

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

COMPLETION PLAN

REVISION 11

31 DECEMBER 2016

Summary	2
I. INTRODUCTION	3
II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION	6
III. JUDICIAL INVESTIGATIONS COMPLETION PLAN	7
IV. TRIALS COMPLETION PLAN	9
A. Case 002/02	10
B. Remaining charges/factual allegations in case 002	10
C. Case 003 and case 004	11
V. APPEALS COMPLETION PLAN	11
A. Case 002/01	11
B. Case 002/02	11
C. Case 003 and case 004	11
VI. CONCLUSION	11

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.

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 eleventh quarterly update of the Completion Plan covering the quarter ending 31 December 2016.

During the quarter, the Supreme Court Chamber pronounced its judgment on the appeals filed against the Trial Chamber’s judgment in case 002/01. This brought the judicial proceedings in case 002/01 to an end.

In the trial proceedings in case 002/02, the evidentiary hearings have progressed with the final two trial topics, namely the nature of the armed conflict and the role of the accused, which are relevant to charges of crimes against humanity and Grave Breaches of the Geneva Conventions. Final evidentiary hearings are expected to be completed by first quarter of 2017.¹

The co-investigating judges notified conclusion of judicial investigations against Ao An, and ordered severance of proceedings against Ao An from case 004 and creation of a new case file, 004/02.

The Completion Plan is updated to reflect the status of the judicial proceedings as of 31 December 2016.

¹ The Chamber concluded the evidence hearing on 11 January 2017, see press release of the same date.

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”.²
2. This Completion Plan is elaborated by the Extraordinary Chambers in the context of the General Assembly’s Resolution A/RES/68/247B, which *inter alia* mandates the Extraordinary Chamber’s preparation of a completion strategy with a clear road-map.³ 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 eleventh revision of the Completion Plan, and it incorporates necessary adjustments based on the developments in the ongoing judicial proceedings between 1 October and 31 December 2016.
3. The document focuses in particular on the recent developments in the three 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 004.⁴ 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 final conclusion. He was sentenced to life imprisonment.
5. The charges in case 002 have been, to date, severed into two trials. The Trial Chamber rendered judgment 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 judgment. 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

² Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodia Law of Crimes Committed during the Period of Democratic Kampuchea.

³ In the same resolution, the General Assembly has requested “a comprehensive examination of the future financing of the Extraordinary Chambers for 2015 and beyond.” See Resolution A/RES/68/247B adopted by the General Assembly on 9 April 2014: “Special subjects relating to the programme budget for the biennium 2014–2015” B, I, para. 8.

⁴ Statement of Acting International Co-Prosecutor - Filing of Two New Introductory Submissions, 8 September 2009 ([www.eccc.gov.kh/sites/default/files/media/ECCC_Act_Int_Co_Prosecutor_8_Sep_2009_\(Eng\).pdf](http://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>).

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.

