

ANNEX D

Group D: Mongoumba

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

Applicant [REDACTED]

Claim to victim status

The applicant states that at a time when the Banyamulengués were committing crimes in and outside Bangui, she was travelling by boat from Bangui to [REDACTED] where she was selling her merchandise. She alleges that armed Banyamulengués ordered them to stop the boat on CAR territory, and they looted her merchandise. The applicant lists and values her loss. She also states that because of her loss, she had to sell her house, and her child died because of malnutrition. As a result of the alleged events, the applicant claims to have suffered material harm.²

Analysis and conclusions

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

The Chamber notes that the applicant 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 Banyamulengués committing crimes in and outside Bangui, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further recalls that when an applicant refers to acts committed on the Oubangui

¹ ICC-01/05-01/08-1559-Conf-Exp-Anx2; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 515 and 517 to 518.

² ICC-01/05-01/08-1559-Conf-Exp-Anx2, pages 9 to 11 and 18.

River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.³ As the applicant clearly states that the Banyamulengués stopped her on the CAR side of the river, the Chamber is satisfied 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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]

Claim to victim status

The applicant states that during the time period when Mr Patassé was in power, she was returning from the DRC on a boat with the merchandise she had purchased. She claims that after they passed [REDACTED] and as they were going towards Bangui, men who spoke Lingala attacked the boat and took all her merchandise. She also claims that her house in Bangui was burned down, but she does not know who is responsible for that. As a result of the alleged events, the applicant claims to have suffered material harm.⁵

Analysis and conclusions

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

³ ICC-01/05-01/08-1017, paragraph 58.

⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx4; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 519 to 521.

⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx4, pages 9 to 13 and 23.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁶ In the present case, the applicant clearly states that the alleged criminal acts started after they had passed [REDACTED] which suggests that they were on the CAR side of the Oubangui River. However, the Chamber notes that the applicant does not provide any precise date for the alleged events and merely states that the alleged events occurred when Mr Patassé was in power. In light of this information, the Chamber is not in a position to determine whether the alleged events fall under the temporal scope of the present case and the application for participation in the proceedings is rejected.

Applicant [REDACTED]

Claim to victim status

The applicant states that on 10 January 2003, the Banyamulengués attacked the boat she was travelling in, on the Oubangui River, in the vicinity of [REDACTED]. She claims that they pillaged her merchandise and abandoned her on the island that separates the CAR and [REDACTED]. As a result of the alleged events, the applicant claims to have suffered material harm.⁸

Analysis and conclusions

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

⁶ ICC-01/05-01/08-1017, paragraph 58.

⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx9; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 522 to 524.

⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx9, pages 9 to 11 and 21.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁹ Given that the applicant clearly states that the alleged criminal acts started in the vicinity of [REDACTED] 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 January 2003.

Applicant [REDACTED]¹⁰

Claim to victim status

The applicant states that in 2003, in [REDACTED] [REDACTED] kilometres from [REDACTED] his boat was stopped by armed soldiers who spoke Lingala and came from the DRC. The applicant claims that they beat him with their weapons, asked all the passengers to dismount from the boat into the soldiers' canoe and pillaged his money, his merchandise, his boat and his customers' merchandise. He states that they returned to Bangui on the canoe. He states that he does not remember the precise date of the alleged events but that it was at the time of the Banyamulengués' retreat. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹¹

⁹ ICC-01/05-01/08-1017, paragraph 58.

¹⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx14; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 525 to 527.

¹¹ ICC-01/05-01/08-1559-Conf-Exp-Anx14, pages 9 to 11 and 21.

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹² Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] [REDACTED] kilometres from [REDACTED] the Chamber is satisfied that the alleged events fall under the geographical scope of the present case.

The Chamber further notes that the date provided by the applicant (2003) is broad and, as such, might fall outside the temporal scope of the present case. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the period of the Banyamulengués' retreat, the Chamber is of the view that an inaccuracy regarding the 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 1 January and 15 March 2003.

Applicant [REDACTED]³

¹² ICC-01/05-01/08-1017, paragraph 58.

¹³ ICC-01/05-01/08-1559-Conf-Exp-Anx17; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 528 to 530.

Claim to victim status

The applicant states that on 15 November 2002, on his way back from [REDACTED] to Bangui, the Banyamulengués, who were wearing military clothing and carrying arms stopped them on the river, in the vicinity of [REDACTED]. He claims that they seized the boat with all the merchandise belonging to the applicant and the other passengers. He alleges that his pregnant wife fell while trying to flee from the Banyamulengués and she subsequently died. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁴

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁵ Given that the applicant clearly states that the alleged criminal acts started in [REDACTED] 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 November 2002.

¹⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx17, pages 9 to 11 and 22.

¹⁵ ICC-01/05-01/08-1017, paragraph 58.

Applicant [REDACTED]¹⁶

Claim to victim status

The applicant states that on 18 February, while returning to Bangui from [REDACTED] on a boat together with other passengers, they were stopped by the Banyamulengués in the vicinity of [REDACTED]. He claims that the Banyamulengués pillaged all their belongings, including all her merchandise and then abandoned the passengers. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁷

Analysis and conclusions

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

The Chamber notes that the applicant does not specify the year of the alleged events and merely states that the events occurred on 18 February. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the attack by the Banyamulengués of [REDACTED] which, according to a number of applicants, took place in 2003, the Chamber is of the view that the failure to provide the year should not serve to exclude the applicant. The Chamber further recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁸ Given that the applicant clearly states that the alleged criminal acts started in the vicinity of [REDACTED] the Chamber considers that, overall, the

¹⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx29; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 522 to 524.

¹⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx29, pages 9 to 11 and 20.

¹⁸ ICC-01/05-01/08-1017, paragraph 58.

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 February 2003.

Applicant [REDACTED]¹⁹

Claim to victim status

The applicant states that on 10 February 2003, the Banyamulengués pillaged his belongings and savings and burned down his house located in [REDACTED]. The applicant states that he saw the Banyamulengués with his own eyes. As a result of the alleged events, the applicant claims to have suffered material harm.²⁰

Analysis and conclusions

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

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

Applicant [REDACTED]²¹

Claim to victim status

¹⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx44; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 534 to 536.

²⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx44, pages 9 to 11 and 21.

²¹ ICC-01/05-01/08-1559-Conf-Exp-Anx50; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 537 to 539.

The applicant states that while he was on his way back to Bangui from [REDACTED] after the Central African border, the boat he was travelling in was intercepted by the Banyamulengués, on the river, [REDACTED] kilometres away from [REDACTED]. He claims that the Banyamulengués forced him to go down to his cabin, where they hit him and took his money. They then forced everyone to get out of the boat in [REDACTED] and they pillaged everything in it, including the applicant's merchandise, money and belongings. According to the applicant, they then abandoned the boat and used another boat to cross to [REDACTED]. He states that he then went to Bangui and he clarifies that while he was in Bangui, he did not see the Banyamulengués but he heard that they were in the country, in the areas of, *inter alia*, Damara and Sibut until they fled the country some months later. As a result of the alleged events, the applicant claims to have suffered material harm.²²

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.²³ In the present case, the Chamber notes that the applicant clearly states that the alleged events started in [REDACTED]. Accordingly, the Chamber is satisfied that the alleged events fall under the geographical scope of the present case.

²² ICC-01/05-01/08-1559-Conf-Exp-Anx50, pages 9 to 11 and 22 to 23.

²³ ICC-01/05-01/08-1017, paragraph 58.

The Chamber further notes that the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the invasion by the Banyamulengués of several Central African cities and their retreat several months later, the Chamber is of the view that a 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]²⁴

Claim to victim status

The applicant states that between the end of February and 15 March 2003 when Mr Bozizé came to power, [REDACTED] was invaded by soldiers from the DRC, and he and his family had to flee to the bush. They stayed there for around five days, and then travelled to Bangui. The applicant claims that shortly afterwards, he was informed that his house in [REDACTED] and his merchandise had been pillaged. As a result of the alleged events, the applicant claims to have suffered material harm.²⁵

Analysis and conclusions

²⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx62; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 540 to 542.

²⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx62, pages 9 to 11 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 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 the end of February and 15 March 2003.

Applicant [REDACTED]²⁶

Claim to victim status

The applicant states that on 22 February 2003, on the Oubangui River in the vicinity of [REDACTED] armed Banyamulengués began firing shots in the air and ordered the captain of the boat to stop. The applicant claims that they started brutalising the passengers and asked them to undress in order to search them for money and personal belongings. He states that the Banyamulengués transferred their merchandise on their own boat, including the money and merchandise they had looted from her. The applicant alleges that they were then released, but that she continues to suffer from pain in the pelvic region. As a result of the alleged events, the applicant claims to have suffered physical and material harm.²⁷

Analysis and conclusions

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

²⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx63; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 543 to 544.

²⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx63, pages 9 to 11 and 21.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.²⁸ Given that the applicant clearly states that the alleged criminal acts started in the vicinity of [REDACTED] the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 22 February 2003.

Applicant [REDACTED]²⁹

Claim to victim status

The applicant claims that in 2003, when he was leaving the port of [REDACTED] with his merchandise, he heard noise and the sound of weapons coming from the direction of the [REDACTED]. He claims that because he was worried about his shop, he went to the [REDACTED] where the Banyamulengués broke into his shop and severely beat him and his assistant and pillaged the merchandise. He further alleges that the Banyamulengués forced them to carry the goods to the river, where his assistant managed to escape by jumping into the water. He adds that he was forced to perform oral sex to a young woman who was later raped by six Banyamulengués. He further states that the assailants took away his merchandise

²⁸ ICC-01/05-01/08-1017, paragraph 58.

²⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx73; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 546 to 548.

in three different boats. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.³⁰

Analysis and conclusions

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

The Chamber notes that the date of the alleged events provided by the applicant (2003) is broad and, as such, could fall outside the temporal scope of the present case. Nevertheless, the Chamber considers that, in view of the intrinsic coherence of the application in all other respects and taking into account the fact that the alleged events occurred over eight years ago, an inaccuracy as to the exact date of the events in such circumstances 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 and his rape by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October and 15 March 2003.

Applicant [REDACTED]³¹

Claim to victim status

At the time of the recording of the additional statement, the applicant was ill and he was therefore represented by his brother.

³⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx73, pages 10 to 12 and 21 to 24.

³¹ ICC-01/05-01/08-1559-Conf-Exp-Anx74; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 549 to 551.

It is stated that on 8 March 2003, the Banyamulengués came to the applicant's shop, located in [REDACTED] and demanded him to give them his merchandise. It is claimed that when the applicant refused to do so, they tortured him. It is further stated that they pillaged all the merchandise and wrecked the applicant's shop. As a result of the alleged events, it is claimed that the applicant suffered physical, psychological and material harm.³²

Analysis and conclusions

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

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

Applicant [REDACTED]³³

Claim to victim status

The applicant claims that when the Banyamulengués came from the DRC to attack [REDACTED] he abandoned his fishing boat and fled to the bush. He states that the local population took his boat and his belongings. He further claims that the Banyamulengués pillaged the house he was renting in Mongoumba and took his clothes, his belongings and his fishing equipment. The

³² ICC-01/05-01/08-1559-Conf-Exp-Anx74, pages 10 to 12 and 21 to 22.

³³ ICC-01/05-01/08-1559-Conf-Exp-Anx76; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 552 to 554.

applicant states that the events occurred after the end of the year festivities but not at the time of Mr Kolingba's coup in 2001. As a result of the alleged events, the applicant claims to have suffered material harm.³⁴

Analysis and conclusions

The Chamber notes a discrepancy of one month and six days between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is of the view that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that the applicant does not remember the date of the events. Nevertheless, the Chamber considers that, in view of the intrinsic coherence of the application in all other respects, notably the reference to the invasion of [REDACTED] by the Banyamulengués and given that the applicant states that the events occurred after the end of the year festivities but not during Mr Kolingba's coup in 2001, 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.

³⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx74, pages 10 to 12 and 24.

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]³⁵

Claim to victim status

The applicant alleges that between 2002 and 2003, while returning to Bangui from a business trip to [REDACTED] DRC, and upon her arrival at the port of [REDACTED] she heard loud gunfire. The applicant alleges that she got out of the boat and while she was running to escape, she lost consciousness. She states that while she was unconscious, someone stole the money she had on her but she does not know who took it. She further states that when she woke up, she saw that her merchandise had been taken away and she was informed that it had been taken to the other side of the river by the Banyamulengués, who were speaking Lingala. The applicant states that she is illiterate and does not know the precise date of the alleged events but she states that it was in 2002 or 2003, some time before Mr Bozizé's men arrived in Bangui. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.³⁶

Analysis and conclusions

³⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx93; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 555 to 557.

³⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx93, pages 10 to 12 and 21 to 22.

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

The Chamber notes that the applicant does not remember the date of the events. Nevertheless, the Chamber considers that, in view of the intrinsic coherence of the application in all other respects, and notably the fact that the applicant states that the events occurred in 2002 or 2003, some time before the arrival of Mr Bozizé's men in Bangui, the Chamber is of the view that an inaccuracy as to the exact date of the events should not serve to exclude the applicant.

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

Applicant [REDACTED]³⁷

Claim to victim status

The applicant claims that in January 2003, on her way back to Bangui from a business trip to [REDACTED] DRC, her boat was intercepted by the Banyamulengués in a village close to [REDACTED]. She further claims that the assailants took all her merchandise. As a result of the alleged events, the applicant claims to have suffered material harm.³⁸

Analysis and conclusions

³⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx94; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 558 to 560.

³⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx94, pages 10 to 12 and 22.

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.³⁹ Given that the applicant clearly states that the alleged criminal acts occurred close to [REDACTED] the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the area of [REDACTED] on an unspecified date in January 2003.

Applicant [REDACTED]⁴⁰

Claim to victim status

The applicant alleges that between January and February 2003, on her way to [REDACTED] DRC, when she was close to the port of [REDACTED] she heard loud gunfire. She alleges that she got down from the boat in order to flee but she was intercepted by the Banyamulengués. She ascertains that she gave them the money she was carrying with her in order not to be hurt. She further states that she took refuge at the [REDACTED] and later, when she went back to the boat, she found out that it was not there anymore and that her merchandise had

³⁹ ICC-01/05-01/08-1017, paragraph 58.

⁴⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx100; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 561 to 563.

disappeared. As a result of the alleged events, the applicant claims to have suffered material harm.⁴¹

Analysis and conclusions

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

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

Applicant [REDACTED]⁴²

Claim to victim status

The applicant claims that on her way back from a business trip to Congo-Brazzaville, she was intercepted by the Banyamulengués in the [REDACTED] village, close to [REDACTED]. She contends that they pillaged all her belongings and her money. She further states that she had to flee to the bush. She further claims that as a result of her loss, her husband was sued by the owner of the boats they had rented for the purpose of their trip. She states that she is not sure about the exact date of the events but that it could have been on 15 January 2003, as indicated in the original application. She specifies that she remembers that when she left, the Banyamulengués had not yet arrived and when she returned

⁴¹ ICC-01/05-01/08-1559-Conf-Exp-Anx100, pages 10 to 12 and 21 to 22.

⁴² ICC-01/05-01/08-1559-Conf-Exp-Anx101; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 564 to 566.

to Bangui, the Banyamulengués were already there. As a result of the alleged events, the applicant claims to have suffered psychological and 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 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]⁴⁴

Claim to victim status

The applicant alleges that in January 2003, on her way back to Bangui from Zaire, when she arrived in a village located around [REDACTED] kilometres from [REDACTED] she was intercepted by the Banyamulengués who took her merchandise, papers and money. The applicant alleges that they wanted to take her to the DRC but as she spoke a little Lingala, they let her go. As a result of the alleged events, the applicant claims to have suffered material harm.⁴⁵

Analysis and conclusions

⁴³ ICC-01/05-01/08-1559-Conf-Exp-Anx101, pages 10 to 12 and 23 to 24.

