



TIMELINE OF THE STATUS OF CASES BEFORE THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court has launched investigations into four situations. Three of these occurred following state referrals from States Parties to the Rome Statute: the Democratic Republic of the Congo (DRC), Uganda and the Central African Republic (CAR). The fourth situation, in Darfur, Sudan, was brought before the Court by referral of the UN Security Council. The Court has issued public arrest warrants for twelve people, four of whom are in ICC custody awaiting trial, and one public summons to appear. The Office of the Prosecutor filed an application on November 26, 2010 for permission to open an investigation into the situation in the Republic of Kenya in relation to the post-election violence of 2007-2008.

In Custody / Trial Phase:

Democratic Republic of the Congo

April 19, 2004	The Office of the Prosecutor announces that the Government of the DRC referred the situation of crimes allegedly committed within the state since the Statute entered into force.
June 23, 2004	The Office of the Prosecutor announces the launch of formal investigations into the situation in the DRC.
<i>Thomas Lubanga Dyilo</i>	
February 10, 2006	Pre-Trial Chamber I issues a sealed arrest warrant for Lubanga; accused of war crimes in the Ituri region of DRC.
March 17, 2006	Pre-Trial Chamber I unseals the warrant for Lubanga. On the same day Congolese authorities arrest Lubanga and transfer him to The Hague. This is the ICC's first warrant in the DRC situation and its first arrest.
November 9, 2006	The Court conducts a confirmation of charges hearing in of the case of The Prosecutor v. Thomas Lubanga Dyilo.
January 29, 2007	Pre-Trial Chamber I confirms the charges against Lubanga.
March 6, 2007	The Presidency of the ICC issues a Decision constituting Trial Chamber I. It determines that Trial Chamber I is composed of Judge Elizabeth Odio Benito, Judge René Blattmann, and Judge Adrian Fulford and refers the Lubanga case to the Chamber.
June 16, 2008	The Trial Chamber imposes a stay on the proceedings of the Lubanga case. Unless this stay is lifted, the trial process in all respects will remain at a halt.
July 2, 2008	The Trial Chamber issues a decision stating that the Office of the Prosecutor should have disclosed evidence that may have potential value in proving the innocence of the accused. Having failed to do so, the Trial Chamber orders his release.
September 3, 2008	Trial Chamber I renders a public decision, subject to any appeals, rejecting the application of the Office of the Prosecutor to lift the stay of proceedings in the Lubanga case.
October 13, 2008	The Appeals Chamber issues a decision rejecting the Prosecutor's application





	to submit additional details on documents at the appeals stage that were unavailable at the trial stage.
October 14, 2008	The Prosecution informs the Trial Chamber that it is now in a position to comply with each of the Trial Chamber's pre-conditions to its review of the Undisclosed Evidence. There are, out of those 93 documents, only 5 documents for which methods of disclosure have not been identified.
October 21, 2008	The Appeals Chamber issues a decision accepting that, at the time the Trial Chamber made its rulings, a fair trial would have not been possible because the prosecutor could not have shown the confidential evidence to the court and the defense. The Appeals Chamber also accepts the legitimacy of the decision to halt the proceedings. The Appeals Chamber, however, overturns the Trial Chamber's decision to immediately release Lubanga. The Appeals Chamber remands the case to the Trial Chamber to determine whether Lubanga should remain in custody or should be released with or without conditions, "taking into account all relevant factual developments at the time of the new determination." Trial Chamber I reacts to the Appeals Chamber's decision by requesting the prosecution, defense and legal representatives of victims to make submissions on Lubanga's pre-trial detention by October 31.
October 22, 2008	Trial Chamber I states that it will go through all of the evidence and decide which sections have potential value in proving the innocence of the accused. Such evidence will have to be disclosed to the defense for there to be a fair trial.
November 18, 2008	Trial Chamber I issues a decision lifting the stay of proceedings, stating that the reasons for imposing the stay have "fallen away."
December 9, 2008	Trial Chamber I issues a decision which states that victim protection is the responsibility of the Victims and Witnesses Unit, not the Office of The Prosecutor. For any witnesses to appear in court or to give testimony, they must first be in the Court's protection program and the Prosecutor must submit the relevant documents to the Victims and Witnesses Unit. The Prosecutor cannot speak to witnesses until these steps have occurred.
January 26, 2009	Trial Chamber I opens Lubanga trial; Lubanga pleads not guilty to three war crimes charges.
July 14, 2009	The prosecution rests its case in Lubanga trial after calling 28 witnesses over 74 days of hearings.
October 2, 2009	Trial Chamber I delays the start of the presentation of the defense case until the Appeals Chamber decides on an appeal related to the legal characterization of the facts of the case, specifically whether Lubanga could be convicted of other crimes based on the evidence presented.
December 8, 2009	The Appeals Chamber reverses the Trial Chamber decision on the legal characterization of the facts of the case, ruling that any additional charges must be based on facts presented in the Prosecutor's charges.
Current Status:	Trial in progress. The defense begins presenting its case on January 27, 2010.