6. The second, current trial in this case, styled as case 002/02, focuses on a representative selection of the remaining charges against the two remaining accused. These include charges of genocide, war crimes and crimes against humanity on topics including treatment of the Cham, the Vietnamese, and Buddhists, forced marriages, security centres, and worksites and cooperatives. Evidentiary hearings commenced on 8 January 2015, and, by 31 December 2016, the Trial Chamber had heard a total of 113 witnesses, 64 civil parties and 8 experts. The conclusion of evidentiary hearings scheduled to end in December 2016 is now scheduled to end by first quarter of 2017. This will be followed by the parties' closing briefs by 24 April 2017 and closing statements to commence on 5 June 2017.
7. The international co-investigating judge continued investigating cases 003 and 004, involving allegations against four charged persons. The judicial investigation against Im Chaem in case 004 was concluded on 18 December 2015. The case against Im Chaem was subsequently severed into case 004/01 and forwarded to the Office of Co-Prosecutors for final submissions. Submissions from both, the prosecution and the Defense, have been received and the co-investigating judges are currently deliberating on the closing order which is expected by first quarter of 2017. On 16 December 2016 the co-investigating judges notified that they consider the judicial investigations against Ao An in case 004 to be concluded. They further ordered the severance of proceedings against Ao An in case 004 and creation of a new case file, 004/02. The international co-investigating judge issued a separate decision reducing the scope of the judicial investigations in this case pursuant to Internal Rule 66 *bis*. This is the first time this rule has been invoked. The closing order in this case is expected by the second quarter of 2017. The investigations against the third charged person in case 004, Yim Tith, remains open. It is expected that the investigations in this case will be concluded by first quarter of 2017. The international co-investigating judge continues investigations against Meas Muth in case 003. The notification of conclusion of investigations by the international co-investigating judge expected in the fourth quarter of 2016 is now expected by the first quarter of 2017⁵.
8. In view of progress over the last quarter, this Completion Plan of the Extraordinary Chambers identifies 11 remaining milestones for the three cases with which the Chambers are seized. The remaining milestones in case 002⁶ and associated indicative forecasts are:
 - (i) conclusion of substantive hearings in case 002/02 (by first quarter of 2017);
 - (ii) closing statements in case 002/02 (by second quarter of 2017);
 - (iii) delivery of a trial judgment in case 002/02 (by fourth quarter of 2017);
 - (iv) deadline for filing any appeals against the trial judgment in case 002/02 (by first quarter of 2018); and
 - (v) delivery of an appeal judgment in case 002/02, if any (by third quarter of 2019).
9. In cases 003, 004, 004/01 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.⁷ The milestones for the remainder of the judicial investigation phase are:
 - (vi) notification of conclusion of judicial investigations in case 003 (by first quarter of 2017);

⁵ Notice of conclusion of investigations by the international co-investigating judge was issued on 10 January 2017.

⁶ In the event that case 002 is further severed as a consequence of the Trial Chamber's decision it may be that a case 002/03 will be required.

⁷ Given the current state of proceedings it is premature at this point to forecast specific time points in respect of eventual trial milestones.

- (vii) notification of conclusion of remaining judicial investigations in case 004 (first quarter of 2017);
- (viii) issuance of closing order in case 003, with a decision either to send the case for trial or to end the proceedings (by second quarter of 2017);
- (ix) issuance of closing orders in case 004/01, case 004/02 and in case 004, with a decision either to send the cases for trial or to end the proceedings (by first quarter of 2017 for case 004/01, and by second quarter for case 004/02 and by third quarter of 2017 for case 004);
- (x) 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 fourth quarter of 2017) ; and
- (xi) disposal by the Pre-Trial Chamber of any appeals against the closing orders in case 004/01, case 004/02 and in case 004 either sending the case for trial or ending the judicial proceedings in the case (by third quarter of 2017 for case 004/01 in respect of Im Chaem, by fourth quarter of 2017 for case 004/02 in respect of Ao An, and by first quarter of 2018 for case 004 in respect of Yim Tith).

II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION

10. The effective functioning of the Extraordinary Chambers has in the past been hampered by significant and persistent financial insecurity, which resulted in two staff walkouts 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.
11. Following the support from the Royal Government of Cambodia, on 23 December 2016 the General Assembly, authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed \$11 million to supplement the voluntary financial resources of the ECCC's international component for the period from 1 January to 31 December 2017. This timely action greatly facilitates the ECCC's uninterrupted operations during the first half of 2017, opening space for continued solicitation of voluntary contributions. In addition, the Royal Government's commitment of direct contributions to again cover, as in 2016, the first six months of national staff costs as well as operational costs arising in 2017 is a key measure facilitating the ongoing operation of the ECCC's 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 into 2017. The projections of the timelines below 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 need to revise the timelines accordingly.
12. 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.⁸ Similarly, the Trial Chamber may reduce the scope of the 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.⁹ The Trial Chamber is presently seised of a request by the co-prosecutors to terminate the proceedings in respect of those facts which were excluded from the scope of case 002/02. If granted, the completion of case 002/02 would bring to a conclusion the proceedings in case 002.
13. With the aim of augmenting the investigative capacity of the Office of the Co-Investigating Judges, nine international legal officers were initially accredited by the Ministry of Justice to conduct investigative interviews, a task normally falling to the investigators. This enhanced capacity to conduct such interviews has accelerated the pace of the investigations. The international co-investigating judge has in addition benefitted from additional qualified personnel under non-reimbursable loan arrangements and additional interns enhancing the judicial production. The international co-investigating judge continues to reach out to Member States and professional organizations with the aim of recruiting additional investigators as gratis personnel. Further, the Office of Administration has retained the services of a number of linguistic staff to support the judicial offices, to ensure timely translation and transcription services.