⁴⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx102; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 567 to 569.

⁴⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx102, pages 10 to 12 and 21.

The Chamber notes a discrepancy of two days between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form, the Chamber is of the view that the documents provided sufficiently demonstrate the identity of the applicant.

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

Applicant [REDACTED]⁴⁶

Claim to victim status

The applicant alleges that on 22 February 2003, the boat she was travelling in was intercepted on the river, near [REDACTED] located at approximately [REDACTED] kilometres from [REDACTED]. She claims that the assailants beat the driver and the passengers. She claims that they hit her back with their rifles and pillaged her money and merchandise. She lists and values her loss. She further states that she managed to escape and went to a hospital where they took care of her. She states that she does not know the people who attacked them and does not know which language they were speaking but she claims that they were armed and were wearing military uniforms. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁴⁷

⁴⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx113; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 570 to 572.

⁴⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx113, pages 10 to 12 and 21 to 22.

Analysis and conclusions

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

The Chamber notes that the applicant does not identify any precise group as being responsible for the alleged events. However, considering the intrinsic coherence of the application in all other respects, notably the reference to the invasion of [REDACTED] in February 2002 by armed men wearing military uniforms, the Chamber is of the view that the failure to identify the precise perpetrators should not serve to exclude the applicant.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁴⁸ In the present case, the applicant clearly states that the alleged events started in [REDACTED] which is on the CAR side of the Oubangui River. 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 22 February 2003.

Applicant [REDACTED]⁴⁹

Claim to victim status

⁴⁸ ICC-01/05-01/08-1017, paragraph 58.

⁴⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx114; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 573 to 575.

The applicant alleges that on 8 January 2003, while returning from a business trip in [REDACTED] the boat she was travelling in was intercepted by the Banyamulengués, who were speaking Lingala, close to [REDACTED]. She claims that the assailants forced the passengers to get out of the boat and they subsequently beat them. The applicant adds that they were scared because the Banyamulengués were shooting. She claims that they pillaged all her belongings, her merchandise and her money. She lists her loss. She further states that when she arrived in Bangui, the Banyamulengués were already there. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁵⁰

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 8 January 2003.

Applicant [REDACTED]⁵¹

Claim to victim status

The applicant alleges that on 12 February 2003, while returning from a business trip to [REDACTED] the boat she was travelling in was intercepted by the Banyamulengués close to [REDACTED]. She alleges that, as the assailants were

⁵⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx114, pages 10 to 12 and 23 to 24.

⁵¹ ICC-01/05-01/08-1559-Conf-Exp-Anx129; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 576 to 578.

indiscriminately firing their weapons, she got scared and while she was fleeing she lost consciousness due to hypertension. She further states that she left all her merchandise on the boat. She states that she believes that the alleged events occurred on 12 February 2003 but it might have been earlier. She clarifies that when she left, the Banyamulengués had not arrived and when she returned, she heard that the Banyamulengués were going to Damara and other towns. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁵²

Analysis and conclusions

The Chamber notes a discrepancy of one day between the date of birth as appearing in the application form and on the birth certificate attached thereto. However, given that the remainder of the information provided in the birth certificate is consistent with the data entered in the application form and as the information provided in the identity card is consistent with the information appearing in the application form, the Chamber is of the view that the documents provided sufficiently demonstrate the identity of the applicant.

The Chamber notes that the applicant does not state precisely that the Banyamulengués pillaged her merchandise. However, considering that the Banyamulengués were allegedly responsible for intercepting the boat the applicant was travelling in and noting that there is no indication that the crimes were exclusively committed by perpetrators who are not linked to the present case, the Chamber infers from the application that the applicant's belongings were pillaged by the Banyamulengués.

⁵² ICC-01/05-01/08-1559-Conf-Exp-Anx129, pages 10 to 12 and 21 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 an unspecified date between 26 October 2002 and 12 February 2003.

Applicant [REDACTED]⁵³

Claim to victim status

The applicant alleges that on 7 February 2003, while returning from a business trip to Congo-Brazzaville, the boat he was travelling in was intercepted by the Banyamulengués close to [REDACTED]. He claims that the assailants forced the passengers to get down and subsequently searched and beat them. He further claims that he was forced to lie down and to stay in this position during three days. He alleges that the assailants pillaged all his belongings and merchandise, which he partly lists. He further states that, upon his return to Bangui, he was informed by his family that his house had been pillaged by the Banyamulengués. As a result of the alleged events, the applicant claims to have suffered material harm.⁵⁴

Analysis and conclusions

The Chamber notes the VPRS assessment according to which the additional statement was characterised by inconsistencies and raised “a fundamental doubt

⁵³ ICC-01/05-01/08-1559-Conf-Exp-Anx131; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 579 to 581.

⁵⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx131, pages 10 to 12 and 22 to 23.

regarding the identity of the person met.”⁵⁵ Therefore, in accordance with this assessment, the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁵⁶

Claim to victim status

The applicant claims that on 15 February 2003, when the Banyamulengués attacked [REDACTED] firing their guns, he fled to the bush, together with his family, leaving all their belongings behind. According to the applicant, during the two following days, the Banyamulengués pillaged people’s houses, one after the other. He alleges that they also pillaged his own house, including his savings, and subsequently set the house on fire. He claims that when he returned to his house two days later, he discovered that nothing was left and that he was forced to move to Bangui. 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 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.

⁵⁵ ICC-01/05-01/08-1561-Conf-Exp-Anx3, page 579.

⁵⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx140; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 582 to 584.

⁵⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx140, pages 10 to 12 and 22 to 23.

Applicant [REDACTED]⁵⁸

Claim to victim status

The applicant alleges that on 28 February 2003, she was travelling on a boat from Bangui to [REDACTED]. She asserts that once they shored at the harbour of [REDACTED] they heard shooting coming from the Banyamulengués who were fleeing from Bangui. She alleges that she fled to the forest around [REDACTED] where she hid for one day, leaving her personal belongings and merchandise in the boat. She claims that on the second day, some of the people returned to the port and reported back that the Banyamulengués had pillaged the boat and everything on board. She went to the harbour herself and found out that all her merchandise and savings had been pillaged. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁵⁹

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 28 February 2003.

Applicant [REDACTED]⁶⁰

⁵⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx162; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 585 to 587.

⁵⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx162, pages 10 to 12 and 22 to 23.

⁶⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx167; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 588 to 590.

Claim to victim status

The applicant alleges that in early March 2003, approximately one week before the attack on [REDACTED] and the arrival of Mr Bozizé, she was on her way to sell her merchandise in [REDACTED] when the boat she was travelling in was intercepted by the Banyamulengués on the river, a few kilometres from [REDACTED]. According to the applicant, the Banyamulengués pillaged the boat including her merchandise. She lists the loss. She claims that as she did not have any more resources, she took a canoe and went to Congo-Brazzaville with the hope of finding something among the traders there. She states that she stayed in Congo-Brazzaville for a while and returned to Bangui upon the arrival of Mr Bozizé. 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 recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁶² Given that the applicant clearly states that the alleged criminal acts occurred close to [REDACTED] 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

⁶¹ ICC-01/05-01/08-1559-Conf-Exp-Anx167, pages 10 to 12 and 23 to 24.

⁶² ICC-01/05-01/08-1017, paragraph 58.

Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 1 and 15 March 2003.