	Lubanga remains in ICC custody.
<i>Germain Katanga</i>	
July 2, 2007	Pre-Trial Chamber I issues a sealed warrant of arrest for Katanga.
October 17, 2007	The Congolese authorities arrest Katanga, an alleged commander of the Force de Resistance Patriotiques en Ituri, and transfer him to the Hague.
<i>Mathieu Ngudjolo Chui</i>	
July 6, 2007	Pre-Trial Chamber I issues a sealed warrant of arrest for Ngudjolo.
February 7, 2008	The Congolese authorities arrest Ngudjolo, an alleged former leader of the National integrationist Front (FNI) and a colonel in the National Army of the Government of the DRC, and transfer him to The Hague.
<i>The joinder of the Ngudjolo and Katanga cases</i>	
March 11, 2008	The ICC Pre-Trial Chamber I joins the cases of The Prosecutor v. Germain Katanga and The Prosecutor v. Mathieu Ngudjolo Chui. Both Katanga and Ngudjolo are accused of alleged co-responsibility for the crimes allegedly committed during and in the aftermath of the attack on the village of Bogoro, Ituri in February 2003.
September 26, 2008	Pre-Trial Chamber I confirms charges against Katanga and Ngudjolo.
October 24, 2008	The Presidency refers the case against Katanga and Ngudjolo to Trial Chamber II, which is composed of Judges Fatoumata Dembele Diarra, Fumiko Saiga and Bruno Cotte.
November 27, 2008	Katanga and Ngudjolo plead not guilty.
March 27, 2009	Trial Chamber II sets a trial date of September 24, 2009.
June 12, 2008	Trial Chamber II dismisses a challenge by Katanga, concluding that the case against him is admissible.
August 31, 2009	Trial Chamber II announces that the trial will begin on November 24, not September 24, due to several outstanding procedural issues.
September 25, 2009	The Appeals Chamber upholds the admissibility of the case against Katanga.
November 24, 2009	Trial Chamber II opens the trial; both defendants plead not guilty.
Current Status:	Trial in progress. Katanga and Ngudjolo are currently in custody.

Central African Republic

January 7, 2005	The Office of the Prosecutor announces that the Government of the CAR, referred the “situation of crimes within the jurisdiction of the Court committed anywhere on the territory of the Central African Republic since 1 July 2002.”
May 22, 2007	The Office of the Prosecutor announces the launch of formal investigations into the situation in the CAR. The investigation looks into grave crimes allegedly committed in the CAR during the peak of violence occurring in 2002 and 2003 with a focus on sexual violence.