⁸ 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. This authority was used for the first time in December 2016 in case 004/02.

⁹ Rule 89*quarter*.

III. JUDICIAL INVESTIGATIONS COMPLETION PLAN

14. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the international co-prosecutor in September 2009. The international co-prosecutor has subsequently made several supplementary submissions. The national and international co-investigating judges have recorded a number of disagreements regarding the investigation of these cases. Despite different views on legal and factual issues, the professional cooperation between the judges remains excellent.
15. Since the beginning of the investigations in cases 003 and 004, a total of 252 field missions have been carried out and 1,354 witness statements taken. Specifically in 2016, a total of 51 field missions were carried out and 245 witness statements were taken. The 2,503 civil party applications filed so far in both cases are currently being scrutinized in preparation for the decision on admission or rejection.
16. The Office of the Co-Investigating Judges has pro-actively been pursuing innovative and pragmatic avenues within the procedural framework of the Extraordinary Chambers Law and Internal Rules in order to explore the potential for further consolidating and focusing the investigation even before the formal procedural trigger point of Rule 66*bis*, which is only at the end of the investigation and hence too late for ensuring an early streamlining of the investigation. This approach is maintained going forward as well.
17. The timelines for the on-going investigations are influenced by various factors such as: the nature and complexity of the case, the number of witnesses to be interviewed, the number of field missions required, the availability of and ability to retain qualified staff, the logistical and practical impediments to conducting the investigation and availability of witnesses. A number of the remote locations without proper roads are virtually inaccessible for missions during parts of the rainy season. Some witnesses live abroad which adds more complexity to the process of the investigation. The Office of the Co-Investigating Judges' time projections are contingent on a number of factors outside their control such as, among others, no departure of key staff, sufficient funds to fill vacant posts, timely translation of documents, sufficient interpretation and transcription capacity and timely support from the judicial police.
18. The numbers of motions filed by the parties as well as the time needed by the Pre-Trial Chamber to issue decisions on interlocutory appeals also have an impact on timelines, not least because of the effect of the closing order as healing all procedural defects in the investigation under Internal Rule 76. Depending on the size and complexity of the motions, it may take two to three months from the filing of the motion to a first draft decision. Any time needed for an appeal before the Pre-Trial Chamber must be added; the average currently stands at six months. With these variables in mind, predictions on future timelines are based on past experience within the Extraordinary Chambers and cannot be considered as more than an approximation. A number of the above-mentioned factors are beyond the control of the co-investigating judges. Adjustments of the timelines may therefore be demanded by the operational environment.
19. The staffing of the Office of the Co-Investigating Judges has been supplemented with secondments from Canada, and augmented by a large number of interns, who serve, a maximum period of six months. The current staffing level and set-up hence makes the Office vulnerable in the event of staff turnover, and it also affects its ability to absorb additional workload originating from filings by the parties and/or decisions on appeals by the Pre-Trial Chamber. Staff turnover in 2016 combined with the length of time it generally takes to replace staff have had a noticeably adverse impact on the ongoing work.
20. The Internal Rules prescribe a series of procedural steps to be followed by the co-investigating judges in order to fully complete an investigative process. The co-investigating judges investigate the facts set out in an introductory submission or a supplementary submission filed by the co-prosecutors. Parties may request the co-investigating judges to carry out specific investigative actions and these

