

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

COMPLETION PLAN

REVISION 18

30 September 2018

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Annex - Chart of projected timelines for the completion plan including milestones

Note to the reader:

The ECCC Completion Plan is revised on a quarterly basis for planning purposes. It contains the best possible estimates for projection of timelines in the remaining cases before the ECCC at the time of revision. A number of factors, including developments in the judicial proceedings may impact these projections. As such the timelines do not reflect statutory requirements on when the different milestones will be reached. The ECCC Completion Plan is prepared and issued by the Office of Administration with input from the judicial offices.

Summary

The Completion Plan for the Extraordinary Chambers in the Courts of Cambodia (“Extraordinary Chambers”) was initially developed in March 2014 through consultation by the Office of Administration with the judges of the chambers, the co-investigating judges and the co-prosecutors for their respective responsibilities. This is the eighteenth quarterly update of the Completion Plan covering the quarter ending 30 September 2018.

During this quarter, the co-investigating judges issued two separate closing orders in case 004/02 against Ao An. The Trial Chamber continued deliberating on its verdict and drafting the trial judgement in case 002/02.

The Completion Plan is updated to reflect the status of the judicial proceedings as of 30 September 2018.

I. INTRODUCTION

1. The Extraordinary Chambers in the Courts of Cambodia (“Extraordinary Chambers”) began its operations in February 2006 and became fully operational after the adoption of its Internal Rules in June 2007. The mandate of the Extraordinary Chambers is to prosecute “senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979”.¹
2. This Completion Plan is elaborated by the Extraordinary Chambers in the context of the General Assembly resolution A/RES/68/247B, which *inter alia* mandates the Extraordinary Chambers’ preparation of a completion strategy with a clear road map. The document has been developed by the Extraordinary Chambers through consultation by the Office of Administration with the judges of the Pre-Trial Chamber, the Trial Chamber and the Supreme Court Chamber, with the co-investigating judges, and with the co-prosecutors for their respective responsibilities. The Extraordinary Chambers updates this Completion Plan on a quarterly basis. The current document is the eighteenth revision, and it incorporates adjustments based on the developments in the ongoing judicial proceedings between 1 July and 30 September 2018.
3. The document focuses in particular on the recent developments in the remaining cases before the Extraordinary Chambers and provides information on the status of those cases as well as what steps will have to be completed before the judicial proceedings in respect of the cases reaching legal finality. The co-prosecutors have stated publicly that there will be no further cases after cases 003 and 004.² The existing caseload thus represents the totality of the caseload to be addressed by the Extraordinary Chambers.
4. Case 001, against Kaing Guek Eav (alias *Duch*), was the first case tried before the Extraordinary Chambers. On 3 February 2012, the Supreme Court Chamber pronounced its judgement in the appeal against the Trial Chamber judgement which brought the case to a conclusion. He was sentenced to life imprisonment.
5. The charges in case 002 have been severed into two trials. The Trial Chamber rendered judgement in the first trial, styled by the Extraordinary Chambers as case 002/01, on 7 August 2014, against Nuon Chea and Khieu Samphan. Two further accused in the case, Ieng Sary and Ieng Thirith, passed away on 14 March 2013 and 22 August 2015 respectively, and proceedings against them were therefore terminated. The Trial Chamber found Khieu Samphan and Nuon Chea guilty of crimes against humanity committed between 17 April 1975 and December 1977 and sentenced them each to life imprisonment. Both Nuon Chea and Khieu Samphan filed appeals against the trial judgement. In addition, the co-prosecutors filed an appeal limited to seeking declaratory relief on the application of the most extended form of joint criminal enterprise known as JCE III as a mode of liability before the Extraordinary Chambers. The appeal proceedings in the case were concluded on 23 November 2016, with the pronouncement of the Supreme Court Chamber’s judgement, which is final. The Chamber affirmed the sentence of life imprisonment imposed on both accused.

¹ Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea, 6 June 2003.