Applicant [REDACTED]⁶³

Claim to victim status

The applicant alleges that in January 2003, the boat she was travelling in was attacked by the Banyamulengués. While in the original application, it is stated that the alleged events occurred at the port of [REDACTED] the additional statement provides that the events occurred on the Congolese side of the river between [REDACTED] and [REDACTED]. According to the applicant, the passengers abandoned the boat and she fled to [REDACTED] where she sought refuge. The applicant states that the Banyamulengués pillaged everything that was in the boat. As a result of the alleged events, the applicant claims to have suffered material harm.⁶⁴

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁶⁵ In the present case, as opposed to what is stated in the original application, the applicant clearly states in the additional statement that the

⁶³ ICC-01/05-01/08-1559-Conf-Exp-Anx170; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 591 to 593.

⁶⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx170, pages 10 to 12, 20.

⁶⁵ ICC-01/05-01/08-1017, paragraph 58.

alleged criminal acts occurred on the Congolese side of the river and therefore the application for participation in the proceedings is rejected.

Applicant [REDACTED]⁶⁶

Claim to victim status

The applicant alleges that the boat she was travelling in was intercepted by the Banyamulengués in [REDACTED]. She claims that when their boat was stopped, she fled and sought refuge in [REDACTED] where she stayed for one week. She alleges that her merchandise and belongings were pillaged and taken to the DRC. According to the applicant, upon her return, she cried a lot and thus developed problems with her eyes which resulted in her having a series of surgeries to her eyes and she subsequently lost one eye. She states that she does not remember the year of the events but she states that it happened after the end of the year festivities, when the Banyamulengués came to several places in the CAR and when Mr Patassé was in power. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁶⁷

Analysis and conclusions

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

The Chamber notes that the applicant states that she does not remember the year of the events. However, in light of the intrinsic coherence of the application in all other respects, and given that the applicant states that it happened after the end of the year festivities, when the Banyamulengués came to several places in the

⁶⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx172; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 594 to 596.

⁶⁷ ICC-01/05-01/08-1559-Conf-Exp-Anx172, pages 10 to 12 and 24.

CAR and when Mr Patassé was in power, the Chamber is of the view that a failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁶⁸

Claim to victim status

The applicant claims that the Banyamulengués invaded her home located in [REDACTED]. She claims that they beat her husband, who subsequently managed to escape and that the Banyamulengués then entered the house, asking for money. She claims that they took her clothes off and searched her genital parts for money. They also beat her and pillaged all the goods from the house. The applicant and her children escaped from the house and fled to the bush. She states that one of her children who had been beaten died in the bush. When they returned to their house, she found the house empty. She further states that her husband died as a result of the worries about her and she still has scars on her legs and abdomen and her sight is impaired. The applicant states that she does not remember the date of the events but reports that it must have been 8 or 9 years ago, when the war started in [REDACTED] and during the attack by the

⁶⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx179; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 597 to 599.

Banyamulengués. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁶⁹

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 child, only rape and pillage will be considered for the purpose of the present assessment.

The Chamber notes that 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 and given that the applicant states that the events must have occurred eight or nine years ago, when the war started in [REDACTED] and during the attack by the Banyamulengués, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Under these circumstances, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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]⁷⁰

Claim to victim status

⁶⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx179, pages 9 to 11 and 20 to 23.

⁷⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx188; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 600 to 602.

The applicant alleges that on 8 January 2003, while returning from [REDACTED] to Bangui, the boat she was travelling in was intercepted by armed men from the DRC in [REDACTED]. The applicant alleges that they were firing their guns and they forced them to shore. She states that they made them lie on the ground and took the boat, containing all her merchandise, to [REDACTED] in the DRC. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁷¹

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁷² In the present case, the applicant clearly states that the alleged criminal acts occurred in [REDACTED]. 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 8 January 2003.

Applicant [REDACTED]⁷³

Claim to victim status

⁷¹ ICC-01/05-01/08-1559-Conf-Exp-Anx188, pages 9 to 11 and 20.

⁷² ICC-01/05-01/08-1017, paragraph 58.

⁷³ ICC-01/05-01/08-1559-Conf-Exp-Anx189; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 603 to 605.

The applicant alleges that when she was returning from [REDACTED] to Bangui on the Oubangui River, they were informed that the Banyamulengués had attacked [REDACTED]. As a consequence, when they were approaching [REDACTED] they shored. However, they were discovered by the Banyamulengués, speaking Lingala, who took the applicant's money and beat the passengers. The applicant states that, together with other passengers, she fled to the bush, leaving her merchandise behind in the boat. They stayed two days in the bush and two men saw the Banyamulengués taking the boat with the merchandise. When she returned to Bangui three days later, by foot and by bicycle, the Banyamulengués were in the city. The applicant states that she has been suffering from memory problems since the events and therefore is not able to provide a precise date of the events. As a result of these events, she claims that she suffered material and psychological harm.⁷⁴

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the Banyamulengués' attack on [REDACTED] and Bangui, and given that the applicant explicitly states that she has been suffering from memory problems since the events, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

⁷⁴ ICC-01/05-01/08-1559-Conf-Exp-Anx189, pages 9 to 11 and 20 to 21.

The Chamber further observes that the alleged events occurred on an unidentified place between [REDACTED] and Bangui, on the shore of the Oubangui River, close to [REDACTED]. Given that the applicant states that from this place, she returned to Bangui by foot and by bike, it follows from the application that the alleged events took place on the CAR side of the river. In these circumstances, the Chamber is satisfied 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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]⁷⁵

Claim to victim status

The applicant alleges that on her way back from Congo-Brazzaville to Bangui, her boat was intercepted by the Banyamulengués on the Oubangui River, just before [REDACTED]. She claims that they started firing shots at her boat, which made her stop. She claims that the Banyamulengués came to her boat and asked her to give them money. The applicant replied that she did not have any money, but they searched her and found a sum of money she was hiding under her clothes. She claims that they took the money and said that she was a liar and beat her, which caused her severe injuries on her legs. She further states that they took her boat with her merchandise. As a result, she had to return to Bangui by foot before finding someone who took her on his car. When she arrived in Bangui, the Banyamulengués were fleeing because they were lacking supplies and because

⁷⁵ ICC-01/05-01/08-1559-Conf-Exp-Anx190; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 606 to 608.

the “*enfants du pays*” were searching for them. As a result of the alleged events, the applicant claims to have suffered physical and material harm.⁷⁶

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the reference to the withdrawal of the Banyamulengués due to a lack of supplies and the fact that they were chased by the “*enfants du pays*” who searched for them, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. The Chamber further recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁷⁷ In the present case, the applicant clearly states that the alleged criminal acts occurred “just before” [REDACTED]. Accordingly, the Chamber is satisfied 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 the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

⁷⁶ ICC-01/05-01/08-1559-Conf-Exp-Anx190, pages 9 to 11 and 20 to 21.

⁷⁷ ICC-01/05-01/08-1017, paragraph 58.

Applicant [REDACTED]

Claim to victim status

The applicant claims that following the attempted coup by Mr Kolingba, he moved to [REDACTED] to work in the fishing industry. Later, his family followed him. He states that one day, when he had gone fishing, there was heavy gunfire and people told them not to return to [REDACTED] because the Banyamulengués had invaded the city and pillaged houses. He states that he abandoned the boat and fled to the bush and his family also fled to the bush. When they returned after having spent one week in the bush, they found that the Banyamulengués had taken the boat with the nets as well as their belongings from their house. He states that he cannot indicate the date of the events because he is illiterate but he states that they occurred when the Banyamulengués were fleeing because Mr Bozizé took power. As a result of the alleged events, the applicant claims to have suffered material harm.⁷⁹

Analysis and conclusions

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

The Chamber notes that the applicant does not provide any precise date for the alleged events. However, in light of the intrinsic coherence of the application in all other respects, and notably the fact that the applicant states that the events occurred when the Banyamulengués attacked [REDACTED] and when they were fleeing because Mr Bozizé took power, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant. Accordingly,

⁷⁸ ICC-01/05-01/08-1559-Conf-Exp-Anx193; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 609 to 611.

⁷⁹ ICC-01/05-01/08-1559-Conf-Exp-Anx193, pages 9 to 11 and 21 to 22.