may necessitate a substantial investigative effort, depending on the case. Any refusal to accommodate a request for investigations may be appealed to the Pre-Trial Chamber, and based on past experience it may take the Chamber some six months to decide such motions. Depending on the subject matter of the appeal and its outcome, the decision may have a significant impact on ongoing investigations and add significantly to the time needed to complete them. The same applies to annulment requests to the Pre-Trial Chamber regarding alleged unlawful investigative acts, since the co-investigating judges do not have the power to annul their own investigative acts.

21. When the co-investigating judges consider that an investigation has been concluded, they notify all the parties, who then have 15 days to request further investigative actions, unless they waive such period. All references to conclusion of investigations in this Completion Plan refer by default to the expiry of the 15-day period provided for in Internal Rule 66(1) following the notice of closure. There is no reliable way to predict the exact time it may take to respond to any investigative requests filed during that period.
22. If the co-investigating judges decide to reject any requests made for investigative action, they must issue a reasoned order. All parties may, within 30 days from notice of such an order, file appeals to the Pre-Trial Chamber. Depending on the number of appeals and the time required for the Pre-Trial Chamber to decide them, this part of the process may necessitate further revisions of the projected timelines. It is not possible to project the exact time taken up by any appeals lodged against denials of such requests but based on past experience it may take some six months in each individual case.
23. Only once the 30-days period has expired, been waived, or the abovementioned appeals heard, may the co-investigating judges forward the case file to the co-prosecutors for their final submission, in this case within three months because none of the charged persons are currently in detention. The Defence must then be given adequate time to respond. Only after all the above-mentioned steps have been concluded can the co-investigating judges issue a closing order, either indicting a charged person and sending him or her for trial, or dismissing the case. Once the closing order is filed, the co-investigating judges are *functus officio* with regard to that particular investigation.
24. The Office of the Co-Investigating Judges' intention is to streamline and condense the drafting of closing orders as much as possible, wherever that is possible and justifiable by the substance of the decision. The timelines for drafting the closing orders in cases 001 and 002 ranged from around three months in case 001 – which concerned a rather closely circumscribed scenario – to about eight months in case 002 – a category which is approximately mirrored by the case 004 (Yim Tith) in complexity. The timely translation issue will have a particular impact during the closing order drafting phase, when not only the text of the orders will have to be translated, but the translations will have to undergo a separate footnote reference checking exercise, because the format of the different versions is not identical, e.g. as far as page numbers are concerned etc. In addition, it may be noted that the Office, working with a relatively low staff contingent is engaged on four fronts, representing a significant workload until all the closing orders are issued.
25. These combined factors have exerted a knock-on effect in each case. The timelines are not changed in this revision of the Completion Plan, with the exception of a brief extension of the closing of the investigation in case 003, for reasons explained just below. Following the additional charging in December 2015, the notice of conclusion of the investigation in case 003 was originally scheduled to be issued by fourth quarter of 2016. However, the need to rule on outstanding motions caused a brief extension of this benchmark. The notice of conclusion of investigations, barring any unforeseen circumstance, will be issued by the first quarter of 2017.¹⁰ Following the issuance of the notice, the proceedings in case 003 against Meas Muth will proceed following the mandatory procedural steps required by the Internal Rules, as described above. The closing order is expected by the second quarter of 2017.

¹⁰ The Notice was issued on 10 January 2017.