² Statement of Acting International Co-Prosecutor - Filing of Two New Introductory Submissions, 8 September 2009

([https://www.eccc.gov.kh/sites/default/files/media/ECCC_Act_Int_Co_Prosecutor_8_Sep_2009_\(Eng\).pdf](https://www.eccc.gov.kh/sites/default/files/media/ECCC_Act_Int_Co_Prosecutor_8_Sep_2009_(Eng).pdf));

Public Statement by the Co-Prosecutors regarding Investigation in Case 003, 5 June 2012 (http://www.eccc.gov.kh/sites/default/files/media/ECCC_OCP_5_June_2012_En.pdf); and Statement by the International Co-Prosecutor regarding ECCC Caseload, 26 November 2014 (<http://www.eccc.gov.kh/en/articles/statement-international-co-prosecutor-regarding-eccc-caseload>).

6. The second trial in this case, styled as case 002/02, focuses on a representative selection of the remaining charges against Nuon Chea and Khieu Samphan. These comprise charges of genocide, war crimes and crimes against humanity on topics including the treatment of the Cham and the Vietnamese, the Tram Kak Cooperatives (including Kraing Ta Chan Security Centre and the treatment of Buddhists), 1st January Dam Worksite, the Kampong Chhnang Airport Construction site, Trapeang Thma Dam worksite, the Au Kanseng, Phnom Kraol and S-21 security centres, internal purges, and the regulation of marriage. Evidentiary hearings commenced on 8 January 2015 and concluded on 11 January 2017. The Chamber sat for 274 hearing days and heard the testimony of 114 witnesses, 63 civil parties and 8 experts. The parties submitted their closing briefs on 2 May 2017. The civil party lead co-lawyers submitted their final claim for reparations on 30 May 2017 and their supplemental submission on funding issues on 30 November 2017. The Trial Chamber heard closing statements between 13 and 23 June 2017. An oral summary of the findings and the disposition of the judgement is scheduled for 16 November 2018.³
7. On 27 February 2017, the Trial Chamber issued a ruling by which it decided to terminate the proceedings concerning the facts set out in the closing order in case 002 which were not included in case 002/01 or case 002/02. Therefore, the judicial proceedings in case 002 will be completed upon the final adjudication of case 002/02.
8. The judicial investigations in cases 003 and 004 stand as follows:
 - a) On 10 July 2017, the co-investigating judges issued the closing order with the full reasons for the dismissal of case 004/01. The international co-prosecutor filed appeals against the closing order before the Pre-Trial Chamber. On 29 June 2018, the Pre-Trial Chamber disposed of the appeal on personal jurisdiction concluding the judicial proceedings in the case. The decision of the co-investigating judges that the Extraordinary Chambers has no jurisdiction over Im Chaem stands. The judicial proceedings in the case closed with this decision of the Pre-Trial Chamber.
 - b) On 25 July 2017, the international co-investigating judge forwarded the case file 003 to the Office of the Co-Prosecutors for final submissions. The co-prosecutors filed their final submissions in November 2017. The defence's response to the co-prosecutor's final submissions was filed on 12 April 2018. The closing order in this case is expected by the fourth quarter of 2018.
 - c) On 18 and 21 August 2017, the co-investigating judges received the final submissions in case 004/02 of the national and international co-prosecutor, respectively. On 30 October 2017, the co-investigating judges received the response by the defence. On 16 August 2018, the co-investigating judges issued two separate closing orders in case 004/02 against Ao An in each judge's working language only (English and Khmer, respectively), with translations to follow as soon as possible. The international co-investigating judge indicted Ao An for genocide, crimes against humanity and domestic offences. The national co-investigating judge dismissed the case for lack of personal jurisdiction. The closing orders were accompanied by decisions on civil party applications. Translations of the closing orders in this case are expected by the fourth quarter of 2018. The parties may file any notices of appeal against the closing orders only after translations of the closing orders in a minimum of two working languages have been notified.
 - d) On 5 September 2017, the investigation in case 004 was closed for the second time after dealing with a number of additional requests from the parties. The case file was forwarded to the co-prosecutors for their final submissions on 1 March 2018. The national co-prosecutor filed her final submissions on 31 May 2018 while the international co-prosecutor filed his final submissions on 4 June 2018. The closing order in this case is expected by the second quarter of 2019.

³ Case File No. 002/19-09-2007/ECCC/TC, Scheduling Order for the Pronouncement of the Judgement in Case 002/02, 26 September 2018, Public.