Jean-Pierre Bemba Gombo	
May 9, 2008	The Office of Prosecutor submits an application for Warrant of Arrest for Bemba.
May 23, 2008	Pre-Trial Chamber III issues a sealed warrant of arrest, which is unsealed the following day. Bemba was the alleged President and Commander in Chief of the Mouvement de Libération du Congo and former Vice President of the DRC. The warrant of arrest contains two counts of crimes against humanity: rape and torture, as well as four counts of war crimes: rape; torture; outrages upon personal dignity, in particular humiliating and degrading treatment; and pillaging a town or place.
June 10, 2008	Belgian authorities arrest Bemba.
July 3, 2008	Belgian authorities transfer Bemba to the ICC following national proceedings to determine the legitimacy of the transfer.
July 4, 2008	Initial appearance before Pre-Trial Chamber III.
January 12, 2009	The Court conducts a confirmation of charges hearing in of the case of The Prosecutor v. Jean-Pierre Bemba Gombo.
March 4, 2009	Pre-Trial Chamber III issues a decision adjourning the confirmation of charges hearing and asking the Prosecutor to submit amended charges relating to Bemba accountability as a superior.
June 15, 2009	Pre-Trial Chamber II confirms five counts of crimes against humanity and war crimes against Bemba, affirming the charges of rape and torture allegedly committed in the CAR but declining to confirm charges of torture and outrages upon personal dignity.
August 14, 2009	Pre-Trial Chamber II grants interim release to Bemba, though the decision requires that several conditions be met and the Prosecutor has appealed it.
September 18, 2009	The Presidency constitutes Trial Chamber III and refers the Bemba case to it.
December 2, 2009	The Appeals Chamber reverses the decision of Pre-Trial Chamber II to provisionally release Bemba prior to trial following an appeal by the Prosecutor.
Current Status:	In ICC custody, awaiting a trial. The trial is set to begin July 5, 2010.

In Custody / Pre-Trial Phase:

Darfur, Sudan

March 31, 2005	The UN Security Council refers the situation in Darfur, Sudan to the ICC with the adoption of Resolution 1593 and in accordance with Article 16 of the Rome Statute.
June 6, 2005	The Office of the Prosecutor announces the launch of formal investigations into the situation in Darfur, Sudan.





<i>Bahr Idriss Abu Garda</i>	
November 20, 2008	The Prosecutor presents evidence to Pre-Trial Chamber I against rebel commanders for their alleged responsibility for crimes committed against African Union peacekeepers in Haskanita camp, North Darfur on September 29, 2007
May 7, 2009	Pre-Trial Chamber I issues a sealed summons to appear for Bahr Idriss Abu Garda, a Zaghawa rebel leader
May 18, 2009	Abu Garda appears voluntarily before the Court. Pre-Trial Chamber I sets October 12 for the confirmation of charges hearing.
October 19-30, 2009	Pre-Trial Chamber I holds the confirmation of charges hearing.
February 8, 2010	Pre-Trial Chamber I finds insufficient evidence to send the case to trial and thus declines to confirm the charges.
Current Status:	Abu Garda remains free. The Prosecutor may seek permission to appeal the decision.

Arrest Warrants Issued:

Northern Uganda

December 2003	The Office of the Prosecutor announces that the Government of Uganda referred the situation in Northern Uganda to the Court.
July 29, 2004	The Office of the Prosecutor announces the launch of formal investigations into the situation in Uganda.
May 6, 2005	The Prosecutor files an application for warrants of arrest for crimes against humanity and war crimes against five senior leaders of the Lord's Resistance Army: Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen
October 14, 2005	Pre-Trial Chamber II unseals the arrest warrants for the five LRA commanders in Uganda issued on July 8 2005.
March 10, 2008	The officials of the ICC Registry meet with the Ugandan LRA delegation in The Hague to discuss procedural issues related to the legal representation of those accused before the ICC as well as procedure and time limits for the filing of documentation and materials with the Registry.
October 21, 2008	Pre-Trial Chamber II asks the Government of the DRC to explain what it has done towards securing the arrest of the four Ugandan's against whom the Court has issued an arrest warrant.
March 10, 2009	Pre-Trial Chamber II determines that the case against Joseph Kony et al. is admissible under Article 17 of the Rome Statute.
<i>Joseph Kony</i>	
Current Status:	At large.





