

ANNEX B

Group B: Damara/Sibut

o Tenth transmission - ICC-01/05-01/08-1559-Conf-Exp-Anxs

Applicant [REDACTED]

Claim to victim status

The applicant states that the Banyamulengués came to the area of [REDACTED] on the road to [REDACTED] where she was living with her husband. She claims that the Banyamulengués raped her and beat her husband when he was trying to defend her. The applicant also states that they pillaged the goods from her house. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²

Analysis and conclusions

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

However, the Chamber notes that in the additional statement, the applicant fails to provide a date or time-frame for the alleged events. In the absence of any indication regarding the general circumstances of the event, the Chamber is not in a position to determine whether the alleged events occurred within the temporal scope of the present case. Accordingly, the application for participation in the proceedings is rejected.

¹ ICC-01/05-01/08-1559-Conf-Exp-Anx8; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 315 and 317 to 318.

² ICC-01/05-01/08-1559-Conf-Exp-Anx8, pages 9 to 11 and 21.

Applicant [REDACTED]³

Claim to victim status

The applicant states that on 15 February 2003, the Banyamulengués came to [REDACTED] located [REDACTED] kilometres away from [REDACTED] and tortured him in front of his house, accusing him of not celebrating the victory with them. He further claims that the Banyamulengués destroyed his bags of corn and groundnuts but that they did not take any of them. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴

Analysis and conclusions

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

However, the Chamber notes that in the original application, the applicant states that after having been tortured, he escaped to the bush and upon his return he found that his house had been pillaged and burned. However, in the additional statement, the applicant merely states that the Banyamulengués destroyed his bags of corn and explicitly states that the Banyamulengués did not pillage his goods. As the harm suffered by the applicant is not related to the charges confirmed against the accused, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁵

Claim to victim status

³ ICC-01/05-01/08-1559-Conf-Exp-Anx18; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 319 to 321.

⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx18, pages 9 to 11 and 21.

⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx22; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 322 to 324.

The applicant states that on 15 December 2002, the vehicle she was travelling in was intercepted by the Banyamulengués at a checkpoint in [REDACTED]. According to the applicant, two of the soldiers, one wearing military clothing, the other civilian clothing, took her to a nearby shed, and asked her in Lingala to take off her clothes. The applicant claims that when she refused, they hit her, she fell to the ground and they raped her. According to the applicant, she was a virgin prior to these events and she was left traumatized and exhausted. As a result of these events, the applicant claims to have suffered physical and psychological 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 her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 December 2002.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 30 December 2002, armed Banyamulengués, who were speaking Lingala, came to her family residence located in [REDACTED]. According to the applicant, they forcibly confined her family and harmed both

⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx22, pages 9 to 11 and 21.

⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx36; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 325 to 327.

her and her sister. She states that due to the violence inflicted upon her and her sister, they lost a lot of blood and underwent medical examinations revealing that they were not infected. The applicant claims that the Banyamulengués also pillaged their belongings. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.⁸

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 alleged sister and the kinship between them, only the harm suffered by the applicant will be considered for the purpose of the present assessment.

The Chamber notes that in the original application, the applicant states that the Banyamulengués inflicted sexual violence upon her and her sister, while in the additional statement, she states that the Banyamulengués “harmed” them (“*ils m’ont fait du mal*”). Considering that in the VPRS report⁹ it is specified that this expression is often used to refer to rape and noting further that the applicant states that she lost a lot of blood and underwent medical examinations revealing that she was not infected, that this act brought shame on her and that she had to receive treatment, the Chamber infers from the application that the applicant was raped. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her

⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx36, pages 9 to 11 and 22.

⁹ Internal Report of the field interpreters, 29 November 2011, ICC-01/05-01/08-1960-Conf-Exp-Anx2.

belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 30 December 2002.

Applicant [REDACTED]¹⁰

Claim to victim status

The applicant states that on 18 January 2003, the Banyamulengués came to his house, located in [REDACTED] [REDACTED] kilometres away from [REDACTED] and looted his property, including his livestock, and burned down his house. The applicant also claims that they beat him and that he lost four teeth as a result. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹¹

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on 18 January 2003.