9. As referenced above, during the quarter, the co-investigating judges issued separate closing orders in case 004/02 against Ao An in each judge's working language only. Translations of the closing orders are expected by the fourth quarter of 2018. The parties may file any notices of appeal against the closing orders only after translations of the closing orders in a minimum of two working languages have been notified.
10. In view of progress over the quarter, this Completion Plan identifies nine remaining milestones for the cases of which the Extraordinary Chambers are seised. The remaining milestones in case 002 and associated indicative forecasts are:
 - (i) delivery of a trial judgement in case 002/02 (by fourth quarter of 2018);
 - (ii) deadline for filing any appeals against the trial judgement in case 002/02 (by first quarter of 2019); and
 - (iii) if appealed, delivery of an appeal judgement in case 002/02 (by third quarter of 2020).
11. In cases 003, 004, and 004/02 distinct milestones have been identified for the remainder of the judicial investigation phase, and in case of indictments, additional milestones will be identified for the trial and appellate phases.⁴ The milestones for the remainder of the judicial investigation phase are:
 - (iv) issuance of closing order in case 003, with a decision either to send the case for trial or to end the judicial proceedings (by fourth quarter of 2018);
 - (v) disposal by the Pre-Trial Chamber of any appeals against the closing order in case 003, either sending the case for trial or ending the judicial proceedings in the case (by third quarter of 2019);
 - (vi) issuance of closing order in case 004, with a decision either to send the case for trial or to end the judicial proceedings (by second quarter of 2019);
 - (vii) disposal by the Pre-Trial Chamber of any appeals against the closing order in case 004, either sending the case for trial or ending the judicial proceedings in the case (by first quarter of 2020);
 - (viii) notification of the filing of the Khmer translation of the closing order of the international co-investigating judge and the English translation of the closing order of the national co-investigating judge in case 004/02 (by fourth quarter of 2018); and
 - (ix) disposal by the Pre-Trial Chamber of any appeals against the closing orders in case 004/02, either sending the case for trial or ending the judicial proceedings in the case (by third quarter of 2019).

II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION

12. The effective functioning of the Extraordinary Chambers has in the past been hampered by significant and persistent financial insecurity, which resulted in two walkouts of national staff during 2013 as well as unwarranted staff turnover. The General Assembly's approval of subventions for the calendar years 2014 through 2017 for the international component of the Extraordinary Chambers were essential measures that stabilized the funding situation and enabled concentrated focus on progressing the court's judicial mandate. On the national side, cash-flow difficulties led to repeated delays in payment of national staff salaries in the course of the second half of 2015, with attendant impact on staff focus and morale.
13. Following the expression of support from the Royal Government of Cambodia, the General Assembly authorized the Secretary-General on 24 December 2017, as an exceptional measure, to enter into commitments in an amount not to exceed \$8 million to supplement the voluntary financial

⁴ The closing order will confirm whether there is an indictment or a dismissal of the cases. Given the current state of proceedings, it is premature at this point to forecast specific time points in respect of eventual trial milestones.

resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2018. This timely action greatly facilitated the uninterrupted operations of the Extraordinary Chambers for the first six months of 2018, opening space for continued solicitation of voluntary contributions. In addition, the Royal Government's commitment of direct contribution of \$4.0 million, to cover, as in 2017, the first six months of national staff salaries costs as well as operational costs arising in 2018 is a key measure facilitating the ongoing operation of the Extraordinary Chambers' national component. In combination, these measures have ensured that the ongoing phase of peak workload in the Extraordinary Chambers' work continues to receive sustained attention. Voluntary contributions are currently projected to amount to \$9.43 million for the international component and \$1.48 million for the national component, against the approved revised budget for 2018 of \$17.71⁵ million for the international component and \$5.70 million for the national component. Of these projected contributions, the international component has received \$4.52 million and the national component has received \$1.48 million so far. The balance is expected during the year. Fundraising efforts are ongoing to raise additional funds.