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]⁸⁰

Claim to victim status

The applicant states that on 10 February 2003, she was travelling on the Oubangui River, with merchandise she had bought in Bangui to be resold in Congo-Brazzaville. She alleges that between [REDACTED] and [REDACTED] the boat was intercepted by the Banyamulengués, who were firing shots in the air and forced them to shore. They forced them to get out of the boat and lie on the floor. According to the applicant, they pillaged all their merchandise, including the money the applicant was hiding under her clothes. She further states that they escaped through the bush and returned to Bangui by foot. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁸¹

Analysis and conclusions

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

⁸⁰ ICC-01/05-01/08-1559-Conf-Exp-Anx199; ICC-01/05-01/08-1561-Conf-Exp-Anx3, pages 612 to 614.

⁸¹ ICC-01/05-01/08-1559-Conf-Exp-Anx199, pages 9 to 11 and 21 to 22.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁸² In the present case, the applicant clearly states that the alleged criminal acts occurred between [REDACTED] and [REDACTED] and that she walked back to Bangui after having been forced to shore, which indicates that the alleged events occurred on the CAR side of the river. 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 between [REDACTED] and [REDACTED] on 10 February 2003.

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

Applicant [REDACTED]⁸³

Claim to victim status

The applicant states that on 5 March, the Banyamulengués came to her house in [REDACTED] and five of them raped her in front of her family. She further claims that they also pillaged her belongings and raped her daughter. She appends a document in which she lists and values her loss. She adds that she got infected with HIV and that her husband abandoned her after the events. As a result of the

⁸² ICC-01/05-01/08-1017, paragraph 58.

⁸³ ICC-01/05-01/08-1957-Conf-Exp-Anx21; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 521 to 523.

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. However, in the absence of any document demonstrating the identity of her daughter and the kinship between them, only the applicant's rape and pillage will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant indicates that she does not remember the precise date of the alleged events but that the alleged events occurred on 5 March. 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 a number of applicants referred to the occupation of [REDACTED] by the Banyamulengués as of 5 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 she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely her rape and the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as of 5 March 2003.

Applicant [REDACTED]⁸⁵

⁸⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx21, pages 4 to 5 and 11 to 14.

⁸⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx22; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 524 to 526.

Claim to victim status

The applicant states that on 5 March 2003, upon his return to Bangui with his boat and merchandise, he was intercepted by the Banyamulengués in [REDACTED]. He alleges that the Banyamulengués pointed their weapons at him and took all his goods. The applicant further states that when he came back to his house, located in the [REDACTED] area of Bangui, he was informed that his wife had been raped by the Banyamulengués during his absence. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁸⁶

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 an unspecified date as of 5 March 2003.

Applicant [REDACTED]⁸⁷

Claim to victim status

⁸⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx22, pages 4 to 5 and 11 to 14.

⁸⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx25; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 527 to 529.

The applicant states that on 16 March 2003, when the Banyamulengués were leaving Bangui to go back to their country, he was returning from Congo to Bangui with his boat, carrying his merchandise and some passengers. According to the applicant, after they passed the [REDACTED] island, the Banyamulengués arrested them in [REDACTED]. He contends that they beat him up, took his boat and his goods. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁸⁸

Analysis and conclusions

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

The Chamber notes that the date of alleged events (16 March 2003) falls outside of 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 withdrawal of the Banyamulengués, the Chamber is of the view that the reference to 16 March 2003 should not serve to exclude the applicant.

The Chamber further recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁸⁹ Given that the applicant clearly states that the alleged criminal acts occurred in [REDACTED] 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

⁸⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx25, pages 4 to 5 and 10 to 14.

⁸⁹ ICC-01/05-01/08-1017, paragraph 58.

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

Applicant [REDACTED]⁹⁰

Claim to victim status

The applicant states that on 15 March 2003, the Banyamulengués stopped his boat between the Congolese border and [REDACTED] close to the big island of [REDACTED] on the Central African side, and after the [REDACTED] island. He further claims that they took his belongings and his money. The applicant appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.⁹¹

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁹² Given that the applicant clearly states that the alleged criminal acts occurred between the Congolese border and [REDACTED] close to the big island of [REDACTED] on the Central African side, and after the [REDACTED] island, 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

⁹⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx26; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 530 to 532.

⁹¹ ICC-01/05-01/08-1957-Conf-Exp-Anx26, pages 4 to 5 and 10 to 13.

⁹² ICC-01/05-01/08-1017, paragraph 58.

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 March 2003.

Applicant [REDACTED]⁹³

Claim to victim status

The applicant states that on his way back from Zaire to Bangui, the Banyamulengués intercepted his boat near [REDACTED] on the [REDACTED] island, which is in front of the port of [REDACTED]. He further claims that they beat him, took his belongings, and killed his brother. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.⁹⁴

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁹⁵ Given that the applicant clearly states that the alleged criminal acts occurred on the [REDACTED] island, which is located on the territory of the Democratic Republic of the Congo, the application for participation in the proceedings is rejected.

⁹³ ICC-01/05-01/08-1957-Conf-Exp-Anx27; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 533 to 535.

⁹⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx27, pages 4 to 5 and 10 to 13.

⁹⁵ ICC-01/05-01/08-1017, paragraph 58.

Applicant [REDACTED]⁹⁶

Claim to victim status

The applicant states that on 16 March 2003, the Banyamulengués, who were fleeing from the Central African Republic, intercepted his boat near [REDACTED] in CAR territory, and took his money and his merchandise. The applicant appends a document in which he lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.⁹⁷

Analysis and conclusions

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

The Chamber notes that the date of alleged events (16 March 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 withdrawal of the Banyamulengués from the CAR, the Chamber is of the view that the reference to 16 March 2003 should not serve to exclude the applicant.

The Chamber further recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.⁹⁸ Given that the applicant clearly states that the alleged criminal acts started on the CAR side of the river, 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

⁹⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx28; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 536 to 538.

⁹⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx28, pages 4 to 5 and 10 to 13.

⁹⁸ ICC-01/05-01/08-1017, paragraph 58.

crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in the vicinity of [REDACTED] on or about 15 March 2003.

Applicant [REDACTED]⁹⁹

Claim to victim status

The applicant states that in 2002, when the Banyamulengués were occupying Bangui and the territory along the Oubangui River until Bossembélé, on her way back to Bangui from [REDACTED] the Banyamulengués forced them to shore the boat somewhere between [REDACTED] and Bangui. She claims that they hit people and raped women, including her sister. She adds that they then seized the boat and looted her merchandise as well as her money. The applicant lists and values her loss. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁰⁰

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant indicates that she 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 Bangui and the territory

⁹⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx39; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 440 to 442.

¹⁰⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx39, pages 9 to 11 and 19 to 21.

along the Oubangui River until Bossembélé, as well as the fact that the applicant mentioned that the events occurred 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 recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁰¹ Given that the applicant clearly states that the alleged criminal acts occurred on her way from [REDACTED] to Bangui, 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 and 31 December 2002.

Applicant [REDACTED]¹⁰²

Claim to victim status

The applicant states that on 28 December 2002, upon her arrival at the port of [REDACTED] the Banyamulengués intercepted the boat she was travelling in and forced them to shore on an uninhabited island located in front of [REDACTED]. She claims that they threatened the passengers of the boat with their arms and beat her and the other passengers with the butts of their rifles. She further claims that they pillaged all the merchandise in the boat. The applicant lists her loss. As

¹⁰¹ ICC-01/05-01/08-1017, paragraph 58.

¹⁰² ICC-01/05-01/08-1957-Conf-Exp-Anx40; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 443 to 445.

a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁰³

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁰⁴ Given that the applicant clearly states that the alleged criminal acts started at the port of [REDACTED] on the shore of an uninhabited island facing [REDACTED] 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 28 December 2002.