Applicant [REDACTED]¹²

Claim to victim status

¹⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx48; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 328 to 330.

¹¹ ICC-01/05-01/08-1559-Conf-Exp-Anx48, pages 9 to 11 and 21 to 22.

¹² ICC-01/05-01/08-1559-Conf-Exp-Anx49; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 331 to 333.

The applicant states that on 12 January 2003, on his way back to PK [REDACTED] from [REDACTED] in [REDACTED] close to the [REDACTED] the vehicle he was travelling in was intercepted by the armed soldiers of Jean-Pierre Bemba, who were speaking Lingala. The applicant alleges that the Banyamulengués searched him and the other passengers of the vehicle and pillaged his money and his merchandise. As he tried to resist, he was beaten and sustained injuries on his face and his knee. The applicant states that they were released and they returned to Bangui but, since the alleged events, he has been living on support from his family and community. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹³

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 12 January 2003.

Applicant [REDACTED]¹⁴

Claim to victim status

The applicant states that towards the end of November 2002, the Banyamulengués invaded [REDACTED] in PK [REDACTED] where he had his livestock

¹³ ICC-01/05-01/08-1559-Conf-Exp-Anx49, pages 9 to 11 and 21.

¹⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx51; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 334 to 336.

enclosure that was looked after by his sister. He alleges that he was living in [REDACTED] at this time, and one day, his sister came to his place and informed him that the Banyamulengués were committing murder, which is why she had to flee, leaving everything behind. He alleges that the loss of his belongings caused him great sadness. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁵

Analysis and conclusions

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

The Chamber notes that while in the original application it is stated that the Banyamulengués pillaged his livestock, his belongings and burned his house, in the additional statement, the applicant claims that his sister had to flee, leaving all his belongings behind. In the absence of any indication in the additional statement that his belongings were pillaged, the Chamber is not in a position to determine whether the harm suffered by the applicant is related to the charges confirmed against the accused. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]¹⁶

Claim to victim status

The applicant states that when the Banyamulengués arrived in [REDACTED] where he was living, he was in the fields, while his wife was at home, together with the children. When they saw the Banyamulengués arriving, his wife and children left

¹⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx51, pages 9 to 11 and 21.

¹⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx53; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 337 to 339.

the house to join him. When he came back, he found that the house had been destroyed and his belongings had been pillaged. The applicant states that he does not remember the day and month of the alleged events but he believes that it was in 2002, prior to the end of the year festivities. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁷

Analysis and conclusions

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

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

Applicant [REDACTED]¹⁸

Claim to victim status

The applicant states that on 28 December 2002, he heard the Banyamulengués coming to [REDACTED] and he fled to the forest together with his wife and his neighbours, where they stayed for 25 days. He alleges that when he came back, he saw that his house had been looted, and his belongings, including his animals, had been pillaged. He further claims that in March 2003, the Banyamulengués attacked them again. As he was fleeing to the forest with his wife and daughter,

¹⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx53, pages 9 to 11 and 22.

¹⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx60; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 340 to 342.

the latter was shot and died as a result of her wound. Furthermore, the applicant believes that his wife was raped by the Banyamulengués during the attack, and he claims that she is now infected. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁹

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(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 28 December 2002.

Applicant [REDACTED]²⁰

Claim to victim status

The applicant states on 11 February 2003, [REDACTED] was invaded by the Banyamulengués. According to the applicant, when they heard the gunshots, she fled from the [REDACTED] area in [REDACTED] together with her family. She states that the Banyamulengués looted her belongings and ate her livestock. Upon their return, she found that their house had been burned and destroyed. As a result of the

¹⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx60, pages 9 to 11 and 21 to 22.

²⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx65; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 343 to 344.

alleged events, the applicant claims to have suffered psychological and material harm.²¹

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 11 February 2003.