14. The projections of the timelines are made on the basis that all Chambers and offices are adequately staffed, and that the judicial proceedings will not be disrupted as a result of financial insecurity. Should financial insecurity emerge, there may be a need to revise the timelines accordingly.
15. In January 2015, the Plenary of the Extraordinary Chambers adopted amendments to the court's Internal Rules that permit a reduction of the scope of judicial investigation, so long as the reduced scope of the investigation is representative of the charges and alleged criminal responsibility of the suspect.⁶ The international co-investigating judge reduced the scope of the judicial investigations in relation to Meas Muth in case 003, Ao An in case 004/02 and Yim Tith in case 004 pursuant to this provision. Similarly, the Trial Chamber is authorized to reduce the scope of a trial by excluding certain facts set out in the indictment, as long as the remaining facts subject to trial are representative of the scope of the indictment.⁷ On this basis, the Trial Chamber terminated the proceedings concerning the facts set out in the closing order in case 002 which were not included in case 002/01 or case 002/02. Therefore, the final adjudication of case 002/02 will conclude the proceedings in case 002.
16. With the aim of augmenting the investigative capacity of the Office of the Co-Investigating Judges, nine international legal officers were accredited by the Ministry of Justice to conduct investigative interviews, a task normally falling to the investigators. The international co-investigating judge also benefitted from additional qualified personnel under non-reimbursable loan arrangements and additional interns allocated to the Office. This enhanced capacity accelerated the pace of the investigations. Further, the Office of Administration has retained the services of a number of additional linguistic personnel to support the judicial offices, to ensure timely translation and transcription services.

III. JUDICIAL INVESTIGATIONS COMPLETION PLAN

17. Judicial investigations in cases 003 and 004 were initiated following introductory submissions filed by the international co-prosecutor in 2009 and following supplementary submissions. Case 004 was subsequently severed into three case files: case 004/01 regarding Im Chaem; case 004/02 related to Ao An; and with case 004 remaining the case against Yim Tith. The judicial investigation stage encompasses the jurisdictions of (a) the Office of the Co-Investigating Judges; and (b) the Pre-Trial Chamber at appellate instance.

⁵ Net of \$43 thousand originally budgeted for furniture and equipment, deducted in line with the ACABQ report A/72/7/Add.7, para 31.

⁶ Rule 66*bis* allows the co-investigating judges to exclude certain facts from the investigation as long as the remaining facts are sufficiently representative of the scope of the introductory or supplementary submissions. The decision to use Rule 66*bis* is required by law to be made at the closure notice stage.

⁷ Rule 89*quater*.

A. Office of the Co-Investigating Judges

18. On 16 August 2018, the co-investigating judges issued two separate closing orders in case 004/02 against Ao An in each judge's working language only (English and Khmer, respectively), with translations to follow as soon as possible. The international co-investigating judge indicted Ao An for genocide, crimes against humanity and domestic offences. The national co-investigating judge dismissed the case for lack of personal jurisdiction. The closing orders were accompanied by decisions on civil party applications. The filing of the closing orders allowed for staff resources allocated to case 004/02 to be re-directed immediately and fully to cases 003 and 004. Translations of the respective closing orders are anticipated by the Interpretation and Translation Unit (ITU) by 31 October 2018.
19. By the end of this quarter, the remaining cases stand as follows:
 - a) In case 003, final closing order drafting is under way. Issuance of the closing order is scheduled for the fourth quarter of 2018.
 - b) In case 004, the Khmer translation of the final submission by the international co-prosecutor was filed on 22 August 2018. The defence has three months from that date to file its response, with translation to follow. Final closing order drafting will begin from the date of this translation. Staff attrition has heavily affected this case. Both remaining international team members resigned, the last one in mid-August 2018. The team thus had to be completely rebuilt, partly through the re-assignment of existing staff (see above) as far as this did not impact on the progress of case 003 and partly through the expedited recruitment of new staff, who will, however, need time to familiarize themselves with the case. The exact impact of the total loss at this late stage of institutional memory and team capacity on the most complex of the remaining cases remains unclear. The drafting process, however, will not be finalized before April 2019 under any circumstances. The overall case timeline already had to be moved to the second quarter of 2019 in Rev. 17 of the Completion Plan.
20. The above-mentioned factors result in the projected issuance of the closing orders as follows:
 - In case 003, by the fourth quarter of 2018.
 - In case 004, by the second quarter of 2019.