<i>Raska Lukwiya</i>	
Current Status:	Died in August 2006. The Court has confirmed this and terminated the proceedings against Lukwiya.
<i>Okot Odhiambo</i>	
Current Status:	At large, rumored to have died in April 2008. His name remains in the case.
<i>Dominic Ongwen</i>	
Current Status:	At large.
<i>Vincent Otti</i>	
Current Status:	At large, rumored to have died in 2007. His name remains in the case.

Democratic Republic of the Congo

June 2004	Investigation opened (see above).
<i>Bosco Ntaganda</i>	
April 29, 2008	Pre-Trial Chamber I unseals the arrest warrant against Ntaganda, alleged former Deputy Chief of the General Staff of the Forces Patriotiques pour la Libération du Congo, and alleged current Chief of Staff of the Congrès national pour la défense du peuple armed group, active in North Kivu in the DRC, for alleged war crimes.
Current Status:	At large.

Darfur, Sudan

March 31, 2005	The UN Security Council refers the situation in Darfur, Sudan to the ICC with the adoption of Resolution 1593 and in accordance with Article 16 of the Rome Statute.
June 6, 2005	The Office of the Prosecutor announces the launch of formal investigations into the situation in Darfur, Sudan.
February 27, 2007	The Prosecutor submits an application to Pre-Trial Chamber I requesting that the Chamber issue summonses in respect of Ahmad Muhammad Haroun (former Minister of State for the Interior of the Government of Sudan) and Ali Kushayb (militia leader also known as Ali Muhammad Ali Abdal-Rahman) to direct them to appear before the Court for initial proceedings.
April 27, 2007	Pre-Trial Chamber I issues arrest warrants for Haroun and Kushayb.
June 16, 2008	The Security Council adopts a Presidential Statement urging the government of Sudan and other parties to end impunity in Darfur and cooperate fully with the International Criminal Court.





<i>Ahmed Haroun</i>	
Current Status:	At large.
<i>Ali Kushayb</i>	
Current Status:	In custody of the Government of Sudan. On October 13, 2008 a Sudanese minister announces that Kushayb was brought into custody in Sudan to be tried in domestic courts. The ICC will have to determine the genuineness of these proceedings to decide whether Kushayb could be tried by the ICC.
<i>Omar Hassan Ahmad al-Bashir</i>	
July 14, 2008	Prosecutor Luis Moreno-Ocampo requests Pre-Trial Chamber I to issue an arrest warrant for Sudanese President Bashir for the situation in Darfur, Sudan. The Prosecutor files ten charges of genocide, crimes against humanity and war crimes.
March 4, 2009	Pre-Trial Chamber I issues an arrest warrant for Bashir on five count of crimes against humanity and two counts of war crimes, including murder, extermination and rape. The warrant did not include the charge of genocide.
July 6, 2009	The Prosecutor files an appeal seeking to overturn the Pre-Trial Chamber's decision to exclude the charge of genocide in the arrest warrant. The appeal argues that the Pre-Trial Chamber applied the wrong standard of proof. The Pre-Trial Chamber granted leave to appeal its arrest warrant decision on June 24, 2009.
February 3, 2010	The Appeals Chamber reverses Pre-Trial Chamber I's decision not to include a charge of genocide in the arrest warrant, determining that the majority of pre-trial judges had made an error of law by setting a standard of proof that was too high.
Current Status:	Pre-Trial Chamber I must decide, based on the Appeals Chamber ruling and any new submissions, whether the arrest warrant should include the crime of genocide. Bashir remains in office as president of. Sudan refuses to cooperate with the ICC and has stated that it will not hand Bashir over to the Court.

Summonses to Appear Requested by Prosecutor:

Darfur, Sudan

<i>Haskanita Case</i>	
November 20, 2008	The Prosecutor presents evidence to Pre-Trial Chamber I against rebel commanders, including Bahr Idriss Abu Garda and two other unnamed suspects, for their alleged responsibility for crimes committed against African Union peacekeepers in Haskanita camp, North Darfur on September 29, 2007





Current Status:	The judges will consider the relevant evidence before them and decide whether or not to issue arrest warrants.
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*Researched and drafted by Veronica Glick
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