Applicant [REDACTED]²²

Claim to victim status

The applicant states that on 15 February 2003, [REDACTED] was invaded by Jean-Pierre Bemba's troops, and he and his family were obliged to flee to the bush, leaving all their belongings behind. The applicant alleges that upon their return, they found that all their belongings had been pillaged and destroyed. As a result of the alleged events, the applicant claims to have suffered material harm.²³

Analysis and conclusions

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

²¹ ICC-01/05-01/08-1559-Conf-Exp-Anx65, pages 9 to 11 and 21.

²² ICC-01/05-01/08-1559-Conf-Exp-Anx67; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 346 to 348.

²³ ICC-01/05-01/08-1559-Conf-Exp-Anx67, pages 9 to 11 and 23.

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

Applicant [REDACTED]²⁴

Claim to victim status

The applicant states that on 15 January 2003, upon the arrival of the Banyamulengués in [REDACTED] the population fled. She contends that her brother also fled and she stayed behind in his house together with his wife and children. The applicant claims that the Banyamulengués broke into her brother's house and her sister in law fled. She adds that four of them found her hiding under the bed and that one of them pointed a gun at her while the other three men raped her. She states that after the events she fled to the bush together with the children. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁵

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

²⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx68; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 349 to 351.

²⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx68, pages 9 to 11 and 21 to 22.

accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 January 2003.

Applicant [REDACTED]²⁶

Claim to victim status

The applicant alleges that on 12 February 2003, a large number of Banyamulengués invaded [REDACTED]. The applicant states that they were wearing ranger boots, carrying “kala” rifles and speaking Lingala. He further states that as he and his family heard some gunshots, they left their house. He claims that the assailants were loading all their belongings in a pick up truck and then burned the houses. He ascertains that they spend some days hiding in the bush and when they returned, nothing was left. As a result of the alleged events, the applicant claims to have suffered material harm.²⁷

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 12 February 2003.

²⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx97; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 352 to 354.

²⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx97, pages 10 to 12 and 21

Applicant [REDACTED]²⁸

Claim to victim status

The applicant alleges that on 19 December 2002, on his way from Bangui to [REDACTED] he was intercepted by the Banyamulengués in [REDACTED]. The applicant alleges that the passengers were asked to get out of the vehicle, threatened with weapons and beaten. The applicant claims that the Banyamulengués pillaged his belongings and merchandise, including his clothes and shoes. He lists and values his loss. According to the applicant, he spent one week in the bush and walked back to Bangui. He claims that he still has health problems due to the beatings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²⁹

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 19 December 2002.

Applicant [REDACTED]³⁰

Claim to victim status

²⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx107; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 355 to 357.

²⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx107, pages 10 to 12 and 22 to 23.

³⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx118; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 358 to 360.

The applicant alleges that on 8 December 2002, while he was transporting merchandise between Bangui and [REDACTED] the Banyamulengués intercepted him in the area of [REDACTED]. He claims that the assailants beat the passengers who were travelling in his truck. He further alleges that as the Banyamulengués were speaking Lingala and he knew a bit of this language, he tried to protest against the pillage but he also got severely beaten. The applicant maintains that as a result of the beating he is now suffering from hernia. He further complains that they pillaged all the merchandise loaded in the vehicle including his own, and burned down the truck. As a result of the alleged events, the applicant claims to have suffered physical, material harm.³¹

Analysis and conclusions

The Chamber notes a discrepancy of ten years between the date of birth provided in the application form and the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate, including the day and month of birth, is consistent with the information provided in the form and as the applicant clarifies in the additional statement that the date provided in the birth certificate is erroneous, the Chamber is satisfied that the documents provided sufficiently demonstrate the identity of the applicant.

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

³¹ ICC-01/05-01/08-1559-Conf-Exp-Anx118, pages 10 to 12 and 22 to 23.