B. Pre-Trial Chamber

21. In the third quarter of 2018, following the closing of the case against Im Chaem, the Pre-Trial Chamber reclassified as public all its prior confidential decisions in case 004/01. The Chamber also delivered two decisions dismissing applications for annulment of torture-tainted evidence and torture-derived written records of interview in cases 003 and 004, as well as one decision dismissing an application for annulment of certain documents relating to civil parties in case 004. Following the issuance of the closing orders in case 004/02, it further granted requests for time and page limit extensions in relation to civil party admissibility decisions, a request for extension of deadlines to file notices of appeal against the closing orders and a request for redaction of the Closing Order (Indictment).
22. By the end of the reporting period, the Pre-Trial Chamber was seized of one appeal in case 004.
23. The Pre-Trial Chamber intends to dispose of any potential appeals against closing orders in cases 003, 004 and 004/02 within a reasonable time, which, subject to the nature of the submissions and to the potential filing of several concomitant appeals before the Chamber, is currently estimated to two quarters from the reception of all written submissions. The current projections are as follows:

- a) In *case 003*, the judgement on any appeal against the closing order is projected by the third quarter of 2019;
 - b) In *case 004*, the judgement on any appeal against the closing order is projected by the first quarter of 2020;
 - c) In *case 004/02*, two separate closing orders were issued on 16 August 2018, one by the international co-investigating judge indicting Ao An, in English only, and one by the national co-investigating judge dismissing the case, in Khmer only. Translations of both documents are pending. In September, the Pre-Trial Chamber authorized the parties to file notices of appeal within fourteen days after translations of both closing orders have been notified.⁸ These unprecedented features of case 004/02 – in which two simultaneous and contradicting closing orders have been delivered, each over 400 pages and both awaiting translation – makes it difficult to anticipate the number of appeal(s) which may be filed and the timeframe for the filing of written submissions. The current projection for the completion of any appeals against the closing orders in case 004/02, subject to the closing orders being translated by the fourth quarter of 2018 and the appeal(s) briefed by the first quarter of 2019, is to have any judgement(s) on appeal(s) against the closing orders issued by the third quarter of 2019.
24. All projections are subject to sufficient staffing of the Pre-Trial Chamber, the expeditious translation of the parties' submissions and the judicial decisions into the three languages of the Extraordinary Chambers.
25. In the event that appeals against orders of the Office of the Co-Investigating Judges on civil party applications are filed, the Pre-Trial Chamber would also need an approximate time of one quarter following the decisions on any appeals against closing orders being issued to dispose of all such appeals.

IV. TRIALS COMPLETION PLAN

26. The timeline for the completion of trials is influenced by various factors, such as: the nature and complexity of the case; the health of the ageing accused; the number of witnesses, civil parties and experts called, their availability and the length of their testimonies; the logistical and practical impediments to the conduct of proceedings; the number of motions filed by the parties; and other administrative considerations, including accuracy of interpretation and timely translation of documents. With these variables in mind, predictions on future timelines are based on past experience, both within the Extraordinary Chambers and in similar judicial bodies.
27. One or more trial management meetings are usually held before the commencement of a trial. The trial hearings commence with an initial hearing. At this hearing, the Trial Chamber considers the lists of potential witnesses and experts submitted by the parties and preliminary objections raised by the parties, and the civil parties give an initial specification on the reparation awards they are seeking. The substantive hearing commences with opening statements from the co-prosecutors and the accused, before the Trial Chamber starts the questioning of the accused, civil parties and witnesses and hears evidence presentation. The onus is on the co-prosecutors to prove the guilt of the accused. In order to convict the accused, the Chamber must be convinced of the guilt of the accused beyond reasonable doubt. After examining all the evidence, the Chamber hears closing statements from the parties before it retires to deliberate on a judgement. If the accused is convicted, the Trial Chamber also decides on the appropriate sentence in this judgement. It is on the basis of the above procedural steps that the different milestones for each of the trials have been identified.

⁸ Case File No. 004/02/07-09-2009/ECCC/OCIJ, Decision on Co-Prosecutors' Request for Extension of Deadlines for Notices of Appeal of Closing Orders in Case 004/02, 5 September 2018, Public.