26. In case 004, Yim Tith's defence counsel was granted access to the case file in December 2015. Though defence-motions may still be foreseen, notice of closure continues to be expected by the first quarter of 2017 followed with a closing order by the third quarter of 2017.
27. On 5 February 2016, the co-investigating judges ordered Im Chaem's case to be severed from case 004, creating case file no. 004/01 and on 27 July 2016 forwarding it to the Office of the Co-Prosecutors for final submissions. The co-prosecutors and the Defence have filed their submissions and the co-investigating Judges are currently drafting the closing order, to be announced by the first quarter of 2017.
28. The investigation against Ao An was closed by the co-investigating judges on 16 December 2016, and the case against him severed to become a new case file, 004/02. The international co-investigating judge also issued an order under Rule 66 *bis*, reducing the scope of this investigation. The closing order is scheduled by the second quarter of 2017.
29. The overall revised projections at this revision are
 - investigations in case 003 will conclude by the first quarter of 2017;¹¹
 - the closing order in case 003 will be issued by the second quarter of 2017;
 - the closing order in case 004/01 will be issued by the first quarter of 2017;
 - the closing order in case 004/02 will be issued by the second quarter of 2017;
 - investigations in case 004 will conclude by the first quarter of 2017;
 - the closing order in case 004 will be issued by the third quarter of 2017.

IV. TRIALS COMPLETION PLAN

30. 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 aging 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.
31. 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 judgment. If the accused is convicted, the Trial Chamber also decides on the appropriate sentence in this judgment. It is on the basis of the above procedural steps that the different milestones for each of the trials have been identified.

¹¹ The notice was issued on 10 January 2017.

A. Case 002/02

32. 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 days per week schedule in February 2015, accelerating the pace of trial. As of 31 December 2016, the Chamber had heard a total of 113 witnesses, 64 civil parties and 8 experts on the Tram Kok 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.
33. The Chamber originally projected the closure of evidentiary proceedings for the end of the fourth quarter of 2016. However, additional time was needed in arranging for the testimony of the selected witnesses, civil parties and experts and flooding of the ECCC premises forced the Chamber to adjourn the hearings for the first week of October 2016. While document disclosures from cases 003 and 004 into case 002/02 took place throughout 2016, and is expected to continue in 2017 as the Office of the Co-Prosecutors remains obliged to disclose exculpatory evidence until the end of trial, the imposition by the Chamber of deadlines for the admission of new evidence pursuant to Internal Rule 87(4) reduced the impact of such disclosures. In light of the above, the Chamber projects the closure of evidentiary proceedings by first quarter of 2017.¹²
34. In preparation for the close of proceedings, the Chamber held a Trial Management Meeting in December 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, following which it will deliberate and prepare a trial judgement in this case. The timeline is revised accordingly.
35. Other factors that continue to be relevant to the projected length of trial that may arise in the future include a change in the health conditions of the accused. The Trial Chamber is monitoring 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 July 2016 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 be evaluated on a quarterly basis.
36. Two new factors that were raised by the Defence in the Trial Management Meeting of December 2016 which will impact the length of the trial are the ongoing review of transcripts of the hearings and the delivery of the French translation of the Supreme Court Chamber appeal judgement in case 002/01 in time for Defence teams to prepare their closing briefs. The Trial Chamber has previously expressed to the Office of Administration a number of concerns with the potential to extend the time needed to issue a judgement, namely the timely delivery of final translations and transcriptions and swift filling of vacancies. Therefore, in view of the complexity of case 002/02, the impact of the appeal judgement in case 002/01, the time it takes to finalize translations and transcripts, and to fill relevant staff vacancies, the Chamber considers it necessary to extend the time for the delivery of the judgement in the case 002/02. The length of such extension is currently under assessment hence no change in this revision.

