

ANNEX C

Group C: Boali, Bossembélé, Bossangoa, Bozoum

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

Applicant [REDACTED]

Claim to victim status

The applicant states that on 18 February 2003, the Banyamulengués troops arrived in [REDACTED] committing widespread violence, pillage and rape. The applicant claims that he and his family fled to the bush, where they stayed for four days, and that they lost everything. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²

Analysis and conclusions

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

The Chamber notes that the applicant states that they lost everything during their absence, failing to describe the precise circumstances of the loss. However, given that in the original application, it is stated that his belongings were pillaged and that in the additional statement, it is specified that the applicant returned to his house after four days and in the absence of any indication that the loss was caused by other circumstances such as fire or destruction, the Chamber is satisfied that the applicant's belongings were pillaged.

¹ ICC-01/05-01/08-1559-Conf-Exp-Anx3; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 519 to 521.

² ICC-01/05-01/08-1559-Conf-Exp-Anx3, pages 9 to 11 and 21.

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

[REDACTED]³
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Claim to victim status

The applicant states that the Banyamulengués entered her house, located in the [REDACTED] *arrondissement* of Bangui. She claims that they pillaged everything in her house, tortured five people and raped her daughter, whereupon the applicant lost consciousness. She claims that when she woke up, she had no clothes on, which let her to believe that she had been sexually abused as well. Furthermore, the applicant claims that while she was going to [REDACTED] from Bangui on account of her business, the vehicle she was traveling in was intercepted by the Banyamulengués troops in [REDACTED]. She alleges that the troops wounded the driver, killed the trainee, and pillaged all her merchandise. The applicant states that she does not know the precise date of the alleged events but she states that they occurred two to three months after the Banyamulengués' attack on Bangui and approximately three weeks before Mr Bozizé came into power in March. As a result of the alleged events, the applicant claims to have suffered material harm.⁴

³ ICC-01/05-01/08-1559-Conf-Exp-Anx7; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 377 to 379.

⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx7, pages 17 to 18.

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 daughter, only pillage and the applicant's rape will be considered for the purpose of the present assessment.

The Chamber notes the applicant's assertion that when she woke up, she had no clothes on, which let her to believe that she had been sexually abused. However, in the absence of any further indication suggesting that the applicant was raped, only pillage will be considered for the purpose of the present assessment.

The Chamber further notes that, in the additional statement, the applicant states that she does not know the precise date of the alleged events. However, given that the applicant states that they occurred two to three months after the Banyamulengués' attack on Bangui and approximately three weeks before Mr Bozizé came into power in March, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in Bangui and in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED].

Claim to victim status

⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx10; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 380 to 382.

The applicant states that on 10 January 2003, she was at the market selling her merchandise when the Banyamulengués pillaged her house, located in [REDACTED] and then set it on fire. 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 [REDACTED] on 10 January 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that in January 2003, on her way back to Bangui from a business trip to [REDACTED] the Banyamulengués stopped the vehicle she was travelling in [REDACTED] kilometres from [REDACTED]. She claims that they pillaged her merchandise. The applicant claims that after the alleged events, she became ill and was unable to continue with her business. As a result of the alleged events, the applicant claims to have suffered material harm.⁸

Analysis and conclusions

⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx10, pages 9 to 11 and 21.

⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx12; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 383 to 385.

⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx12, pages 8 to 10 and 22.

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 vicinity of [REDACTED] on an unspecified date in January 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that after an attempted coup, following the arrival of the Banyamulengués in Bangui, he and his family fled their home located in the [REDACTED] area. He claims that his belongings and house were destroyed. One year later, after another coup, he claims that he had to flee again as the Banyamulengués arrived in the area of [REDACTED] where he was living, and he sought refuge in the bush. He claims that upon his return, once Mr Bozizé's troops got back to Bangui, he found that the Banyamulengués troops had pillaged his belongings and destroyed his house. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰

Analysis and conclusions

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

⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx13; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 386 to 388.

¹⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx13, pages 9 to 11 and 21.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, as the applicant states that the events occurred after a second attempted coup that occurred approximately one year after a first attempted coup and as he refers to the return of Mr Bozizé's rebels to Bangui, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]¹¹

Claim to victim status

The applicant states that on 12 January 2003, on her way back to Bangui from [REDACTED] the vehicle she was travelling in was intercepted by the Banyamulengués in [REDACTED]. The applicant claims that she was raped and beaten, resulting in an injury to her leg, and her merchandise was pillaged. She also states that following the events she had to receive medical treatment for her blood pressure, and she discovered that she was three months pregnant. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²

¹¹ ICC-01/05-01/08-1559-Conf-Exp-Anx20; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 389 to 391.

¹² ICC-01/05-01/08-1559-Conf-Exp-Anx20, pages 9 to 11 and 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 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 12 January 2003.

Applicant [REDACTED]³

Claim to victim status

The applicant states that in February 2003, while returning to Bangui from [REDACTED] with her husband, they were intercepted by the Banyamulengués in [REDACTED]. The applicant claims that she was raped by the Banyamulengués and lost consciousness. She claims that she does not know what happened to her merchandise. The applicant alleges that she was taken to the hospital in [REDACTED] where she received treatment for about two days. The applicant claims that when her husband found out about the rape, he abandoned her with their children. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁴

Analysis and conclusions

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

¹³ ICC-01/05-01/08-1559-Conf-Exp-Anx24; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 392 to 394.

¹⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx24, pages 9 to 11 and 24 to 25.

The Chamber notes that the applicant states that she does not know what happened to her merchandise. In the absence of any indication that her merchandise was pillaged, only rape will be considered for the purpose of the present assessment. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in February 2003.

Applicant [REDACTED]⁵

Claim to victim status

The applicant states that on 12 January 2003, on his way back from [REDACTED] to Bangui, he was caught in an ambush set up by the Banyamulengués [REDACTED] kilometres away from [REDACTED]. The applicant claims that he was asked by the Banyamulengués, in Lingala, to get out of the vehicle and to lie on the ground. According to the applicant, his aunt tried to resist but the Banyamulengués seized the bus and the luggage therein, including his merchandise. 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

¹⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx25; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 395 to 397.

¹⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx25, pages 9 to 11 and 22.

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]¹⁷

Claim to victim status

The applicant states that on 30 November 2002, she was in [REDACTED] staying with an acquaintance, when the Banyamulengués came and raped both of them, as well as the daughter of the applicant's acquaintance. She further alleges that they also took all her merchandise. She claims that, as a result, she contracted HIV, and that her husband left her upon hearing of the events. The applicant appends a medical document which suggests that she is HIV positive. The applicant specifies that the acquaintance also contracted HIV and recently died. As a result of the alleged events, the applicant claims to have suffered physical, psychological and 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 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 30 November 2002.

¹⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx26; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 398 to 400.

¹⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx26, pages 9 to 11 and 21 to 23.

Applicant [REDACTED]¹⁹

Claim to victim status

The applicant states that on 15 February 2003, on her way back from [REDACTED] to Bangui, she was stopped in [REDACTED] by a group of armed soldiers many of whom were minors who spoke Lingala and some French. According to the applicant, as she had no money, they pillaged her merchandise. 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 February 2003.

Applicant [REDACTED]²¹

Claim to victim status

The applicant states that on 15 December 2002, while he was driving back to Bangui from [REDACTED] together with his wife, they were stopped by three Banyamulengués in [REDACTED] and asked to get out of the vehicle. The

¹⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx30; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 401 to 403.

²⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx30, pages 9 to 11 and 20.

²¹ ICC-01/05-01/08-1559-Conf-Exp-Anx37; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 404 to 406.

applicant alleges that he was tortured and that his wife, who was pregnant, was raped behind the police station, which lead to a miscarriage. The applicant further states that the Banyamulengués took his money as well as his belongings. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²²

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 wife 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 15 December 2002.

Applicant [REDACTED]²³

Claim to victim status

The applicant states that on 9 February 2003, the Banyamulengués arrived in [REDACTED] and started committing crimes in different areas of the town. He further alleges that when the Banyamulengués came to his house, they intended to loot his goods, but when he told them that he was a priest, they only let him take his bible before evacuating him and burning his house in front of him,

²² ICC-01/05-01/08-1559-Conf-Exp-Anx37, pages 9 to 11 and 21 to 22.