Applicant [REDACTED]³²

Claim to victim status

The applicant alleges that on 5 January 2003, the Banyamulengués, who spoke neither Sango nor French, arrived at his house located in [REDACTED] and asked for money. He states that when he escaped through a backside window and from his hiding place, he saw the Banyamulengués entering his house and firing shots. He claims that he fled to the bush and he was later informed by his neighbours that the Banyamulengués had pillaged his belongings and burned his house. As a result of the alleged events, the applicant claims to have suffered material harm.³³

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 was informed by his neighbours that the Banyamulengués had burned his house. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.³⁴ In the present case, the applicant clearly states that he was informed that his belongings had been pillaged prior to the burning of the house. Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of

³² ICC-01/05-01/08-1559-Conf-Exp-Anx122; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 361 to 363.

³³ ICC-01/05-01/08-1559-Conf-Exp-Anx122, pages 10 to 12 and 22 to 23.

³⁴ ICC-01/05-01/08-1017, paragraph 56.

his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 5 January 2003.

Applicant [REDACTED]³⁵

Claim to victim status

The applicant alleges that on 12 January 2003, the Banyamulengués, who had set up their base in [REDACTED] broke into his house, looted their clothes and burned down the furniture and the house. He claims that he fled to the bush, together with his family, where he stayed for several days. As a result of the alleged events, the applicant claims to have suffered material and psychological harm.³⁶

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 and in the additional statement, it is stated that the events occurred on 12 January 2003 and thus within the scope of the present case. However, the Chamber also notes the VPRS assessment according to which the additional statement was characterised by inconsistencies in relation to the time of the events which “raise fundamental doubts on the reliability of the victim’s statement.”³⁷ In accordance with this assessment, the application for participation in the proceedings is rejected.

Applicant [REDACTED]³⁸

³⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx127; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 364 to 366.

³⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx127, pages 10 to 12 and 23.

³⁷ ICC-01/05-01/08-1561-Conf-Exp-Anx3, page 364.

³⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx139; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 367 to 369.

Claim to victim status

The applicant alleges that on 15 January 2003, on his way back to Bangui from [REDACTED] the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED]. The passengers were asked to alight from the vehicle and they were searched. Those who resisted were killed, and the applicant was beaten. He claims that they pillaged his gold, diamonds and precious stones and he had to walk back to Bangui. The applicant maintains that as a result of the events, he is worried about the future of his children. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁹

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]⁴⁰

Claim to victim status

³⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx139, pages 10 to 12, 19 to 20 and 25 to 26.

⁴⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx147; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 370 to 372.

The applicant alleges that on 5 January 2003, she heard people saying that the Banyamulengués had arrived in [REDACTED]. According to the applicant, people were fleeing to the bush but, as she did not really know the bush, she decided to return to her house with her children and they locked themselves in. She claims that a number of armed Banyamulengués, among them small children, broke the door of her house. Some of them entered the house, while others surrounded it. She claims that the Banyamulengués beat her with their weapons, injuring her at her right thigh. She also claims that she was raped by six men in the presence of her children. She states that her eldest son lost conscience during the events and died during the night. She alleges that they also pillaged her belongings and that her husband abandoned her and her children when he heard about the events. She states that she continues to suffer from physical pain. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴¹

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 she is 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 5 January 2003.

⁴¹ ICC-01/05-01/08-1559-Conf-Exp-Anx147, pages 10 to 12.

o Seventeenth transmission - ICC-01/05-01/08-1957-Conf-Exp-Anxs

Applicant [REDACTED]⁴²

Claim to victim status

The applicant states that on 10 January 2003, when the Banyamulengués invaded [REDACTED] he fled to take refuge in the bush together with his family. He further states that upon his return, he found that his house, his vehicle and his money had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.⁴³

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 10 January 2003.

Applicant [REDACTED]⁴⁴

Claim to victim status

The applicant states that in November 2002, he was travelling with his uncle from Bangui to [REDACTED] transporting some merchandise, when they were

⁴² ICC-01/05-01/08-1957-Conf-Exp-Anx71; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 476 to 478.