Applicant [REDACTED]¹⁰⁵

Claim to victim status

The applicant states that when the Banyamulengués were in [REDACTED] because they were retreating from Bangui, the boat she was travelling in was intercepted near the port of [REDACTED] She claims that they looted all her

¹⁰³ ICC-01/05-01/08-1957-Conf-Exp-Anx40, pages 9 to 11 and 20 to 22.

¹⁰⁴ ICC-01/05-01/08-1017, paragraph 58.

¹⁰⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx44; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 446 to 448.

merchandise, her money and the boat. She lists and values her loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁰⁶

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant first states that the alleged events occurred on 30 November 2002 but one week later, she clarified that she does not remember the precise 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] and given that a number of applicants referred to the occupation of [REDACTED] by the Banyamulengués as of December 2002, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁰⁷ Given that the applicant clearly states that the alleged criminal acts occurred in the port of [REDACTED] 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.

¹⁰⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx44, pages 9 to 11 and 19 to 24.

¹⁰⁷ ICC-01/05-01/08-1017, paragraph 58.

Applicant [REDACTED]¹⁰⁸

Claim to victim status

The applicant states that on his way from Bangui to the DRC, the boat he was travelling in was intercepted by the men of Jean-Pierre Bemba who were crossing the river on their boat. He claims that they forced him to shore. The applicant alleges that because he showed resistance, speaking to them in Lingala, he was tortured. He states that they took the merchandise he had intended to sell. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁰⁹

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹¹⁰ Given that there is no indication that the commission of the alleged criminal acts started on CAR territory, the application for participation in the proceedings is rejected.

Applicant [REDACTED]¹¹¹

¹⁰⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx50; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 449 to 451.

¹⁰⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx50, pages 9 to 11 and 20 to 22.

¹¹⁰ ICC-01/05-01/08-1017, paragraph 58.

¹¹¹ ICC-01/05-01/08-1957-Conf-Exp-Anx51; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 452 to 454.

Claim to victim status

The applicant states that on 15 December 2002, the Banyamulengués came to [REDACTED] and pillaged his house. He further alleges that they destroyed his boat and took his belongings. He lists and values his loss. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹²

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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]¹¹³

Claim to victim status

The applicant states that on 15 December 2002, Mr Bemba's soldiers invaded [REDACTED] and he subsequently fled to the bush, together with his family. He further states that upon his return, the chief of the village, who had witnessed the events, told him that his shop had been pillaged and that his house had been

¹¹² ICC-01/05-01/08-1957-Conf-Exp-Anx51, pages 9 to 11 and 20 to 22.

¹¹³ ICC-01/05-01/08-1957-Conf-Exp-Anx52; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 455 to 457.

pillaged and burned. As a result of the alleged events, the applicant claims to have suffered material harm.¹¹⁴

Analysis and conclusions

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

The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that 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]¹⁵

Claim to victim status

The applicant states that on 15 January 2003, after leaving [REDACTED] the Banyamulengués intercepted the boat she was travelling in between [REDACTED] and Bangui and pillaged her belongings. She lists and values her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹¹⁶

Analysis and conclusions

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

¹¹⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx52, pages 9 to 11 and 20 to 22.

¹¹⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx53; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 458 to 460.

¹¹⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx53, pages 9 to 11 and 19 to 21.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹¹⁷ Given that the applicant clearly states that the alleged criminal acts occurred in the vicinity of [REDACTED] 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]¹⁸

Claim to victim status

The applicant states that in 2002 or 2003, due to the call of Mr Patassé, when gendarmes seized the money and merchandise of the Banyamulengués, which made them angry, a large number of Banyamulengués came to his house, located in [REDACTED] and started looting every house. The applicant states that they asked him for money and when he refused, they severely beat him with a wooden stick. He adds that the soldiers raped his mother and his younger daughter and that both went to the hospital to receive treatment. He adds that he also went to the hospital for two months after the beatings. The applicant states that they pillaged all his belongings, his merchandise and his money and

¹¹⁷ ICC-01/05-01/08-1017, paragraph 58.

¹¹⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx61; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 461 to 463.

destroyed a clinic. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹¹⁹

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 mother and his daughter, 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 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 Mr Patassé, when gendarmes seized the money and merchandise of the Banyamulengués and the Banyamulengués started looting the whole area of [REDACTED] in 2002 or 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]¹²⁰

¹¹⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx61, pages 9 to 11 and 20 to 23.

¹²⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx63; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 464 to 466.

Claim to victim status

The applicant claims that on 20 December 2002, the Banyamulengués came to his shop, located in [REDACTED]. He states that the chief asked him to give them his merchandise and that, when he refused, he told his soldiers to beat him and to pillage his shop. He states that he fled to the bush and that, upon his return, he found that his shop had been pillaged and burned. As a result of the alleged events, the applicant claims to have suffered material harm.¹²¹

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.¹²² In the present case, the applicant clearly states the leader ordered his soldiers to pillage the applicant's belongings and the applicant only found that his house had been burned when he returned from the bush. Therefore, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date as 20 December 2002.

¹²¹ ICC-01/05-01/08-1957-Conf-Exp-Anx63, pages 9 to 11 and 19 to 22.

¹²² ICC-01/05-01/08-1017, paragraph 56.

Applicant [REDACTED]¹²³

Claim to victim status

The applicant claims that the Banyamulengués intercepted his boat between [REDACTED] and [REDACTED] after [REDACTED] near an island called [REDACTED] beat him and took his belongings. He adds that they were short, around twelve or thirteen years old and people called them “kadego”. He claims that they sank his boat. He adds that when he came back to his house in [REDACTED] he found that the Banyamulengués had taken his belongings and subsequently burned the house.¹²⁴

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be

¹²³ ICC-01/05-01/08-1957-Conf-Exp-Anx64; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 467 to 469.

¹²⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx64, pages 9 to 11 and 19 to 22.

rejected.¹²⁵ Given that the applicant clearly states that the alleged criminal acts occurred between [REDACTED] and [REDACTED] after [REDACTED] near an island called [REDACTED] which is located on Congolese territory, the commission of the alleged criminal acts did not start on CAR territory and therefore the pillage of the applicant's belongings in his boat falls outside the territorial scope of the present case.

The Chamber also notes that the applicant states that the Banyamulengués looted and burned his house, located in [REDACTED]. 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.¹²⁶ In the present case, the applicant explicitly states that the Banyamulengués pillaged his belongings before burning the house.

Accordingly, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of 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]²⁷

Claim to victim status

The applicant states that after the events had started in 2002, on her way back between [REDACTED] and [REDACTED] the Banyamulengués intercepted the boat she

¹²⁵ ICC-01/05-01/08-1017, paragraph 58.

¹²⁶ ICC-01/05-01/08-1017, paragraph 56.

¹²⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx65; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 470 to 472.

was travelling in. She states that they shot in the air, raped her and took her boat and her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹²⁸

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 a date after the events of 2002 had started, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹²⁹ Given that the applicant merely states that the boat she was travelling in was intercepted somewhere between [REDACTED] and [REDACTED] on the Oubangui River and in the absence of any indication that the commission of the alleged criminal acts started on CAR territory, the application for participation in the proceedings is rejected.

Applicant [REDACTED]³⁰

¹²⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx65, pages 9 to 11 and 19 to 22.

¹²⁹ ICC-01/05-01/08-1017, paragraph 58.

¹³⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx69; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 473 to 475.

Claim to victim status

The applicant states that on 15 December 2002, she was visiting her father, who sometimes helped her to transport and stock her merchandise, in [REDACTED]. She states that the Banyamulengués broke into the house and beat her as well as her father before pillaging their belongings, her merchandise and her money. She states that she then fled to the bush for a week. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³¹

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 December 2002.

Applicant [REDACTED]³²

Claim to victim status

The applicant states that at the end of 2002, he was returning from [REDACTED] where he had purchased merchandise to sell in Bangui when the boat he was travelling together with two other people got intercepted in front of [REDACTED] by the men of Jean-Pierre Bemba. He states that they were forced to come along the port of [REDACTED]. The applicant states that the merchandise and savings

¹³¹ ICC-01/05-01/08-1957-Conf-Exp-Anx69, pages 9 to 11 and 19 to 22.