²³ ICC-01/05-01/08-1559-Conf-Exp-Anx47; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 407 to 409.

without pillaging his property. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.²⁴

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.²⁵ In the present case, the applicant explicitly states that the Banyamulengués burned his house without pillaging his belongings. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]²⁶

Claim to victim status

The applicant states that on 15 January 2003, while she was visiting her sick sister in the [REDACTED] area of [REDACTED] she heard gun shots and saw people fleeing. She adds that her sister's husband also fled to the bush. The applicant claims that the Banyamulengués broke into the house, shot in the house and found her hiding under the bed. She states that one of them pointed a gun at her while the other three raped her and pillaged the house. According to the applicant, the Banyamulengués did not harm her sister as she was in a poor physical condition. The applicant further claims that both she and her sister fled to the bush and

²⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx47, pages 9 to 11 and 22.

²⁵ ICC-01/05-01/08-1017, paragraph 56.

²⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx54; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 410 to 412.

upon their return, they saw that the house had been pillaged. She also adds that her sister died after the events. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.²⁷

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 pillaged her sister's house. However, in the absence of any indication that the applicant's personal belongings were also pillaged, only the rape of the applicant will be considered for the purpose of the present assessment.

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

Applicant [REDACTED]²⁸

Claim to victim status

The applicant states that on 12 December 2002, the Banyamulengués invaded [REDACTED] pillaging and destroying everything. The applicant states that on his way back from the fields, he met members of his family who told him that the Banyamulengués had pillaged and destroyed his house and his belongings,

²⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx54, pages 9 to 11 and 21 to 23.

²⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx57; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 413 to 415.

including his cattle. As a result of the alleged events, the applicant claims to have suffered 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 12 December 2002.

Applicant [REDACTED]³⁰

Claim to victim status

The applicant states that at the end of 2002, at the time of the end-of-the-year festivities, upon the arrival of the Banyamulengués, he fled from his home located in [REDACTED]. He states that while fleeing, he sustained an injury at his arm and that he and his family hid in the forest for two weeks without having access to any food. He further claims that when he returned to his house, he found that all his belongings had been pillaged, including the roof of the house. As a result of the alleged events, the applicant claims to have suffered physical and material harm.³¹

Analysis and conclusions

²⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx57, pages 9 to 11 and 21 to 22.

³⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx59; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 416 to 418.

³¹ ICC-01/05-01/08-1559-Conf-Exp-Anx59, pages 9 to 11 and 21.

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 December 2002.

Applicant [REDACTED]³²

Claim to victim status

The applicant states that at the time after Mr Patassé was in power and before Mr Bozizé came into power, the Banyamulengués came to [REDACTED] where she was living with her husband and her family. According to the applicant, the Banyamulengués were armed child soldiers from Zaire carrying weapons and speaking Lingala. She contents that upon their arrival, her husband, who suffered from low blood pressure, lost consciousness and subsequently died. The applicant further claims that the Banyamulengués broke into her house, hit her and her sister, who subsequently lost her eye, and pillaged their belongings. She asserts that she subsequently had to flee into the bush with her family, where her daughter died. As a result of the alleged events, the applicant claims to have suffered psychological, physical and material harm.³³

Analysis and conclusions

³² ICC-01/05-01/08-1559-Conf-Exp-Anx66; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 419 to 421.

³³ ICC-01/05-01/08-1559-Conf-Exp-Anx66, pages 9 to 11 and 21 to 22.

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

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

Applicant [REDACTED]³⁴

Claim to victim status

The applicant states that in February 2003, men from the other side of the river invaded the area of [REDACTED] and broke into houses, pillaged belongings and took girls hostage. She claims that as she was concerned for her daughters, she fled to Bangui and left everything behind. The applicant claims to have lost all her belongings and she states that she was later informed that the majority of the houses in the area had been burned down. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁵

Analysis and conclusions

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

The Chamber notes that the applicant claims to have left her belongings behind and therefore lost all her belongings. In the absence of any indication that her belongings were pillaged, the Chamber is not in a position to determine whether

³⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx70; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 422 to 424.

³⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx70, pages 9 to 11 and 22.

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]³⁶

Claim to victim status

The applicant alleges that on 9 February 2003, while returning from a business trip between [REDACTED] and Bangui, the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED]. He claims that the assailants, who were speaking Lingala, forced the passengers to get out of the vehicle. He further states that they pillaged all their merchandise. The applicant lists his loss. He further claims that he had to return to Bangui by foot, which took him one week. As a result of the alleged events, the applicant claims to have suffered material harm.³⁷

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.

³⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx78; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 425 to 427.

³⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx78, pages 10 to 12 and 22.

Applicant [REDACTED]³⁸

Claim to victim status

The applicant alleges that on 11 or 12 February 2003, he was at the riverside when he heard that people were fleeing from Mr Bemba's military troops, who had arrived in [REDACTED]. According to the applicant, he fled to the bush with the rest of the local population because the troops were shooting at people and wrecking their homes. He states that the Banyamulengués also [REDACTED]

[REDACTED] The applicant claims that upon his return, he found that they had pillaged his belongings and burned his house. He lists his loss. As a result of the alleged events, the applicant claims to have suffered 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 11 or 12 February 2003.

Applicant [REDACTED]⁴⁰

Claim to victim status

³⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx81; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 428 to 430.

³⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx81, pages 10 to 12 and 23.

⁴⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx83; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 431 to 433.

The applicant claims that when he returned from a business trip between [REDACTED] and Bangui, the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED]. The applicant maintains that the Banyamulengués beat him and one of them hit him with the butt of his rifle, injuring his knee. The applicant further states that the assailants pillaged his merchandise and his money and took the vehicle. The applicant states that he does not remember the precise date of the events but he states that they occurred when the Banyamulengués were in the country and before Mr Bozizé came into power. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴¹

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 does not remember the date of the events. However, in light of the intrinsic coherence of the application in all other respects, and notably the contention that the events occurred when the Banyamulengués were in the country and before Mr Bozizé came into power, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber 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-

⁴¹ ICC-01/05-01/08-1559-Conf-Exp-Anx83, pages 10 to 12 and 21 to 22.

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

Applicant a/1792/10⁴²

Claim to victim status

The applicant alleges that around 15 February 2003, after having fled to the bush due to the arrival of the Banyamulengués in [REDACTED] he and his mother returned to their house to collect their belongings. The applicant states that the Banyamulengués found them inside their house. He further claims that they asked him to lie on the ground, pointed their weapons at him and started searching for money. The applicant claims that when the troops saw the livestock outside his house, they started sharing it amongst themselves, which gave him and his mother an opportunity to escape. The applicant maintains that they were hiding in the bush for two weeks and upon their return, they found that their belongings and livestock had been pillaged and their house destroyed. 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

⁴² ICC-01/05-01/08-1559-Conf-Exp-Anx90; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 434 to 436.

⁴³ ICC-01/05-01/08-1559-Conf-Exp-Anx90, pages 10 to 12 and 23 to 24.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on and as of 15 February 2003.

Applicant [REDACTED]⁴⁴

Claim to victim status

The applicant alleges that on 27 December 2002, while returning from a business trip between [REDACTED] and Bangui, the vehicle he was travelling in was intercepted by the Banyamulengués at [REDACTED]. He claims that the assailants forced the passengers to get out of the vehicle and, as they were armed, he got scared and fled to the bush. The applicant claims that the Banyamulengués pillaged his merchandise, which he lists and values. He further claims that he had to walk back to Bangui. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁵

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 27 December 2002.

⁴⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx92; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 437 to 439.

⁴⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx92, pages 10 to 12 and 23

Applicant [REDACTED]⁴⁶

Claim to victim status

The applicant claims that in 2002, while returning from a business trip between [REDACTED] and Bangui, the vehicle she was travelling in was intercepted by some armed men at [REDACTED]. She claims that the assailants, who were speaking a little bit of French and their own language, forced the passengers to get out of the vehicle. She further claims that the assailants beat and searched the passengers and she adds that they took all her belongings and merchandise. The applicant states that upon her return to Bangui, she was told that the assailants were the Banyamulengués. She further alleges that once she was back at her house, located in the [REDACTED] area of Bangui, some people destroyed it. The applicant ascertains that these people were not Banyamulengués. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁷

Analysis and conclusions

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

The Chamber notes that the date provided by the applicant (2002) is broad and as such could fall outside the temporal scope of the present case. The Chamber further notes that concerning the destruction of her house, the applicant states that her father was accused to be hiding arms because he belonged to the [REDACTED] ethnic group and further states that she does not think that the assailants were Banyamulengués. Given that the reference to the attack on her father because he belonged to the [REDACTED] ethnic group suggests that the

⁴⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx98; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 440 to 442.