⁴³ ICC-01/05-01/08-1957-Conf-Exp-Anx71, pages 9 to 11 and 20 to 22.

⁴⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx2; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 285 to 287.

intercepted by the Banyamulengués in the area of [REDACTED] He further states that the men beat his uncle to death and that they beat him as well, forced him to carry his uncle, made him drink their urine, held him hostage for a long time and used him for forced labour. He asserts they took his money and his merchandise. He further states that he managed to escape and that upon his return to his house, he found that his belongings had been pillaged. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁵

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 uncle 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 [REDACTED] on an unspecified date on and as of November 2002.

Applicant [REDACTED]⁴⁶

Claim to victim status

The applicant states on 10 December 2002, he was on his way to Bangui when he was intercepted by the Banyamulengués in [REDACTED] He further states that his

⁴⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx2, pages 9 to 11 and 22 to 30.

⁴⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx9; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 333 to 335.

business partner had given him money to buy merchandise and that the soldiers took the money as well as the merchandise and his vehicle. He also asserts that the soldiers severely beat him and that he lost consciousness. He adds that he still suffers from his injuries and appends a medical document certifying the injuries and treatment received. He lists and values his loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁷

Analysis and conclusions

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

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

Applicant [REDACTED]⁴⁸

Claim to victim status

The applicant states that in February, while the Banyamulengués were still in Bangui and before they fled due to their fear of Mr Bozizé's soldiers, the Banyamulengués intercepted his vehicle in [REDACTED] mistreated him and pillaged his belongings. The applicant states that he does not remember the precise date of the alleged events as he is old, but he states that the Banyamulengués

⁴⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx9, pages 9 to 11, 16 and 19 to 25.

⁴⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx23; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 288 to 290.

withdrew due to the arrival of Mr Bozizé. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁴⁹

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant indicates that he does not remember the precise date of the alleged events because he is old but that the alleged events occurred in February. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of [REDACTED] and to the withdrawal of the Banyamulengués due to their fear of Mr Bozizé, and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués as of February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]⁵⁰

Claim to victim status

⁴⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx23, pages 4 to 5 and 11 to 14.

⁵⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx41; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 291 to 293.

The applicant states that in mid-January 2003, the Banyamulengués were occupying the road to [REDACTED] where he was working as a teacher. He states that five Banyamulengués arrived at his house, firing in the air, and killed his goat. He adds that they ordered his son to bring the dead animal to their base. He claims that they brutalized him and asked him for money. According to the applicant, while he was pretending to get the money, he managed to escape from the rear door and regained Bangui barefoot. He claims that upon his return to [REDACTED] he found that his house had been entirely pillaged. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁵¹

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 January 2003.

Applicant [REDACTED]⁵²

Claim to victim status

The applicant states that on 30 November 2002, the rebels of Mr Bozizé stopped his vehicle and asked him for some money but did not cause him any problems.

⁵¹ ICC-01/05-01/08-1957-Conf-Exp-Anx41, pages 9 to 11 and 23 to 25.

⁵² ICC-01/05-01/08-1957-Conf-Exp-Anx42; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 294 to 296.

He states that the same day, further down the road, the Banyamulengués stopped his car in the village of [REDACTED] located between [REDACTED] and [REDACTED] and pillaged his belongings and his merchandise. He lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁵³

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 30 November 2002.

Applicant [REDACTED]⁵⁴

Claim to victim status

The applicant states that in December, when she was coming back from [REDACTED] with merchandise she wanted to resell in Bangui, the vehicle she had taken place in was intercepted in [REDACTED] by short armed men, who spoke Lingala and wore Rangers boots, and whom she later identified as the Banyamulengués. She claims that the passengers were forced to step out of the car and they were searched and undressed. She further claims that they were brutalized and ordered to lie on the ground, while the men were taking their merchandise out of the car. The

⁵³ ICC-01/05-01/08-1957-Conf-Exp-Anx42, pages 9 to 11 and 21 to 24.

