹¹ ICC-01/05-01/08-1806-Conf-Exp-Anx207, pages 9 to 11 and 20 to 21.

¹⁹² Decision on the defence application for corrections to the Document Containing the Charges and for the prosecution to file a Second Amended Document Containing the Charges, 20 July 2010, ICC-01/05-01/08-836, paragraphs 84 to 86.

inconsistency undermines the credibility of the applicant and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁹³

Claim to victim status

The applicant states that between 25 and 26 October 2002, when the MLC troops of Jean-Pierre Bemba entered [REDACTED] located [REDACTED] kilometres away from [REDACTED] she fled to the bush. The applicant claims that her house and those of her neighbours were burned down together with all their belongings, including her *marmite*, her clothes and her bed. She further claims that her mother was burned to death inside the house. In an additional statement appended to the application form, the applicant states that during the events she abandoned her mother, who was old and sick, and fled to the bush. She then states that a couple of days later she heard that her house was burned down, but that the assailants had taken her mother outside the house, given her something to eat and that her mother was under a shed. According to the applicant, one of the attackers set another house on fire and because of the wind the fire spread to the applicant's house. The assailants did not have time to save her mother, who suffered severe burnings and died one day later. The applicant appends a death certificate according to which the death occurred on [REDACTED] December 2002. The applicant also alleges that her belongings were pillaged before the house was set on fire and she states that she could find part of her property, including her *balambos*, *marmite* and a small barrel with seeds in the village which proves that there was an incident of pillage. The applicant lists her loss. As a result of the

¹⁹³ ICC-01/05-01/08-1806-Conf-Exp-Anx208; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 289 to 290.

alleged events, the applicant claims to have suffered psychological and material harm.¹⁹⁴

Analysis and conclusions

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

The Chamber notes that in the original application, the applicant states that her house was burned down together with all her belongings, including her *marmite*. In the additional statement, she contends that her house was pillaged before it was burned, which is proven by the fact that she found some of her belongings which had been used and abandoned by the Banyamulengués, including her *marmite*. The Chamber is of the view that this inconsistency undermines the credibility of the applicant and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁹⁵

Claim to victim status

The applicant states that when Jean-Pierre Bemba's Congolese soldiers took control over [REDACTED] the population fled to the bush. According to the applicant he also fled, leaving his property behind. On 27 October 2002, he heard that his house had been burned down together with his belongings which he lists. In an additional statement appended to the application form, signed by the applicant and the intermediary, it is stated that the applicant had never claimed that his house had been burned down, and that this information might have been

¹⁹⁴ ICC-01/05-01/08-1806-Conf-Exp-Anx208, pages 9 to 11 and 21 to 23.

¹⁹⁵ ICC-01/05-01/08-1806-Conf-Exp-Anx209; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 291 to 292.

erroneously provided by the intermediary. Instead, it is claimed that the applicant only suffered pillage of his belongings that are listed in the additional statement. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁹⁶

Analysis and conclusions

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

The Chamber notes that in the original application, the applicant states that his house was burned down together with all his belongings, while, in the additional statement, it is claimed that the applicant had never claimed that his house had been burned down and that his belongings were pillaged. In addition, while the applicant states that this might be due to an error committed by the intermediary, the Chamber notes that the additional statement was signed by the same intermediary. The Chamber is of the view that these inconsistencies undermine the credibility of the applicant and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]¹⁹⁷

Claim to victim status

The applicant states that on 19 December 2002, the rebels invaded [REDACTED] terrorizing the population. He states that one week later some rebels, who were his students, were looking for him in order to kill him. According to the applicant, on 27 December 2002, he abandoned his wife and children and his

¹⁹⁶ ICC-01/05-01/08-1806-Conf-Exp-Anx209, pages 9 to 11, 18 and 22.

¹⁹⁷ ICC-01/05-01/08-1806-Conf-Exp-Anx210; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 293 to 294.

property that was subsequently pillaged, and fled to Bangui. He states that three days, later he arrived in [REDACTED] where he met the Banyamulengués, who were short and armed. He further states that they looted his belongings and money and took him to their base in order to question him. He adds that they also beat him. In an additional statement appended to the application form, the applicant provides some clarification in relation to the date of the events. Specifically, the applicant states in this document that his property was pillaged on 30 December 2002. He adds that four days later, he fled from [REDACTED] to Bangui and that on 7 January 2003, in PK [REDACTED] he was intercepted and his bag was pillaged. The applicant lists his loss and he adds that the date provided in the original application seems to be due to inadvertent error. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁹⁸

Analysis and conclusions

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

The Chamber notes a discrepancy between the date provided in the original application (27 December 2002) and the date provided in the additional statement (30 December 2002). However, as both dates fall within the temporal scope of the present case and in light of the time elapsed between the filling in of the original application and the provision of the additional statement as well as the applicant's statement that he might have confused the dates, the Chamber is of the view that such discrepancy should not serve to exclude the applicant.

¹⁹⁸ ICC-01/05-01/08-1806-Conf-Exp-Anx210, pages 9 to 11, 20 to 21 and 23 to 24.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 27 December 2002.

Applicant [REDACTED]⁹⁹

Claim to victim status

The applicant states that between 8 and 11 January 2003, he was detained by the Banyamulengués in their camp, located on the river [REDACTED] at [REDACTED] of the town of [REDACTED]. The applicant states that during his captivity, he was tortured, beaten and humiliated, as a result of which he suffered serious injuries. The applicant further states that he was deprived of food and water and he was only released following the payment of a 17.000 CFA ransom. The applicant appends a copy of a newspaper article and claims that all the details relating to this crime, the harm he suffered and the persons responsible are to be found in the article. Furthermore, in an additional statement appended to the application, the applicant states that on 28 January 2003, the Banyamulengués raped the wife of his younger brother, who was pregnant at that time. The applicant further contends that he also suffered material harm since his livestock and other belongings were pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁰⁰

Analysis and conclusions

¹⁹⁹ ICC-01/05-01/08-1806-Conf-Exp-Anx211; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 295 to 296.

²⁰⁰ ICC-01/05-01/08-1806-Conf-Exp-Anx211, pages 4 to 5 and 11 to 12.

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 brother's 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 as of 8 January 2003.

Applicant [REDACTED]⁰¹

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] kilometers 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 the additional statement appended to the form, it is stated that the applicant died in April 2003. It is further stated that she 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 psychological and psychological harm.²⁰²

²⁰¹ ICC-01/05-01/08-1806-Conf-Exp-Anx212; ICC-01/05-01/08-1808-Conf-Exp-Anx3, pages 297 to 298.

²⁰² ICC-01/05-01/08-1806-Conf-Exp-Anx212, pages 9 to 10 and 19 to 20.

Analysis and conclusions

The Chamber notes a discrepancy of one year, ten months and one day between the applicant's date of birth as appearing on the application form and on the birth certificate attached thereto, as well as a discrepancy of eight days between the person's acting on behalf's date of birth as appearing on the application form and on the *extrait d' acte de naissance* attached thereto.

The Chamber further notes that the date provided in the application form (2002) is broad and, as such, might fall outside the temporal scope of the present case. In addition, both dates provided in relation to the applicant's death (April 2002 and April 2003) fall outside of the temporal scope of the present case. The Chamber is of the view that these inconsistencies undermine the intrinsic coherence of the application and therefore the application for participation in the proceedings is rejected.