⁴⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx98, pages 10 to 12 and 21 to 22.

alleged events took place during the Banyamulengués' first attack in 2001, the Chamber is not in a position to determine whether the alleged events fall under the temporal scope of the present case. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁴⁸

Claim to victim status

The applicant claims that on 13 January 2003, while returning from a business trip between [REDACTED] and Bangui, the vehicle she was travelling in was intercepted by the Banyamulengués in [REDACTED]. She claims that the assailants, who were speaking Lingala and Sango, forced the passengers to get out of the vehicle and to lie down. The applicant further states that the Banyamulengués pillaged all her belongings and merchandise, which she lists and values. She claims that following the attack, she had to be hospitalised for one month. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁴⁹

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

⁴⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx106; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 443 to 445.

⁴⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx106, pages 10 to 12 and 22 to 23.

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

Applicant [REDACTED]⁵⁰

Claim to victim status

The applicant claims that on 15 February 2003, while returning from a business trip between [REDACTED] and Bangui, the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED]. He claims that the assailants, who were speaking Lingala, forced the passengers to get out of the vehicle and they subsequently beat him. The applicant further states that the Banyamulengués pillaged his money and belongings, which he lists. He claims that as he tried to resist, he was hit on the head and lost consciousness. As a result of the alleged events, the applicant claims to have suffered physical, psychological 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 15 February 2003.

⁵⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx109; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 446 to 448.

⁵¹ ICC-01/05-01/08-1559-Conf-Exp-Anx109, pages 10 to 12 and 22 to 24.

Applicant [REDACTED]⁵²

Claim to victim status

The applicant claims that on 9 December 2002, while returning from a business trip between [REDACTED] and Bangui, the vehicle she was travelling in was intercepted by the Banyamulengués in [REDACTED]. She claims that the assailants, who were speaking Lingala, forced the passengers to get out of the vehicle and they subsequently beat them. According to the applicant, one of the assailants took her aside and after ripping her clothes, he found the money she was hiding. She further states that he took the money and let her go. The applicant claims that after having been hiding for a while in the bush, she returned to [REDACTED] but the vehicle had disappeared. As a result of the alleged events, the applicant claims to have suffered psychological and 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 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 9 December 2002.

Applicant [REDACTED]⁵⁴

⁵² ICC-01/05-01/08-1559-Conf-Exp-Anx112; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 449 to 451.

⁵³ ICC-01/05-01/08-1559-Conf-Exp-Anx112, pages 10 to 12 and 22 to 23.

⁵⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx115; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 452 to 454.

Claim to victim status

The applicant claims that on 22 December 2002, while returning from a business trip between [REDACTED] and Bangui, the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED]. He claims that the assailants, who were speaking Lingala, forced the passengers to get out of the vehicle and searched them. The applicant further states that the Banyamulengués pillaged his money and belongings, which he lists. According to the applicant, they stayed in [REDACTED] and after two days, they were informed that the merchandise located inside the vehicle was not there anymore. The applicant claims that they hitchhiked their way back to Bangui. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁵

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 22 December 2002.

Applicant [REDACTED]⁵⁶

Claim to victim status

⁵⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx115, pages 10 to 12 and 22 to 23.

⁵⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx117; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 455 to 457.

The applicant claims that on 2 January 2003, while returning from a business trip between [REDACTED] and Bangui, the vehicle she was travelling in was intercepted by the Banyamulengués in [REDACTED]. The applicant further states that the Banyamulengués raped some of the women and pillaged her money and her merchandise. As a result of the alleged events, the applicant claims to have suffered 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 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 2 January 2003.

Applicant [REDACTED]⁵⁸

Claim to victim status

The applicant claims that on 10 February 2003, while returning from a business trip between [REDACTED] and Bangui, the vehicle she and her aunt were travelling in was intercepted by the Banyamulengués in [REDACTED]. The applicant states that the assailants, who were speaking Lingala, forced the passengers to get out of the vehicle, beat some of them and pillaged her aunt's money. She claims that while her aunt was raped, she tried to escape but she did not succeed and was severely

⁵⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx117, pages 10 to 12 and 21.

⁵⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx132; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 458 to 460.

beaten. The applicant further states that the assailants kidnapped the women and took them to a camp. She clarifies that as she was only twelve years old at the time of the events, she escaped from the fate suffered by her aunt and the other women. She ascertains that she and her aunt managed to escape and returned to the [REDACTED] area of Bangui, where they found that their house had been destroyed and burned. The applicant alleges that she still has health problems and is unable to conceive because of the alleged events. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁹

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 aunt, the rape of her aunt will not be considered for the purpose of the present assessment.

The Chamber notes that the applicant states that upon their return, they found that their house had been destroyed and burned. In the absence of any indication that her personal belongings were pillaged, the harm suffered by the applicant is not related to the charges confirmed against the accused. Accordingly, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁶⁰

Claim to victim status

⁵⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx132, pages 10 to 12 and 21 to 23.

⁶⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx146; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 461 to 463.

The applicant alleges that on 12 February 2003, while returning to Bangui from [REDACTED] the vehicle she was travelling in was intercepted by the Banyamulengués troops in [REDACTED]. The passengers were asked to alight from the vehicle and all the women were asked to undress. The applicant claims that they found a sum of money on her which they pillaged, and that this saved her from being raped. However, she alleges that a friend who was travelling with her was raped and killed. According to the applicant, the Banyamulengués further took their merchandise and the vehicle. As a result of the alleged events, the applicant claims to have suffered 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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 12 February 2003.

Applicant [REDACTED]⁶²

Claim to victim status

The applicant claims that on 7 February 2003, the Banyamulengués troops pillaged his house located in [REDACTED] taking his furniture and money. In the additional statement, in addition to what is stated in the original application, the

⁶¹ ICC-01/05-01/08-1559-Conf-Exp-Anx146, pages 10 to 12 and 24 to 25.

⁶² ICC-01/05-01/08-1559-Conf-Exp-Anx150; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 464 to 466.

applicant alleges that he lost his father, who was a [REDACTED] and that he believes that they killed him because he was wearing the uniform of the [REDACTED]. The applicant clarifies that he did not provide this information in the original application because he was not in a good psychological condition. As a result of the alleged events, the applicant claims to have suffered material and psychological harm.⁶³

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant as well as the identity of and kinship with his father.

However, in the absence of any information regarding the precise circumstances of his father's death and notably the issue of whether he was taking part in the hostilities, 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 7 February 2003.

Applicant [REDACTED]⁶⁴

Claim to victim status

The applicant claims that on 18 January 2003, the Banyamulengués were in [REDACTED] where she was living at her uncle's place. She asserts that when the Banyamulengués started to flee, they shot at the roof of the house and broke the

⁶³ ICC-01/05-01/08-1559-Conf-Exp-Anx150, pages 10 to 12 and 24.

⁶⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx155; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 467 to 469.

door to hide from Mr Bozizé's rebels. When they entered the house, they raped her uncle's wife and four of them raped the applicant, after beating her with their weapons. She claims that she suffers from serious medical complications from the rape, which prevent her from having children. The applicant appends medical documents which certify that she is suffering from several infections. She further states that her medical treatment is very costly and that she is stigmatized. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁵

Analysis and conclusions

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

The Chamber notes that the applicant submits that the events occurred on 18 January 2003 while she is referring to the Banyamulengués retreating and hiding in front of Bozizé's rebels, which took place in early March 2003. However, as the general circumstances described in the application suggest that the alleged events 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 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 by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 18 January and 15 March 2003.

⁶⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx155, pages 10 to 12, 23 to 54.