⁵⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx49; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 297 to 299.

applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁵

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant indicates that she does not remember the precise date of the alleged events because they occurred a long time ago. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of [REDACTED] and Bangui in December, and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués as of November 2002, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]⁵⁶

Claim to victim status

The applicant states that in November 2002, he was transporting merchandise from Bangui to [REDACTED] when the Banyamulengués intercepted him in [REDACTED]. He

⁵⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx49, pages 9 to 11 and 18 to 20.

⁵⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx54; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 300 to 302.

further states that Mr Bemba's men pillaged his merchandise and beat him with the butts of their guns when he tried to confront them. He also asserts that his wife left him because he had nothing left and that he became depressed. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁷

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 November 2002.

Applicant [REDACTED]⁵⁸

Claim to victim status

The applicant states that in 2002, when the Banyamulengués were in Bangui and [REDACTED] they stopped his car in [REDACTED] beat him and tortured him. He further claims that they took his belongings. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁵⁹

Analysis and conclusions

⁵⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx54, pages 9 to 11 and 19 to 22.

⁵⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx57; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 303 to 305.

⁵⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx57, pages 9 to 11 and 20 to 22.

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

The Chamber notes that in the additional statement, the applicant does not provide a precise date for the alleged events but merely states that they occurred in 2002. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of [REDACTED] and Bangui, and given that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués as of November 2002, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]⁶⁰

Claim to victim status

The applicant states that on 15 November 2002, the Banyamulengués intercepted the car she had rented to transport her merchandise in a [REDACTED] of [REDACTED] and raped her in front of her father. She further claims that they took her merchandise. She adds that they also destroyed and pillaged her father's house.

⁶⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx74; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 306 to 308.

As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶¹

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 15 November 2002.

Applicant [REDACTED]⁶²

Claim to victim status

The applicant states that on 10 January 2003, Mr Bemba's soldiers intercepted her car in [REDACTED] beat her and took her belongings. She lists her loss. She states that they raped women who were in a vehicle ahead of hers but that they did not rape her. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶³

Analysis and conclusions

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

⁶¹ ICC-01/05-01/08-1957-Conf-Exp-Anx74, pages 9 to 11 and 22 to 25.

⁶² ICC-01/05-01/08-1957-Conf-Exp-Anx75; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 309 to 311.

⁶³ ICC-01/05-01/08-1957-Conf-Exp-Anx75, pages 9 to 11 and 21 to 22.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 10 January 2003.

Applicant [REDACTED]⁶⁴

Claim to victim status

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

It is stated that on 15 January 2003, the applicant was in [REDACTED] when the Banyamulengués attempted to rape her and, because she resisted, she was murdered. It is further alleged that they also took the money from her business. The person acting on behalf of the applicant states that she is now providing for the applicant's son. A death certificate where it is stated that the death occurred on [REDACTED] February 2003 is appended. The person acting on behalf of the applicant adds that the date of [REDACTED] February 2003 does not reflect the date of death but the day she declared the death to the *chef du village*. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological and material harm.⁶⁵

Analysis and conclusions

⁶⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx99; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 312 to 314.

⁶⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx99, pages 9 to 11 and 23 to 25.

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

Having considered the application as a whole, the Chamber considers that sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a), on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her murder and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 January 2003. The Chamber further considers that, overall, the person acting on behalf of the applicant has also provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the murder of her sister by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 January 2003.

Applicant [REDACTED]⁶⁶

Claim to victim status

The applicant states that in January 2003, when armed Banyamulengués invaded his village, [REDACTED] located [REDACTED] kilometres from [REDACTED] he fled to the bush with his children for two weeks. He states that, during his absence, the Banyamulengués pillaged his belongings and destroyed his house. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁷

Analysis and conclusions

⁶⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx111; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 315 to 317.

⁶⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx111, pages 9 to 11 and 25 to 27.

The Chamber considers that the 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] [REDACTED] on an unspecified date in January 2003.