A. Case 002/02

28. Evidentiary proceedings commenced on 8 January 2015, with the Trial Chamber initially sitting for three days per week. Medical assessments of the accused in January 2015 indicated that a four-day per week schedule was appropriate with a slightly shorter morning session. The Chamber therefore commenced on a four-day per week schedule in February 2015, accelerating the pace of trial. Evidentiary hearings concluded on 11 January 2017 after a total of 274 hearing days. In total, the Trial Chamber heard the testimony of 114 witnesses, 63 civil parties and 8 experts on the Tram Kak Cooperatives (including Kraing Ta Chan Security Centre and the treatment of Buddhists), 1st January Dam Worksite, the Kampong Chhnang Airport Construction site, Trapeang Thma Dam worksite, the treatment of the Cham and the Vietnamese, the Au Kanseng, Phnom Kraol and S-21 security centres and internal purges, the regulation of marriage, nature of the armed conflict and, finally, the roles of the accused.
29. In preparation for the close of proceedings, the Chamber held a Trial Management Meeting in December 2016 to hear submissions with respect to closing briefs and statements, among other issues. Noting the main issues raised by the parties, in particular the extraordinary length and complexity of the case, the Chamber subsequently established the deadline for the filing of the parties' final trial briefs on 24 April 2017 and the start of closing statements on 5 June 2017. The Chamber later granted the parties a one-week extension of time to file closing briefs in view of the ongoing revision of transcripts of hearings by the Transcription Unit, which had created difficulties for the parties in relying upon the court record in the closing briefs. Closing statements were accordingly rescheduled and took place between 13 and 23 June 2017. Following this, the Chamber adjourned to deliberate and prepare a trial judgement in this case.
30. The original projection of time required to issue a judgement in case 002/02 was made prior to the beginning of the trial based on the experience in case 002/01, without yet knowing how many witnesses, civil parties and experts would be heard. This projection was revised in the twelfth revision of the Completion Plan taking into account the fact that twice as many witnesses, civil parties and experts were heard in case 002/02 (a total of 185) as in case 002/01, creating a significantly larger evidentiary base (including approximately 10,800 documents) for consideration and analysis during deliberations and the judgement drafting process. At this stage of judgement preparation, having already completed a significant amount of work, the Chamber is better able to assess the practical effect of this significantly larger evidentiary base; whereas the trial judgement in case 002/01 totalled approximately 670 pages (including annexes), the Chamber expects the trial judgement in case 002/02 to surpass 2,000 pages in order to ensure that all charges are properly addressed. The Chamber previously underestimated the time necessary to assess and deliberate on the huge amount of evidence of this very complex case.
31. The projected length of the judgement has increased the importance of the Trial Chamber remaining fully staffed. Further, the Trial Chamber has continued to be negatively impacted by staff turnover combined with the relative lengthiness of the UN recruitment process. Given the time that would be required to conduct recruitment and install a staff member, at this stage the Chamber will be wholly reliant on recruiting consultants to fill both current and future vacancies. The Chamber will require the full support of the Administration in order to expedite this process insofar as possible. The Chamber notes in this regard that more staff turnover is expected in view of the uncertain financial situation of the court, the associated short-term contracts and the imminent completion of the case 002/02 trial judgement, which has increasingly motivated staff to look for more secure and longer-term employment.
32. The Trial Chamber has previously expressed to the Office of Administration concerns regarding the timely delivery of final translations, which could potentially extend the time needed to issue a judgement. In this regard, the Chamber has been assured that translation capacity (from English to Khmer) will be increased in order to allow the Chamber to meet its deadline. In addition, a number of previously translated documents have been revised during the judgement drafting period which

has required the Chamber to remain abreast of revised translations. Given these challenges, the full impact of which is not immediately apparent, the Chamber is not confident that it will be possible to issue the judgement in three languages simultaneously. While it is focusing necessarily on English and Khmer in order to ensure that the judgement is issued within a reasonable time, it will also progress with French translation insofar as possible, noting that the availability of the judgement in French may impact appeal deadlines. In this regard, the Interpretation and Translation Unit recently indicated that it envisages to complete the French translation of the judgement in January 2019.