Applicant [REDACTED]⁶⁶

Claim to victim status

The applicant alleges that on 10 December 2002, while she was returning to Bangui from [REDACTED] the vehicle she was travelling in was intercepted by the Banyamulengués troops in [REDACTED] which was under their occupation. The applicant claims that when they were stopped by the Banyamulengués, they were asked to alight from the vehicle and all her merchandise was pillaged. The applicant alleges that some of the passengers were beaten. She further states that she saw the Banyamulengués leaving upon the arrival of Mr Bozizé and his troops. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁷

Analysis and conclusions

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

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 December 2002.

Applicant [REDACTED]⁶⁸

Claim to victim status

⁶⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx157; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 470 to 472.

⁶⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx157, pages 10 to 12, 22 to 23.

⁶⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx158; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 473 to 475.

The applicant claims that in December 2002, on his way back from [REDACTED] his vehicle was intercepted by Mr Bemba's men in [REDACTED]. He claims that the men mistreated the passengers and pillaged their goods, including his money. He alleges that following the assault, he fled to the bush. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁹

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 December 2002.

Applicant [REDACTED]⁷⁰

Claim to victim status

The applicant alleges that on 5 January 2003, while returning to Bangui from [REDACTED] the vehicle he was travelling in was stopped in [REDACTED] by military troops speaking Lingala. The passengers were asked to alight from the vehicle and they were threatened and beaten. The men looted all his merchandise and the applicant claims that as he was defending himself, he was beaten and he sustained injuries to his elbow and ankle. The applicant claims that the passengers fled in all directions, whereupon the Banyamulengués started

⁶⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx158, pages 10 to 12, 22 to 23.

⁷⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx161; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 476 to 478.

shooting at them, killing some of his fellows. 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 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 5 January 2003.

Applicant [REDACTED]⁷²

Claim to victim status

The applicant alleges that on 13 December 2002, while returning to Bangui from [REDACTED] the vehicle she was travelling in was intercepted by the rebel troops of Jean-Pierre Bemba in [REDACTED]. They asked the passengers to step out and searched them. She claims that all her diamonds, her gold and her identity documents were pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷³

Analysis and conclusions

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

⁷¹ ICC-01/05-01/08-1559-Conf-Exp-Anx161, pages 10 to 12, 21 to 22.

⁷² ICC-01/05-01/08-1559-Conf-Exp-Anx164; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 479 to 481.

⁷³ ICC-01/05-01/08-1559-Conf-Exp-Anx164, pages 10 to 12, 22 to 23.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 13 December 2002.

Applicant [REDACTED]⁷⁴

Claim to victim status

The applicant alleges that between 10 and 15 February 2003, while she was returning to Bangui from [REDACTED] the vehicle she was travelling in was intercepted by the Banyamulengués troops in [REDACTED] and they were asked to alight from the vehicle. The applicant alleges that they trapped her and took everything she had on her. She states that they wanted to rape her but when they found a sum of money on her, they let her go. The applicant alleges that they stayed in the bush for a few days and when she came back to [REDACTED] she found that she had lost the vehicle and all the merchandise. The applicant lists the loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁵

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

⁷⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx166; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 482 to 483.

⁷⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx166, pages 10 to 12, 21 to 22.

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 10 and 15 February 2003.

Applicant [REDACTED]⁷⁶

Claim to victim status

The applicant claims that on 25 February 2003, when she was returning to Bangui from [REDACTED] the vehicle she was travelling in was stopped by the Banyamulengués troops in [REDACTED] and her merchandise was pillaged. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷⁷

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 25 February 2003.

Applicant [REDACTED]⁷⁸

⁷⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx168; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 485 to 488.

⁷⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx168, pages 10 to 12, 23.

⁷⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx169; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 488 to 590.

Claim to victim status

The applicant claims that on 9 January 2003, she was at her deceased husband's house, located in [REDACTED] when the Banyamulengués broke into her house and looted her belongings. She further contends that she was beaten and then raped by three of them. In addition, she states that her five-year-old son was hit by a bullet and, as a result, he died three days later. According to the applicant, the events occurred at the time when Mr Patassé had called in Mr Bemba's men and when they left, Mr Bozizé became President. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁷⁹

Analysis and conclusions

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

The Chamber considers that the information recorded in the additional statement suggests that the alleged events fall within the scope of the present case. However, the Chamber also notes the VPRS assessment according to which the additional statement was characterized by inconsistencies in relation to the place and the time of the events which "raise fundamental doubts on the reliability of the victim's statement."⁸⁰ In accordance with this assessment, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁸¹

Claim to victim status

⁷⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx169, pages 9 to 11, 21 to 22.

⁸⁰ ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 488.

⁸¹ ICC-01/05-01/08-1559-Conf-Exp-Anx175; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 491 to 493.

The applicant alleges that on 29 December 2002, on her way back to Bangui from [REDACTED] the bus she was travelling in was intercepted in [REDACTED] by the armed soldiers of Mr Bemba, who were speaking Lingala. According to the applicant, some of them entered the bus and headed for the merchandise while the others mistreated them. She claims that she was lying on the ground and she tried to hide her money but she was seen and the money was pillaged. She further states that the Banyamulengués killed another passenger who resisted when the Banyamulengués tried to rape her. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸²

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 29 December 2002.

Applicant [REDACTED]⁸³

Claim to victim status

The applicant claims that on 15 January 2003, on her way back from [REDACTED] to Bangui, the vehicle she was travelling in was intercepted by the Banyamulengués close to [REDACTED] in [REDACTED]. The applicant alleges that when they were

⁸² ICC-01/05-01/08-1559-Conf-Exp-Anx175, pages 10 to 12, 21 to 23.

⁸³ ICC-01/05-01/08-1559-Conf-Exp-Anx176; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 494 to 496.

stopped, the Banyamulengués took all the good looking women with them and one of them approached the applicant. When she tried to escape, the man beat her on her left eye. The applicant claims that when she was hit, her waist bag containing money fell down and one of the men picked it up, shouting that there was a lot of money inside. According to the applicant, this saved her and she managed to flee to [REDACTED] where a monk gave her transport money to Bangui. The applicant claims that she had bought stock for her business in Bangui, which was pillaged by the Banyamulengués. The applicant states that because of the blow on her eye, her vision has been impaired. The applicant claims that her husband abandoned her on the assumption that she had been raped. The applicant claims that she is suffering from depression because of the events. The applicant also states that her grandmother died from hypertension due to the events. The applicant explains that as she has been ill, she does not remember the precise date of the events but states that they could have occurred on 15 January 2003. The applicant lists the loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁸⁴

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 states that she does not remember the precise date of the events but she claims that it could be 15 January 2003 as provided in the original application. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the assault by the Banyamulengués at [REDACTED] in [REDACTED]

⁸⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx176, pages 10 to 12, 21 to 23.

which was corroborated by a number of applicants, and given the applicant's state of health, the Chamber is of the view that the failure to remember the exact date should not serve to exclude the applicant. Under these circumstances, the Chamber is satisfied that overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁸⁵

Claim to victim status

The applicant alleges that on her return from [REDACTED] where she had bought merchandise, she fell into an ambush by the Banyamulengués in [REDACTED]. She claims they took her to the bush, injured her with a knife and raped her. According to the applicant, another girl was also raped. The applicant further claims that the rest of the passengers fled and the Banyamulengués pillaged all their belongings from the vehicle. The applicant alleges that her husband abandoned her following the events. The applicant does not remember the precise date of the events but she states that they occurred at the time when Mr Patassé was President, when Mr Bozizé's soldiers were fighting against the Banyamulengués and when Mr Bozizé had fled. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁸⁶

⁸⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx177; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 497 to 499.

⁸⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx177, pages 9 to 11, 20 to 21.

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 states that she does not remember the date of the events. However, in light of the intrinsic coherence of the application in all other respects and notably the contention that the events occurred at the time when Mr Patassé was President, when Mr Bozizé's soldiers were fighting against the Banyamulengués and when Mr Bozizé had fled, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Accordingly, the Chamber considers that the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁸⁷

Claim to victim status

The applicant claims that between 20 and 25 February 2003, when he heard about the arrival of the Banyamulengués, he fled to the bush, leaving his family behind in his house, located in [REDACTED]. He claims that the troops pillaged his house, taking his belongings, notably his motorcycle and some clothes. His family, who was present in the house, witnessed the events and his wife understood what the

⁸⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx183; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 500 to 502.