B. Remaining charges/factual allegations in case 002

37. In a decision on 29 July 2014, the Supreme Court Chamber declared the stay of the proceedings in relation to the charges remaining outside the scope of cases 002/01 and 002/02 pending appropriate

¹² The Chamber concluded the evidence hearing on 11 January 2017, see press release of the same date.

disposal by the Trial Chamber. The Supreme Court Chamber reiterated that the Trial Chamber has a duty to adjudicate or dispose of the remaining charges in case 002 in accordance with the legal framework, and urged it to do so. Having been seised of a request by the co-prosecutors to terminate the remaining charges in case 002, the Trial Chamber has scheduled hearings on remaining charges/factual allegations in case 002 to follow immediately after the close of evidence hearings in case 002/02.¹³

C. Case 003 and case 004

38. Until 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.

V. APPEALS COMPLETION PLAN

A. Case 002/01

39. On 23 November, the Supreme Court Chamber pronounced its judgment on appeals filed in the second half of 2014 against the trial judgement in case 002/01. This brought the judicial proceedings in case 002/01 to an end.

B. Case 002/02

40. The Supreme Court Chamber projects at this time that the appeal(s), if filed, against the judgment 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 judgment 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 3-months deadline (extended to 4 months in exceptional circumstances).

C. Case 003 and case 004

41. Should case 003 and/or 004 proceed to trial, immediate appeals as well as appeals against eventual judgments of the Trial Chamber are likely to 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

42. For 2016, a milestone was reached in case 002/01 with the delivery of the appeal judgment in the case. For case 004, a milestone was reached with the notification of conclusion of the judicial investigation with respect to Ao An.
43. For 2017, it is expected that three milestones will be reached in case 002/02, namely; (i) conclusion of evidentiary hearings; (ii) conclusion of closing statements; and (iii) the delivery of the trial judgment. In cases 003 and 004, it is expected that five milestones will be reached: (i) notification of conclusion of investigations in case 003 with respect to Meas Muth (ii) issuance of a closing order in case 003 with a decision of the co-investigating judges either to send the case for trial or to terminate the proceedings; (iii) disposal of any appeals against the closing order in case 003; (iv) issuance of the closing order in case 004/01 against Im Chaem and issuance of closing orders in case 004/02 against Ao An and closing order in case 004 against Yim Tith, respectively, with a decision of the co-

¹³ The hearing was held on 10 January 2017 with decision of the Chamber to follow in due course, see press release of the same date.

investigating judges either to send the cases for trial or to terminate the proceedings; and (v) disposal of any appeals against the closing order in case 004/01 against Im Chaem and case 004/02 in respect of Ao An, with a decision of the Pre-Trial Chamber either to send these cases for trial or to terminate the proceedings.

44. For 2018, it is expected that one milestone will be reached in case 002/02; the deadline for any appeals against the trial judgment. In respect of case 004, one milestone is expected: disposal of any appeals against the closing order in case 004 in respect of Yim Tith, with a decision of the Pre-Trial Chamber either to send the case for trial or to terminate the proceedings.
45. For 2019, it is expected that one milestone will be reached, namely delivery of an appeal judgment in case 002/02.
46. In the event that any of case 003 and case 004 are sent for trial, in whole or in part, timelines in these cases can then be projected.
47. The various projected milestones are reflected in a chart attached to this plan.

Chart of projected timelines, including milestones

Case	2016				2017				2018				2019			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Case 002/01	Appeals phase (b)															
(a) Conclusion of appeal hearings																
(b) Appeal Judgment announced																
Case 002/02	Trial phase (c)				(d)	(e)			(f)							(g)
(c) Conclusion of evidence hearings																
(d) Closing statements																
(e) Trial Judgment																
(f) Deadline for appeals against Trial Judgment																
(g) Appeal Judgment																
Case 003					Judicial investigation (h)				Appeals against Closing Order (i)							
Case 004/01 Im Chaem					Judicial investigation (i)				Appeals against Closing Order (j)							
Case 004/02 Ao An					Judicial investigation (h)				Appeals against Closing Order (i)							
Case 004 Yim Trih					Judicial investigation (h)				Appeals against Closing Order (i)							

(h) Notification of conclusion of investigation.

(i) OCIJ Closing Order

(j) PTC Closing Order