33. The Trial Chamber continues to monitor the health conditions of the accused on an ongoing basis. The accused's fitness to continue to participate in the trial was evaluated at the end of January 2018 and they were both found to be fit to stand trial. The medical reports noted, however, several medical conditions suffered by the accused and recommended that their cognitive functions continue to be evaluated on a quarterly basis. The Trial Chamber also notes that one of the accused was hospitalized from 23 August to 7 September and again on 29 September and remains in hospital at the close of the present quarter.
34. Noting that one of the international judges is required to return to his domestic jurisdiction effective 1 December 2018, the Chamber has decided to orally announce a summary of the findings and the disposition of the judgement on 16 November 2018, with the written, fully-reasoned judgement to be issued as soon as possible thereafter. The written judgement will be issued first in Khmer and English, with the French translation to follow. The Chamber is directing all of the resources at its disposal to achieving the delivery of the full judgement by the fourth quarter of 2018, although at this stage of the finalization process it cannot yet confirm this timeframe. In the coming weeks, the Chamber will reassess its readiness to issue the trial judgement before the end of 2018. The Chamber's ability to meet its deadline will continue to depend in the first instance on other support units remaining fully staffed, and the Chamber maintaining full staffing levels.

B. Case 003 and case 004

35. Until final decisions are made on whether case 003 and/or case 004 are sent for trial, it is premature to make a projection on the required time to complete these trials. An assessment of the time required would depend on the number of defendants and legal and factual complexity of the charges included in the indictment(s).

V. APPEALS COMPLETION PLAN

A. Case 002/02

36. The Supreme Court Chamber projects at this time that the appeal(s), if filed by all or either party, against the judgement of the Trial Chamber in case 002/02 will be at least as time and resource intensive as the appeal in case 002/01. Until the Trial Chamber judgement in case 002/02 is rendered, it is possible for parties to file immediate appeals against decisions of the Trial Chamber in that case, which must be decided within the statutory three-month deadline, extended to four months in exceptional circumstances.

B. Case 003 and case 004

37. Should case 003 and/or 004 proceed to trial, immediate appeals as well as appeals against eventual judgements of the Trial Chamber may arise. Nevertheless, given that it is currently not known which cases, if any, will proceed to trial and on which charges, it is premature to provide any estimate for time required to dispose of any appeal arising therefrom.

VI. CONCLUSION

38. For 2018, it is expected that one milestone will be reached in case 002/02 with: (i) the issuance of the trial judgement. In respect of cases 003, and 004/02, two milestones are expected with: (ii) the issuance of a closing order in case 003 against Meas Muth, with a decision of the co-investigating judges either to send the case for trial or to terminate the proceedings; and (iii) the notification of the translations of the respective closing orders (the Khmer translation of the closing order of the international co-investigating judge and the English translation of the closing order of the national co-investigating judge) in case 004/02 against Ao An.
39. For 2019, it is expected that one milestone will be reached in case 002/02 with: (iv) the deadline for any appeals against the trial judgement. One milestone will also be reached in case 004 with: (v) the issuance of the closing order in case 004 against Yim Tith with a decision of the co-investigating judges either to send the case for trial or to terminate the proceedings. Further, two milestones will be reached in cases 003 and 004/02 with: (vi) the disposal of any appeals against the closing order with a decision of the Pre-Trial Chamber in case 003 in respect of Meas Muth; and (vii) the disposal of any appeals against the closing orders in case 004/02 against Ao An.
40. For 2020, two milestones are expected with: (viii) the disposal of any appeals against the closing order in case 004 with a decision of the Pre-Trial Chamber; and (ix) the delivery of an appeal judgement in case 002/02 by the Supreme Court Chamber.
41. In the event that any of case 003 and case 004 are sent for trial, in whole or in part, timelines in these cases will then be projected.
42. The various projected milestones are reflected in a chart attached to this plan.

Chart of projected timelines, including milestones

Completion Plan, revision 18 - 30 September 2018

Case	2017				2018				2019				2020			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Case 002/02	Trial Phase (a) (b)								Appeal(s) phase (c) (d)							
(a) Closing statements																
(b) Trial judgement																
(c) Deadline for appeals against trial judgement																
(d) Appeal judgement																
Case 003 Meas Muth	(e)								Appeal(s) against Closing Order (h)							
Case 004/02 Ao An	(f) (g)								Appeal(s) against Closing Orders (h)							
Case 004 Yim Tith	(e)								Appeal(s) against Closing Order (h)							

(e) Closing order in cases 003 and 004

(f) Separate closing orders in one language only in case 004/02

(g) Separate closing orders in both English and Khmer in case 004/02

(h) Pre-Trial Chamber decision on closings order in cases 003, 004, 004/02