Banyamulengués were saying because she comes from the [REDACTED] As a result of the alleged events, the applicant claims to have suffered material harm.⁸⁸

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 20 and 25 February 2003.

Applicant [REDACTED]⁸⁹

Claim to victim status

The applicant alleges that on 17 February 2003, on his way back from a business trip to [REDACTED] the vehicle he was travelling in together with seven other passengers was intercepted by the Banyamulengués [REDACTED] kilometre away from [REDACTED] He contends that the Banyamulengués took them to the [REDACTED] of [REDACTED] where they beat one of the passengers and took the vehicle, including their merchandise and one woman with them. The applicant alleges that they stayed in [REDACTED] for three days, hoping to get the vehicle back. Subsequently, they walked in the direction of [REDACTED] where they arrived after four days. However, as the Banyamulengués were already in the town, they stayed in

⁸⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx183, pages 9 to 11, 21 to 22.

⁸⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx194; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 503 to 505.

the bush at the place of a fellow passenger's aunt. The applicant states that they stayed there for three months and returned to Bangui less than one week after Mr Patassé's overthrow by Mr Bozizé. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁹⁰

Analysis and conclusions

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

However, the Chamber notes that the applicant states that they were intercepted by the Banyamulengués on 17 February 2003, arrived in [REDACTED] seven days later, spent three months in the bush and returned to Bangui less than one week after Mr Patassé's overthrow by Mr Bozizé. According to this account, the applicant would have returned to Bangui by the end of May which is inconsistent with the statement that it was one week after Mr Patassé's overthrow by Mr Bozizé. The Chamber is of the view that this undermines the credibility of the applicant and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁹¹

Claim to victim status

The applicant alleges that on 18 January 2003, on her way back from [REDACTED] to Bangui, the vehicle she was travelling in was intercepted by the Banyamulengués in [REDACTED]. The applicant claims that they took all her merchandise. The

⁹⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx194, pages 9 to 11, 20 to 23.

⁹¹ ICC-01/05-01/08-1559-Conf-Exp-Anx195; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 506 to 508 .

applicant lists and values the loss. As a result of the alleged events, the applicant claims to have suffered psychological and 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 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 18 January 2003.

Applicant [REDACTED]⁹³

Claim to victim status

The applicant alleges that on 10 February 2003, on her way from [REDACTED] to Bangui, the vehicle she was travelling in was stopped by the Banyamulengués at the [REDACTED]. She claims that they searched everyone in the bus and took some of their belongings. After searching her and taking her clothes off, they found a sum of money intended to buy a house and a bus for her children. The applicant states that they took her money and let them continue to Bangui with the vehicle. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁹⁴

Analysis and conclusions

⁹² ICC-01/05-01/08-1559-Conf-Exp-Anx195, pages 9 to 11, 21.

⁹³ ICC-01/05-01/08-1559-Conf-Exp-Anx200; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 509 to 511.

⁹⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx200, pages 9 to 11, 21 to 22.

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 vicinity of [REDACTED] on 10 February 2003.

Applicant [REDACTED]⁹⁵

Claim to victim status

The applicant claims that prior to the events, he was living at his uncle's place, in [REDACTED]. According to the applicant, his uncle had two stores and when he was travelling, the applicant looked after the merchandise and delivered merchandise to the retailers. He further alleges that, during the holidays, he was living at his aunt's place in [REDACTED] where his older brother, a wholesaler, had a store. However, his older brother died and his aunt was asked to make him go to Bangui, together with a friend of his brother. When they arrived at the [REDACTED] in [REDACTED] they heard gunshots and the Zairians asked them to get out of the vehicle and pillaged their merchandise, including his gold jewellery and his money. He further states that they beat him, breaking one of his teeth. Following the assault, they fled to [REDACTED]. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁹⁶

Analysis and conclusions

⁹⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx201; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 512 to 514.

⁹⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx201, pages 9 to 11, 20 to 21.

The Chamber notes that, according to information registered in the applicant's birth certificate and which was confirmed by the applicant during the interview, the applicant was eight years old at the time of the events. However, the applicant does not remember the precise date of the alleged events but he states that he was fifteen years old at that time. In light of these inconsistencies the Chamber is not in a position to ascertain that the identity of the applicant is demonstrated and that the alleged events fall under the scope of the present case. Accordingly, the application for participation in the proceedings is rejected.

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

Applicant [REDACTED]⁹⁷

Claim to victim status

The applicant states that between 22 and 24 November 2002, upon the arrival of the Banyamulengués in [REDACTED] he fled from his house, together with his family. He further states that upon his return, he found that his business and his house had been pillaged. The applicant also states that when he got out of the bush, Jean-Pierre Bemba's men brought him to their leader and he then saw the soldiers loading trucks with looted goods for a few days. He adds that the trucks were going to Bangui, Zongo and [REDACTED] and that he gave the leader money in order to go to Bangui on one of these trucks with his family. The applicant also states that his son was ill and died at the hospital and he appends a death certificate showing that the death of his son occurred on [REDACTED] August 2005 due to pulmonary tuberculosis. He lists and values his loss in an appended document.

⁹⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx1; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 337 to 339.

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

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 22 November 2002.

Applicant [REDACTED]⁹⁹

Claim to victim status

The applicant states that at the time when the Banyamulengués had invaded PK [REDACTED] after Mr Bozizé tried to come to power for the first time and was driven out, he was intercepted by the Banyamulengués [REDACTED] km away from [REDACTED] as he was coming back from [REDACTED] with diamonds he had bought. The applicant maintains that the Banyamulengués brutalized him and took the diamonds, his money and his motorcycle, and then abandoned him. The applicant claims he regained Bangui two to three days after Mr Bozizé had come to power. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁰

⁹⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx1, pages 9 to 11, 20 to 21 and 41 to 54.

⁹⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx3; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 433 to 435.

¹⁰⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx3, pages 4 to 5 and 13 to 15.

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. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of PK [REDACTED] as well as the fact that the applicant states that the alleged events occurred in a period of time between after Mr Bozizé tried to come to power for the first time and was driven out and when he came to power, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]¹⁰¹

Claim to victim status

The applicant states that at the time when the Banyamulengués invaded the [REDACTED] of [REDACTED] they entered her house. She claims that they first attacked the cattle and then they pillaged everything in the house and eventually killed her cattle. The applicant alleges that she took her children and they fled together

¹⁰¹ ICC-01/05-01/08-1957-Conf-Exp-Anx33; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 436 to 438.

to the bush where they stayed for ten days, before going to Bangui. She further claims that this event has caused the separation from her husband. 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 notes that in the additional statement, the applicant does not provide any date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the time when the Banyamulengués invaded the [REDACTED] of [REDACTED] as well as the fact that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber also notes that in the original application, it is stated that the applicant was raped by the Banyamulengués whereas, according to the information provided in the additional statement, the Banyamulengués merely pillaged the applicant's belongings. In the absence of any indication in the additional statement that the applicant was raped, 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

¹⁰² ICC-01/05-01/08-1957-Conf-Exp-Anx33, pages 4 to 5 and 9 to 12.

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]¹⁰³

Claim to victim status

The applicant states that in 2002, when the Banyamulengués, who were fighting against the rebels of Mr Bozizé, had crossed the river close to [REDACTED] and went towards the road of [REDACTED] he was coming back from [REDACTED] with his merchandise and the Banyamulengués stopped the vehicle he was travelling in at the level of [REDACTED]. According to him, they were speaking Lingala and some of them were speaking French. The applicant contends that they beat him, took his shoes, his clothes, and pillaged his goods. 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.

The Chamber notes that in the additional statement, the applicant indicates that he does not remember the precise date of the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the year 2002, when the Banyamulengués, who were fighting the rebels of Mr Bozizé, had crossed the river and went towards the road of [REDACTED] and the occupation by the Banyamulengués of [REDACTED] the Chamber is of the

¹⁰³ ICC-01/05-01/08-1957-Conf-Exp-Anx45; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 340 to 342.

¹⁰⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx45, pages 9 to 11 and 20 to 23.

view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]¹⁰⁵

Claim to victim status

The applicant states that around 15 December 2002, he was travelling from Bangui to [REDACTED] when the vehicle he was travelling in was intercepted by the Banyamulengués in [REDACTED] at the intersection of the roads to [REDACTED] and [REDACTED]. He further states that the soldiers beat him and took his money and his belongings. As a result of the alleged events, the applicant claims to have suffered physical and 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 he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the

¹⁰⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx55; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 343 to 345.