¹³² ICC-01/05-01/08-1957-Conf-Exp-Anx73; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 479 to 481.

he was carrying were pillaged, and, because he showed resistance, he was brutalized. He further states that upon hearing the news, his wife suffered a crisis and later died. The applicant lists his loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³³

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹³⁴ Given that the applicant clearly states that the alleged criminal acts occurred in [REDACTED] 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 26 October 2002.

Applicant [REDACTED]¹³⁵

Claim to victim status

The applicant states that when military men from the other side of the river invaded [REDACTED] they entered the house of her brother-in-law, located in

¹³³ ICC-01/05-01/08-1957-Conf-Exp-Anx73, pages 9 to 11 and 23 to 25.

¹³⁴ ICC-01/05-01/08-1017, paragraph 58.

¹³⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx85; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 482 to 484.

██████████ where she lived, and she fled. She claims that when they entered the house, they saw her thirteen-year-old daughter, to whom they did something shameful and sad, pillaged all her merchandise, her clothes and her kitchen utensils and then burned the house. The applicant lists her loss. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹³⁶

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant clarifies that she does not know the date of the alleged events because she cannot read or write. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of ██████████ 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 according to the information provided in the original application, the Banyamulengués only pillaged the applicant's belongings. Given that the applicant states in the additional statement that what the Banyamulengués did to her daughter when they saw her in the house is shameful and sad and that she was only thirteen years old at the time, the Chamber infers from the application that the applicant's daughter was raped.

The Chamber further notes that the applicant states that the Banyamulengués burned the house of her brother-in-law, located in ██████████ In this regard, the Chamber recalls that it has already ruled that in case of destruction of

¹³⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx85, pages 9 to 11 and 19 to 22.

property by fire, when there is no indication that the property was looted before being destroyed, applications for participation will be rejected.¹³⁷ In the present case, the applicant clearly states that her belongings were looted before the house was set on fire. 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 rape of her daughter 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]¹³⁸

Claim to victim status

The applicant states that on 15 January 2003, the Banyamulengués came to his shop, located in [REDACTED]. He states that the soldiers pillaged his merchandise and his money. He adds that the Banyamulengués burned his house on the same day. He states that they wanted to kill him but that their chief told them to use him to carry the loot, which he did for two weeks, before he escaped. As a result of the alleged events, the applicant claims to have suffered material harm.¹³⁹

Analysis and conclusions

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

¹³⁷ ICC-01/05-01/08-1017, paragraph 56.

¹³⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx95; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 485 to 487.

¹³⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx95, pages 9 to 11 and 19 to 22.

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]¹⁴⁰

Claim to victim status

The applicant states that on 15 February 2003, the Banyamulengués intercepted his boat as he was coming from Bangui, on an island located [REDACTED] kilometers [REDACTED] from [REDACTED]. He adds that this island is located on the way to Bangui, in the CAR territory, and that CAR soldiers used to be stationed there to oversee the traffic, but, at the time of the events, it was the Banyamulengués who were on the island. He claims that the Banyamulengués pillaged his merchandise as well as his boat. He states that since this event, he has not been able to purchase another boat nor resume his commercial activities. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁴¹

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo,

¹⁴⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx96; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 488 to 490.

¹⁴¹ ICC-01/05-01/08-1957-Conf-Exp-Anx96, pages 9 to 11 and 20 to 21.

unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁴² Given that the applicant clearly states that the alleged criminal acts occurred on an island located on the way to Bangui, [REDACTED] kilometers away from [REDACTED] in the CAR territory, the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 15 February 2003.

Applicant [REDACTED]¹⁴³

Claim to victim status

The applicant states that after the New Year, around 15 January 2003, the Banyamulengués intercepted the boat she was travelling in in the area of [REDACTED] forcing it to shore on the island in front of [REDACTED]. She alleges that they asked her and the passengers of the boat to give them money, and since they did not have any money, the Banyamulengués beat them up. The applicant states that she fled the area, and her merchandise, which she lists, was pillaged. She further alleges that about two or three weeks later, maybe in February, the vehicle she had taken place in was stopped in [REDACTED]. She states that once again she had to flee and abandon her merchandise. She states that both of these events ruined her. As a result of the alleged events, the applicant claims to have suffered physical and material harm.¹⁴⁴

¹⁴² ICC-01/05-01/08-1017, paragraph 58.

¹⁴³ ICC-01/05-01/08-1957-Conf-Exp-Anx100; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 491 to 493.

¹⁴⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx100, pages 9 to 11 and 19 to 22.

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁴⁵ Given that the applicant clearly states that the alleged criminal acts occurred in the area of [REDACTED] 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] and in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹⁴⁶

Claim to victim status

The applicant states that in January 2003, she went to [REDACTED] together with other people, to buy merchandise. According to the applicant, between 16 and 18 January 2003, [REDACTED] kilometers after they left the port of [REDACTED] the boat she was travelling in was intercepted by amphibious tanks and the soldiers, who were speaking Lingala, came to their boat and asked them for money. She further states that when the person who was driving the boat told them they did not have any money, the soldiers started beating him, and she and the other women

¹⁴⁵ ICC-01/05-01/08-1017, paragraph 58.

¹⁴⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx103; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 494 to 496.

in the boat gave them money, hoping that they would be set free. The applicant states that the soldiers docked the boat on CAR territory and then took the boat, with the driver and all the merchandise, to [REDACTED]. She also states that after the events she and her family faced very difficult living conditions. As a result of the alleged events, the applicant claims to have suffered psychological and material harm.¹⁴⁷

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁴⁸ Given that the applicant clearly states that the alleged criminal acts occurred in the area of [REDACTED] 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 January 2003.

Applicant [REDACTED]¹⁴⁹

Claim to victim status

¹⁴⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx103, pages 9 to 11 and 20 to 24.

¹⁴⁸ ICC-01/05-01/08-1017, paragraph 58.

¹⁴⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx107; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 497 to 499.

The applicant is physically and psychologically handicapped and the additional statement was provided by her daughter on the applicant's behalf.

It is stated that on 18 or 19 January 2003, Mr Bemba's soldiers intercepted the boat the applicant was renting, whilst she was on her way to [REDACTED] approximately [REDACTED] kilometres away from [REDACTED] beat her and took her merchandise. As a result of the alleged events, it is claimed that the applicant suffered psychological and material harm.¹⁵⁰

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and her daughter who is acting on her behalf, as well as their kinship and the applicant's consent to be represented by her mother.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁵¹ Given that it is clearly stated that the alleged criminal acts occurred in the area of [REDACTED] the Chamber considers that, overall, sufficient evidence has been provided to establish *prima facie* that the applicant is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date in January 2003.

Applicant [REDACTED]¹⁵²

¹⁵⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx107, pages 9 to 11 and 19 to 23.

¹⁵¹ ICC-01/05-01/08-1017, paragraph 58.

¹⁵² ICC-01/05-01/08-1957-Conf-Exp-Anx112; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 500 to 502.

Claim to victim status

The applicant states that while on her way to [REDACTED] to sell her merchandise, the boat she had taken place in was intercepted by the Banyamulengués on the river, when the boat had almost arrived in [REDACTED]. She maintains that the Banyamulengués were armed, came from the other side of the river and were speaking Lingala. She adds that the Banyamulengués beat all the passengers and that some of them fell into the water. She states that they pillaged her merchandise, which she lists, and her money. She adds that at the same time, the Banyamulengués were committing crimes in [REDACTED] where her husband was. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵³

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 for the alleged events because the events occurred a long time ago. However, in light of the intrinsic coherence of the application in all other respects, notably the reference to the occupation by the Banyamulengués of [REDACTED] as well as the fact that the applicant refers to the occupation of [REDACTED] by the Banyamulengués during the same period, the Chamber is of the view that the failure to provide a precise date should not serve to exclude the applicant.