Applicant [REDACTED]⁶⁸

Claim to victim status

The applicant states that on 20 February 2003, the Banyamulengués stopped the vehicle in which his son was travelling in [REDACTED]. He claims that the vehicle was carrying stocks of bottles, and because his son resisted their attempt to take away the merchandise, he was beaten and sequestered and he later died from his wounds. Furthermore, the applicant states that around the same time his two warehouses located in [REDACTED] and in [REDACTED] were pillaged and destroyed by the Banyamulengués. He claims that they also took the two vehicles that were used to supply the warehouses. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁶⁹

Analysis and conclusions

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

⁶⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx120; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 318 to 320.

⁶⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx120, pages 9 to 11 and 22 to 23.

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

Applicant [REDACTED]⁷⁰

Claim to victim status

The applicant states that on 10 January 2003, upon the arrival of the Banyamulengués, his wife and children fled from their house, located in [REDACTED] while he stayed at home to look after his cattle. He states that the soldiers came to his house and tortured him until he lost his arm. He adds that they pillaged his livestock and his belongings and then proceeded to burn his house. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷¹

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 Banyamulengués burned his house. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was

⁷⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx129; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 321 to 323.

⁷¹ ICC-01/05-01/08-1957-Conf-Exp-Anx129, pages 9 to 11 and 20 to 22.

looted before being destroyed, applications for participation will be rejected.⁷² In the present case, the applicant clearly states that his belongings were pillaged before the house was burned. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 10 January 2003.

Applicant [REDACTED]⁷³

Claim to victim status

The applicant states that on 6 February 2003, the Banyamulengués came to his shop, located in [REDACTED] searched it, beat him up and asked him for money. He states that after they pillaged his shop, they also pillaged his family house and burned it down. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁷⁴

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 Banyamulengués burned his house. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.⁷⁵ In

⁷² ICC-01/05-01/08-1017, paragraph 56.

⁷³ ICC-01/05-01/08-1957-Conf-Exp-Anx131; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 324 to 326.

⁷⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx131, pages 9 to 11 and 20 to 22.

⁷⁵ ICC-01/05-01/08-1017, paragraph 56.

the present case, the applicant clearly states that his belongings were pillaged before the house was burned down. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 6 February 2003.

Applicant [REDACTED]⁷⁶

Claim to victim status

The applicant states that on 29 December 2002, the Banyamulengués, who were speaking Lingala, entered his house located in the village of [REDACTED] near [REDACTED]. He claims that they tied his hands and feet and tortured him. He adds that they then pillaged all his belongings as well as his wife's money and burned his house. The applicant states that he still suffers physically from the attack. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁷

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 Banyamulengués burned his house. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was

⁷⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx135; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 327 to 329.

⁷⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx135, pages 9 to 11 and 20 to 22.

looted before being destroyed, applications for participation will be rejected.⁷⁸ In the present case, the applicant clearly states that his belongings were pillaged before the house was burned down. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] [REDACTED] on 29 December 2002.

Applicant [REDACTED]⁷⁹

Claim to victim status

The applicant states that in December, when the Banyamulengués left Bangui to go to [REDACTED] some Banyamulengués arrived at his house, located in [REDACTED]. He states that at this time, his wife had fled together with their children and he had stayed at home. He asserts that the soldiers came to his house and ate all his livestock before pillaging and burning his house. He adds that his wife left him because he had nothing left. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸⁰

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic

⁷⁸ ICC-01/05-01/08-1017, paragraph 56.

⁷⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx145; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 330 to 332.

⁸⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx145, pages 10 to 12 and 22 to 25.

coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of Bangui and their departure to [REDACTED] as of December, as well as the fact that a number of applicants refer to the occupation of [REDACTED] as of December 2002, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber also notes that the applicant states that the Banyamulengués burned his house. In this regard, the Chamber recalls that it has already ruled that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.⁸¹ In the present case, the applicant clearly states that his belongings were pillaged before the house was burned down. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of December 2002.

⁸¹ ICC-01/05-01/08-1017, paragraph 56.