¹⁰⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx55, pages 9 to 11 and 19 to 22.

accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on or about 15 December 2002.

Applicant [REDACTED]¹⁰⁷

Claim to victim status

The applicant states that on 15 January 2003, she was coming back from [REDACTED] to Bangui with some merchandise when the vehicle she was travelling in was intercepted in [REDACTED] by Mr Bemba's men, who were speaking a language she did not understand. She states that the soldiers pillaged her merchandise as well as her belongings but did not hurt her. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁸

Analysis and conclusions

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

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

Applicant [REDACTED]¹⁰⁹

Claim to victim status

¹⁰⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx58; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 346 to 348.

¹⁰⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx58, pages 9 to 11 and 20 to 22.

¹⁰⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx77; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 349 to 351.

The applicant states that on 20 January 2003, the Banyamulengués were in [REDACTED] where they created chaos. He claims that they invaded his house and asked for money. He states that they forced him to lie on the ground while they pillaged all the household goods as well as his savings. The applicant claims that they then took him to their base, hit him and stuck a knife in his arm, trying to force him to admit that he was a rebel. He adds that they then tied him up and he was held at the base for two or three days. The applicant states that when one of their chief heard him speaking in their common language, he decided to save him from an imminent execution. The applicant states that he was able to flee and come back to Bangui, where he found that his house had been burned down. As a result of the events, the applicant claims to have suffered physical, psychological and material harm.¹¹⁰

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.¹¹¹ In the present case, the applicant clearly states 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

¹¹⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx77, pages 9 to 11 and 21 to 23.

¹¹¹ ICC-01/05-01/08-1017, paragraph 56.

the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date on and as of 20 January 2003.

Applicant [REDACTED]¹¹²

Claim to victim status

The applicant states that Congolese men who had been called by the authorities to come to the CAR, entered his house, located in [REDACTED] and asked him for money. He claims that when he answered that he did not have any money, they drove him and his family out of the house and began looting it, taking everything in the house, including the furniture and the money. He further states that they then burned down the house. As a result of the alleged events the applicant claims to have suffered material harm.¹¹³

Analysis and conclusions

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

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 coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of [REDACTED] and to the call of Congolese men by the authorities, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber further notes that the applicant states that the Banyamulengués burned his house. In this regard, the Chamber recalls that it has already ruled

¹¹² ICC-01/05-01/08-1957-Conf-Exp-Anx87; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 352 to 354.

¹¹³ ICC-01/05-01/08-1957-Conf-Exp-Anx87, pages 9 to 11 and 20 to 22.

that in case of destruction of property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.¹¹⁴ In the present case, the applicant clearly states that 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 between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹¹⁵

Claim to victim status

The applicant states that in 2003, as he was coming back from [REDACTED] to Bangui with his merchandise, the vehicle he was travelling in was intercepted by Mr Bemba's men in [REDACTED]. He further states that the soldiers beat him before pillaging his money and his merchandise, which he lists. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹¹⁶

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 because they occurred a long time

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

¹¹⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx90; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 355 to 357.

¹¹⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx90, pages 9 to 11 and 20 to 23.

ago but thinks that they occurred in 2003. 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] as well as the fact that the events occurred over eight years ago, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]¹⁷

Claim to victim status

The applicant states that on 25 January 2003, on his way back from [REDACTED] the Banyamulengués intercepted the vehicle he was travelling in in [REDACTED] [REDACTED]. He states that they shot in order to intimidate him and the other passengers and took all his merchandise, which he lists. He adds that he then fled and that upon his return to Bangui, the Banyamulengués were occupying several areas. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹¹⁸

Analysis and conclusions

¹¹⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx93; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 358 to 360.

¹¹⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx93, pages 9 to 11 and 20 to 21.

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

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

Applicant [REDACTED]¹¹⁹

Claim to victim status

The applicant states that on 10 January 2003, the Banyamulengués intercepted the vehicle she was travelling in in [REDACTED] shot with their weapons to intimidate the passengers and beat up those who were resisting. She states that they took her merchandise and her money. She also states that on another occasion, the Banyamulengués raped one of her daughters and pillaged her house as well. As a result of the alleged events, she claims to have suffered psychological and material harm.¹²⁰

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 daughter, only the pillage of the applicant's belongings will be considered for the purpose of the present assessment.

¹¹⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx98; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 361 to 363.

¹²⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx98, pages 9 to 11 and 19 to 21.

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]¹²¹

Claim to victim status

The applicant states that in 2002, soldiers from Zaire intercepted the car he was traveling in while he was returning from [REDACTED]. He explains that since some of the passengers spoke a language the Banyamulengués understood, they let him and the other passengers go. He further claims that he fled to the bush for several months and that his house, located in PK [REDACTED] and his belongings were pillaged during his absence. He states that he returned to his house after Mr Bozizé came to power on 15 March 2003. He lists his 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 notes several inconsistencies in relation to the circumstances of the alleged events. In the original application, it is stated that alleged events occurred in [REDACTED] on 15 November 2002 and that the applicant was arrested by the Banyamulengués in PK [REDACTED] and had to drive them to his house,

¹²¹ ICC-01/05-01/08-1957-Conf-Exp-Anx101; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 364 to 366.

¹²² ICC-01/05-01/08-1957-Conf-Exp-Anx101, pages 9 to 11 and 19 to 22.

which they searched and pillaged in his presence. However, in the additional statement, the applicant states that the pillage occurred in his absence as he had fled for a few months and only came back to his house after 15 March 2003.

The Chamber further notes that the date provided in the additional statement is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the occupation by the Banyamulengués of [REDACTED] and PK [REDACTED] as well as the fact that the applicants states that he fled during a few months after the alleged events and only returned after Mr Bozizé came to power on 15 March 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 PK [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹²³

Claim to victim status

The applicant states that while her husband was on his way back from an assignment in [REDACTED] his car was intercepted by the Banyamulengués in [REDACTED]. It was recounted to her that the Banyamulengués asked her husband for his money, and because he did not have any money, they beat him.

¹²³ ICC-01/05-01/08-1957-Conf-Exp-Anx102; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 367 to 369.

The applicant was later informed that her husband subsequently died and was buried by the inhabitants of [REDACTED]. The applicant appends a death certificate indicating that the death occurred on [REDACTED] February 2003. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹²⁴

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events and merely states that her daughter knows the date. 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] as well as the fact that the death certificate indicates that the death of her husband occurred in [REDACTED] on [REDACTED] February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]¹²⁵

¹²⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx102, pages 9 to 11 and 23 to 25.

¹²⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx104; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 370 to 372.

Claim to victim status

The applicant states that on 15 January 2003, he was on his way to Bangui from [REDACTED] when the vehicle he had rented to transport his merchandise was intercepted in the area of [REDACTED] by people from Zaire who were armed and who were speaking Lingala. He further states that the men pillaged all his merchandise and loaded them in their vehicle. 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.

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]¹²⁷

Claim to victim status

The applicant states that in February 2003, upon the arrival of the Banyamulengués, he fled from his house, located in [REDACTED] to take refuge in the fields. He states that upon his return, before Mr Bozizé came to power, he found that his house had been pillaged. He adds that his wife was pregnant at

¹²⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx104, pages 9 to 11 and 20 to 23.

¹²⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx106; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 373 to 375.

the time and died after giving birth due to complications. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹²⁸

Analysis and conclusions

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

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

Applicant [REDACTED]¹²⁹

Claim to victim status

The applicant states that on 15 January 2003, on his way back from [REDACTED] to Bangui with his merchandise, the vehicle he was travelling in was intercepted by the Banyamulengués. The applicant states that he was told to alight from the vehicle as they fired bullets in the air, and he had to lie on the ground. He claims that they stole all his merchandise, which he lists. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³⁰

Analysis and conclusions

¹²⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx106, pages 9 to 11 and 19 to 22.

¹²⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx110; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 376 to 378.

¹³⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx110, pages 9 to 11 and 19 to 22.