¹⁵³ ICC-01/05-01/08-1957-Conf-Exp-Anx112, pages 9 to 11 and 19 to 22.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁵⁴ Given that the applicant clearly states that the alleged criminal acts occurred in the area of [REDACTED] the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹⁵⁵

Claim to victim status

The applicant states that the Banyamulengués intercepted the boat she was travelling in between [REDACTED] and Bangui and beat her and her son. She further states that her son died some time afterwards as a result of these injuries. She adds that they pillaged her merchandise, destroyed the boat by firing at it and that she had to go through Zongo, DRC, before she managed to go back to her home in the [REDACTED] area of Bangui. She also claims that upon her return, she saw that the Banyamulengués had taken her belongings and pillaged her house in Bangui in her absence. She lists and values her loss and adds that the people from the neighbourhood may also have looted some of her items afterwards. The applicant further states that her daughter was raped. As a result of the alleged

¹⁵⁴ ICC-01/05-01/08-1017, paragraph 58.

¹⁵⁵ ICC-01/05-01/08-1957-Conf-Exp-Anx136; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 530 to 532.

events, the applicant claims to have suffered physical, psychological and material harm.¹⁵⁶

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant. However, in the absence of any documents establishing the identity of and kinship with her son and her daughter, only the harm suffered by the applicant will be considered for the purpose of the present assessment.

The Chamber notes that in the additional statement, the applicant fails to provide a precise date for the alleged events. However, in light of the intrinsic coherence of the additional statement in all other respects, notably the reference to the invasion of [REDACTED] and Bangui by the Banyamulengués, 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 according to the applicant, the pillage of her boat took place on the Oubangui River. In this regard, the Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁵⁷ However, given that the applicant clearly states that the Banyamulengués stopped the boat while she was travelling between [REDACTED] and Bangui, the Chamber infers that the alleged criminal acts related to the pillage of her merchandise started on CAR territory. 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

¹⁵⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx136, pages 10 to 12 and 21 to 23.

¹⁵⁷ ICC-01/05-01/08-1017, paragraph 58.

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] and in Bangui on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹⁵⁸

Claim to victim status

The applicant states that when Mr Bemba's soldiers came to the country for the second time and when they had already invaded several areas, upon her return from a trip from [REDACTED] to Bangui, Mr Bemba's soldiers intercepted the boat she was travelling in and forced them to shore in [REDACTED]. She states that they pillaged her merchandise and her money. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁵⁹

Analysis and conclusions

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

The Chamber notes that in the additional statement, the applicant does not provide any precise date for the alleged events because she states that she is illiterate. 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 second time Mr Bemba's soldiers came to the country, and when they had already invaded several areas, the Chamber is of the view

¹⁵⁸ ICC-01/05-01/08-1957-Conf-Exp-Anx149; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 506 to 508.

¹⁵⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx149, pages 10 to 12 and 20 to 23.

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁶⁰ Given that the applicant clearly states that the alleged criminal acts occurred in [REDACTED] the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on an unspecified date between 26 October 2002 and 15 March 2003.

Applicant [REDACTED]¹⁶¹

Claim to victim status

The applicant states that on 2 February 2003, she was visiting her aunt in [REDACTED] when they were encircled by the Banyamulengués. She states that she fled to the forest but they chased her. She alleges that they beat her with the butts of their weapons and that four of them raped her. According to the applicant, they also took the money she was carrying and they pillaged her aunt's house and her merchandise. The applicant states that since the event, she has not been able to conceive and this creates great sufferings for her. As a result

¹⁶⁰ ICC-01/05-01/08-1017, paragraph 58.

¹⁶¹ ICC-01/05-01/08-1957-Conf-Exp-Anx150; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 509 to 511.

of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁶²

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 2 February 2003.

Applicant [REDACTED]³

Claim to victim status

The applicant states that on 10 January 2003, near [REDACTED] the boat she was travelling in with her merchandise was intercepted by the Banyamulengués, who were in the port of [REDACTED] and were speaking their own language and wearing military uniforms. She claims they beat everyone, ignoring the fact that they were young women and mothers. She further claims that they pillaged all the goods in the boat, and searched the passengers, taking their clothes and money. The applicant claims that she lost everything. As a result of the alleged events the applicant claims to have suffered physical, psychological and material harm.¹⁶⁴

¹⁶² ICC-01/05-01/08-1957-Conf-Exp-Anx150, pages 10 to 12 and 20 to 22.

¹⁶³ ICC-01/05-01/08-1957-Conf-Exp-Anx151; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 512 to 514.

¹⁶⁴ ICC-01/05-01/08-1957-Conf-Exp-Anx151, pages 10 to 12 and 22 to 24.

Analysis and conclusions

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

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁶⁵ Given that the applicant clearly states that the alleged criminal acts occurred near the port of [REDACTED] 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]¹⁶⁶

Claim to victim status

The applicant states that around 10 December 2002, he was coming back from Bangui with some merchandise when his boat was intercepted by the Banyamulengués in the area of [REDACTED]. He further states that the soldiers took his money and accused him of trafficking arms before tying him up and torturing him. He asserts that he then fled to the bush. The applicant also alleges that his two cousins were arrested by the Banyamulengués in [REDACTED] and that the soldiers killed one of his cousins and beat the other one, who died a few days later in hospital. It follows from the applications introduced on behalf of his

¹⁶⁵ ICC-01/05-01/08-1017, paragraph 58.

¹⁶⁶ ICC-01/05-01/08-1957-Conf-Exp-Anx156; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 515 to 517.

cousins that the assault on his cousins occurred on 12 December 2002. The applicant states that upon his return, he discovered that his house had been pillaged. He states that he suffered psychological harm as a result of the death of his cousins who were like brothers for him. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.¹⁶⁷

Analysis and conclusions

The Chamber considers that the documents provided demonstrate the identity of the applicant and his cousins. The Chamber notes that as the applicant does not have the same family name as his two cousins, it is not possible to infer the kinship from the identity documents. However, as in the applications introduced on behalf of his two cousins, the applicant appends a statement clarifying that the cousins were the sons of his paternal uncle and his paternal aunt, who were living with him like brothers in the same house, the Chamber is satisfied that the kinship is sufficiently established.

The Chamber recalls that when an applicant refers to acts committed on the Oubangui River, which borders as well the Democratic Republic of the Congo, unless it transpires from his or her application that the commission of the criminal act started on CAR territory, the applications for participation shall be rejected.¹⁶⁸ Given that the applicant clearly states that the alleged criminal acts occurred in the area of [REDACTED] the Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that he is a victim under Rule 85(a) on the basis that he suffered personal harm as a result of crimes confirmed against the accused, namely the murder of his cousins and the

¹⁶⁷ ICC-01/05-01/08-1957-Conf-Exp-Anx156, pages 10 to 12 and 20 to 26.

¹⁶⁸ ICC-01/05-01/08-1017, paragraph 58.

pillage of his belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on 10 and 12 December 2002.

Applicant [REDACTED]¹⁶⁹

Claim to victim status

The applicant states that on 12 January 2003, on a trip back from [REDACTED] the Banyamulengués intercepted the boat she was travelling in in the port of [REDACTED]. As a result of the alleged events, the applicant claims to have suffered material harm.¹⁷⁰

Analysis and conclusions

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

However, the Chamber notes that the applicant merely refers to the interception of the boat she was travelling in. In the absence of any indication that the applicant suffered harm as a result of the commission of a crime confirmed against the accused, the application for participation in the proceedings is rejected.

¹⁶⁹ ICC-01/05-01/08-1957-Conf-Exp-Anx173; ICC-01/05-01/08-1959-Conf-Exp-Anx3, pages 518 to 520.

¹⁷⁰ ICC-01/05-01/08-1957-Conf-Exp-Anx173, pages 10 to 12 and 20 to 26.