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]¹³¹

Claim to victim status

The applicant states that in 2003, he was coming back from [REDACTED] with his merchandise when the Banyamulengués intercepted the vehicle he was traveling in at the level of [REDACTED]. He states that they were speaking Lingala and asked everybody to get out of the vehicle and to unload the merchandise. He states that they pillaged his merchandise. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹³²

Analysis and conclusions

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

The Chamber notes that the date provided in the additional statement is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of [REDACTED] in 2003, as

¹³¹ ICC-01/05-01/08-1957-Conf-Exp-Anx115; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 379 to 381.

¹³² ICC-01/05-01/08-1957-Conf-Exp-Anx115, pages 9 to 11 and 19 to 21.

well as the fact that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués between November 2002 and March 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

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

Applicant [REDACTED]¹³³

Claim to victim status

The applicant states that on 15 February 2003, the vehicle he was travelling in was intercepted in [REDACTED] by the Banyamulengués, who were armed, short and spoke Lingala. He claims that they beat him as well as the other passengers and forced all the passengers, men and women, to perform oral sex on them. He adds that they then looted his merchandise and his money. The applicant further claims that when he managed to return to Bangui, after walking four days, he learned that the Banyamulengués had raped his wife and his niece and he saw that his house, located in the [REDACTED] area of Bangui, had been pillaged. The applicant lists his loss. The applicant claims that since these events, he has not been able to provide for his family. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹³⁴

¹³³ ICC-01/05-01/08-1957-Conf-Exp-Anx118; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 382 to 384.

¹³⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx118, pages 9 to 11 and 20 to 23.

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 his wife and his niece, only pillage and the applicant's rape will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant states that he was raped by the Banyamulengués who intercepted him whereas no mention of rape was made in the original application. However, the Chamber is of the view that this might be due to an error by the intermediary in filling in the form. Therefore, the crime of rape will be considered for the purpose of the present assessment.

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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 Banyamulengués of Jean-Pierre Bemba in [REDACTED] and in the [REDACTED] area of Bangui on 15 February 2003 and on as unspecified date as of 15 February 2003.

Applicant [REDACTED]¹³⁵

Claim to victim status

The applicant states that on 15 January 2003, upon the arrival of the Banyamulengués, who were committing atrocities, he and his family fled their

¹³⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx123; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 385 to 387.

house, located in [REDACTED] He claims that they stayed in the bush for three weeks, in difficult conditions, and they then re-settled in Bangui. The applicant states that when he returned to [REDACTED] to look after his property, he found that his belongings had been pillaged. He also states that his motorcycle had been taken and his savings stolen. He states that he was told by his neighbours that it was the Banyamulengués who had pillaged his belongings. 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.

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 January 2003.

Applicant [REDACTED]¹³⁷

Claim to victim status

The applicant states that upon the arrival of the Banyamulengués who were shooting, the applicant and his family fled in separate directions. The applicant further contends that when he came back home three days later, he found out that his two daughters had been raped. He adds that his children informed him that the Banyamulengués had pillaged their belongings before they burned the

¹³⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx123, pages 9 to 11 and 20 to 22.

¹³⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx126; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 388 to 390.

house. In the additional statement, the applicant states that he does not remember the precise date of the alleged events, but it was when the Banyamulengués were in [REDACTED] and before Mr Bozizé seized power. 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. However, in the absence of any document establishing the identity of and kinship with his daughters, only pillage will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant does not provide any date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the time when the Banyamulengués invaded the [REDACTED] of [REDACTED] and the departure of the Banyamulengués when Mr Bozizé seized power, as well as the fact that a number of applicants refer to the occupation of [REDACTED] by the Banyamulengués in February 2003, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber further 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.¹³⁹ In the present case, the applicant clearly states his belongings were pillaged before the house was burned down. Therefore, the Chamber considers

¹³⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx126, pages 10 to 12 and 22 to 24.

¹³⁹ ICC-01/05-01/08-1017, paragraph 56.

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

Applicant [REDACTED]¹⁴⁰

Claim to victim status

The applicant states that on 5 January 2003, the Banyamulengués broke into the workshop where he was working, located in the same compound as his house, in [REDACTED]. He further states that the men, who were speaking Lingala, beat him, tied his hands and pillaged the workshop and his house before burning them down. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁴¹

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.¹⁴² In the present case, the applicant clearly states that his belongings were pillaged before the house was burned down. Therefore, the Chamber considers that,

¹⁴⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx128; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 391 to 393.

¹⁴¹ ICC-01/05-01/08-1957-Conf-Exp-Anx128, pages 10 to 12 and 22 to 24.

¹⁴² ICC-01/05-01/08-1017, paragraph 56.

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 5 January 2003.

Applicant [REDACTED]³

Claim to victim status

The applicant states that on 15 December 2002, the Banyamulengués, who were speaking a language she did not understand, came to her house, located in [REDACTED]. She further states that they beat her and her children, forcing them to flee. The applicant asserts that the soldiers pillaged her belongings before burning her house. The applicant states that they returned to their house the following day and found the house burned down. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁴⁴

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.¹⁴⁵ In the present case, the applicant clearly states that her belongings were pillaged

¹⁴³ ICC-01/05-01/08-1957-Conf-Exp-Anx132; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 394 to 396.

¹⁴⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx132, pages 10 to 12 and 20 to 23.

¹⁴⁵ ICC-01/05-01/08-1017, paragraph 56.

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

Applicant [REDACTED]¹⁴⁶

Claim to victim status

The applicant states that on 15 January 2003, on his way back from [REDACTED] with merchandise he intended to sell in Bangui, the vehicle he was travelling in was intercepted at a [REDACTED] of the Banyamulengués in [REDACTED]. He states that the passengers of the vehicle were ordered to step out and sit under a tree. He states that the Banyamulengués took all the merchandise from the vehicle and left. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁷

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

¹⁴⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx143; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 397 to 399.

¹⁴⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx143, pages 10 to 12 and 20 to 22.

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

Applicant [REDACTED]¹⁴⁸

Claim to victim status

The applicant states that on 10 December 2002, soldiers who were not from Central Africa and who were speaking Lingala intercepted her car in [REDACTED] forcing her to flee. She further alleges that they took her belongings. She lists her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴⁹

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 10 December 2002.

Applicant [REDACTED]¹⁵⁰

Claim to victim status

¹⁴⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx144; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 400 to 402.

¹⁴⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx144, pages 10 to 12 and 22 to 24.

¹⁵⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx146; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 403 to 405.

The applicant states that in 2002, armed Banyamulengués invaded [REDACTED] and the population fled. She states that the Banyamulengués harmed her. She states that she does not know what the soldiers had in their bodies and she was not able to go to hospital. She adds that they also took her belongings and beat her children. As a result of the alleged events, the applicant claims to have suffered physical and psychological harm.¹⁵¹

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 because it is a painful memory. 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] in 2002, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber further notes that in the original application, it is provided that the applicant was raped while, in the additional statement, the applicant claims that the Banyamulengués “harmed” her (“*ils m’ont fait du mal*”). Considering that in the VPRS report¹⁵² it is specified that this expression is often used to refer to rape and noting further that the applicant states that she did not know what the Banyamulengués had in their bodies and that she could not go to hospital, the Chamber infers from the application that the applicant was raped.

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

¹⁵¹ ICC-01/05-01/08-1957-Conf-Exp-Anx146, pages 10 to 12 and 20 to 21.

¹⁵² Internal Report of the field interpreters, 29 November 2011, ICC-01/05-01/08-1960-Conf-Exp-Anx2.

that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October and 31 December 2002.

Applicant [REDACTED]¹⁵³

Claim to victim status

The applicant states that on 18 February 2003, he was returning from [REDACTED] together with his younger brother, a younger female family member and a friend, when the Banyamulengués stopped them in [REDACTED]. He claims that his younger brother was separated from them so he does not know what happened to him. He adds that the younger female family member was raped in front of him and he and his friend were raped as well. He states that his friend died later as a result of the rape. The applicant claims that they pillaged his belongings. He further states that he was taken to an unknown destination on the road to [REDACTED]. He adds that he still physically suffers today as a result of his rape. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁵⁴

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 the younger female family member, only pillage and the applicant's rape will be considered for the purpose of the present assessment.

¹⁵³ ICC-01/05-01/08-1957-Conf-Exp-Anx148; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 406 to 408.

¹⁵⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx148, pages 10 to 12 and 22 to 26.

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 Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 18 February 2003.

Applicant [REDACTED]¹⁵⁵

Claim to victim status

The applicant states that on 27 December 2002, he was coming back from [REDACTED] to Bangui with some merchandise, when the vehicle he was travelling in was intercepted in [REDACTED] by armed Banyamulengués who were wearing military uniforms and who did not speak Sango. He further states that the men beat him before pillaging his bum bag with his money. He further states that he had to flee and thus lost all his merchandise. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁵⁶

Analysis and conclusions

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

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

¹⁵⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx154; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 409 to 411.

¹⁵⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx154, pages 10 to 12 and 22 to 25.

Applicant [REDACTED]¹⁵⁷

Claim to victim status

The applicant states that on 3 January 2003, as he was travelling back from [REDACTED] with purchased merchandise, his vehicle was intercepted by the Banyamulengués in [REDACTED]. He claims that they told the passengers of the car to step out and they pillaged all the merchandise as well as his money. According to the applicant, they also took the car and he returned to Bangui on other people's bikes. The applicant claims that because of this event, he went bankrupt and his wife left him. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁵⁸

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 3 January 2003.

Applicant [REDACTED]¹⁵⁹

Claim to victim status

¹⁵⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx155; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 412 to 414.

¹⁵⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx154, pages 10 to 12 and 21 to 23.

¹⁵⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx156; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 427 to 429.

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

It is stated that on 15 December 2002, as he was going from Bangui to [REDACTED] for business purposes, the Banyamulengués intercepted the car the applicant was travelling in in [REDACTED] and they pillaged his merchandise. It is further stated that as the applicant resisted to the pillage, the Banyamulengués beat him. It is stated that the same day, the applicant, who had fallen into a coma as a result of the beating, was brought back to Bangui and died there some hours later. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological harm.¹⁶⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identities of both the applicant and his cousin, who is acting on his behalf. The Chamber notes that as the applicant does not have the same family name as the person acting on behalf, it is not possible to infer the kinship from the identity documents. However, as the person acting on behalf appends a statement clarifying that the applicant was the son of his paternal uncle and was living with him like a brother in the same house, the Chamber is satisfied that kinship is sufficiently established.

The Chamber further notes that the date provided in the application form (12 December 2003), as opposed to the date provided in the additional statement (15 December 2002), falls outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, and

¹⁶⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx156, pages 36 to 38 and 47 to 48.

notably the reference to the attack by the Banyamulengués in [REDACTED] the Chamber is of the view that this inconsistency might be the result of inadvertent error and that the events occurred on 15 December 2002. Having considered the application as a whole, the Chamber considers that, overall, sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely his murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 December 2002.

Applicant [REDACTED]¹⁶¹

Claim to victim status

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

It is stated that on 15 December 2003, the Banyamulengués intercepted the applicant in [REDACTED] as he was going from Bangui to [REDACTED] for business purposes, and they pillaged his merchandise. It is further stated that as the applicant resisted to the pillage, the Banyamulengués killed him. As a result of the alleged events, it is claimed that the applicant suffered physical and material harm. In addition, the person acting on behalf of the applicant claims to have suffered psychological harm.¹⁶²

Analysis and conclusions

¹⁶¹ ICC-01/05-01/08-1957-Conf-Exp-Anx156; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 430 to 432.

¹⁶² ICC-01/05-01/08-1957-Conf-Exp-Anx156, pages 58 to 60 and 70 to 71.

The Chamber considers that the documents provided demonstrate the identities of both the applicant and his cousin, who is acting on his behalf. The Chamber notes that as the applicant does not have the same family name as the person acting on behalf, it is not possible to infer the kinship from the identity documents. However, as the person acting on behalf appends a statement clarifying that the applicant was the son of his paternal aunt and was living with him like a brother in the same house, the Chamber is satisfied that kinship is sufficiently established.

The Chamber notes that the date provided in the application form (12 December 2003) falls outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the attack by the Banyamulengués in [REDACTED] the Chamber is of the view that this inconsistency is the result of inadvertent error and that the events occurred on 12 December 2002. Having considered the application as a whole, 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 murder and the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 December 2002. 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 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 cousin by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 December 2002.

Applicant [REDACTED]¹⁶³

Claim to victim status

The applicant states that on 11 or 12 January 2003, as she was coming back from [REDACTED] with some merchandise, the vehicle she was travelling in broke down in [REDACTED]. She claims that people were fleeing and when she tried to flee herself, she was chased by three Banyamulengués. She states that they beat her, took off her clothes and brutalized her. She adds that they took her merchandise, her clothes and her money. The applicant claims that after the events, she went to the hospital to undergo medical tests but fortunately, she is in good health. However, she states that her husband abandoned her after the events, and that she still suffers from pelvic pain. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁶⁴

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 the Banyamulengués inflicted sexual violence upon her, while in the additional statement, she states that the Banyamulengués “brutalized” her. However, as the applicant states that she underwent medical tests, was abandoned by her husband and still suffers from pelvic pain, the Chamber infers from the application that the applicant was raped.

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

¹⁶³ ICC-01/05-01/08-1957-Conf-Exp-Anx160; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 415 to 417.

¹⁶⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx160, pages 9 to 11 and 21 to 24.

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 11 or 12 January 2003.

Applicant [REDACTED]¹⁶⁵

Claim to victim status

The applicant states that in 2002, soldiers who were speaking Lingala intercepted her car in [REDACTED] took her bag and beat her. She states that they took her to the bush, took off her underwear and three of them “did their stupid thing”. Once they finished their “dirty work”, they abandoned her. The applicant was first treated by a woman and her family and she was later brought to the hospital where she underwent medical tests. She adds that they also pillaged her money and all her belongings, which she lists. She states that since the events, her state of health is critical. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁶⁶

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events and merely states that the events 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] in 2002, as well as the fact that the events

¹⁶⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx164; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 418 to 420.

¹⁶⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx164, pages 9 to 11 and 19 to 22.

occurred over eight years ago, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber further notes that in the additional statement, the applicant states that the Banyamulengués inflicted upon her “a stupid thing” or “dirty work”. Given that the applicant further states that she received treatment and underwent medical tests at the hospital, the Chamber infers from the application that the applicant was raped. Accordingly, 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 between 26 October and 31 December 2002.

Applicant [REDACTED]¹⁶⁷

Claim to victim status

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

It is stated that on 13 December 2002, the applicant was leaving [REDACTED] with her merchandise and was intercepted by the Banyamulengués in [REDACTED]. It is stated that as she was trying to resist, she was killed by the Banyamulengués. The person acting on behalf of the applicant appends a death certificate certifying that the death occurred on 13 December 2002. As a result of the alleged events, it is claimed that the applicant suffered physical harm. In addition, the

¹⁶⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx166; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 421 to 423.

person acting on behalf of the applicant claims to have suffered psychological harm.¹⁶⁸

Analysis and conclusions

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

Having considered the application as a whole, the Chamber considers that sufficient evidence had 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 by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 13 December 2002. The Chamber further considers that, overall, the person acting on behalf of the applicant has also 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 sister by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 13 December 2002.

Applicant [REDACTED]¹⁶⁹

Claim to victim status

The applicant states that the day she went with her sister to the cemetery in [REDACTED] they were intercepted by the Banyamulengués. The applicant contends that the Banyamulengués beat her and took her money. She adds that due to the beating, she fell against a tree and hurt her left eye, which she lost as a

¹⁶⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx166, pages 9 to 11 and 19 to 22.

¹⁶⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx171; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 424 to 426.

result. The applicant further states that when she came back with her sister to her sister's house in [REDACTED] they found out that the house had been pillaged and that some of her personal belongings had been pillaged as well. While in the original application, it is provided that the alleged events occurred on 25 November 2002, in the additional statement, the applicant states that she does not remember the precise date of the alleged events and that they took place a long time ago. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁷⁰

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 states that she does not remember the precise date of the alleged events and that they took place a long time ago. However, in light of the intrinsic coherence of the additional statement in all other respects, and notably the reference to the invasion of [REDACTED] by the Banyamulengués, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

¹⁷⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx171, pages 9 to 11 and 19 to 22.