

# EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

## COMPLETION PLAN

### REVISION 17

30 June 2018

Summary .....	2
<b>I. INTRODUCTION .....</b>	<b>3</b>
<b>II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION .....</b>	<b>5</b>
<b>III. JUDICIAL INVESTIGATIONS COMPLETION PLAN .....</b>	<b>6</b>
A. <i>Office of the Co-Investigating Judges</i> .....	6
B. <i>Pre-Trial Chamber</i> .....	8
<b>IV. TRIALS COMPLETION PLAN .....</b>	<b>9</b>
A. <i>Case 002/02</i> .....	9
B. <i>Case 003 and case 004</i> .....	11
<b>V. APPEALS COMPLETION PLAN .....</b>	<b>11</b>
A. <i>Case 002/02</i> .....	11
B. <i>Case 003 and case 004</i> .....	11
<b>VI. CONCLUSION .....</b>	<b>11</b>

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 seventeenth quarterly update of the Completion Plan covering the quarter ending 30 June 2018.

During this quarter, the Pre-Trial Chamber disposed the appeals against the closing order in case 004/01 relating to Im Chaem, confirming the dismissal decision of the co-investigating judges. The judicial proceedings in the case are now closed. 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 June 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”.<sup>1</sup>
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 seventeenth revision, and it incorporates adjustments based on the developments in the ongoing judicial proceedings between 1 April and 30 June 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.<sup>2</sup> 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.

---

<sup>1</sup> 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.

<sup>2</sup> 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](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 Chean 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. The Chamber is currently deliberating on its verdict and drafting a reasoned judgement which is expected by the fourth quarter of 2018.
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 case 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 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.
  - 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. 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, the co-investigating judges received the response by the defence. The closing order in this case is expected by the third quarter of 2018.
  - 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.
9. During the quarter, a milestone was reached with disposal of appeals against the closing order in case 004/01 relating to Im Chaem. The judicial proceedings in the case closed with the final decision of Pre-Trial Chamber on the appeals.
10. In view of progress over the quarter, this Completion Plan identifies 9 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.<sup>3</sup> 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 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) issuance of closing order in case 004/02, with a decision either to send the case for trial or to end the judicial proceedings (by third quarter of 2018); and
  - (ix) disposal by the Pre-Trial Chamber of any appeals against the closing order in case 004/02, either sending the case for trial or ending the judicial proceedings in the case (by second 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 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.
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 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 \$11 million for the international component and \$1.36 million for the national component, against the approved budget for 2018 of \$18.89<sup>4</sup> million for the international component and \$5.79 million for the

---

<sup>3</sup> 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.

<sup>4</sup> Net of \$43 thousand originally budgeted for furniture and equipment, deducted in line with the ACABQ report A/72/7/Add.7 para 31.

national component. Of these projected contributions, the international component has received \$4.35 million and the national component has received \$0.13 so far. The balance is expected during the year. Fund raising 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 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.<sup>5</sup> 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 authorised 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.<sup>6</sup> 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 investigation stage encompasses the jurisdictions of (a) the Office of the Co-Investigating Judges; and (b) of the Pre-Trial Chamber at appellate instance.

#### *A. Office of the Co-Investigating Judges*

18. During the investigations in cases 003 and 004, 269 field missions were carried out and 1,411 witness statements taken. Investigative missions have now ceased in all cases. More than 2,500 civil party applications were scrutinized in preparation for the decision on admission or rejection, with only updating work remaining.
19. The progress of all cases continues to depend substantially on sufficient funding, adequate staffing, timely recruitment for vacant posts and increasingly on expeditious translations. Any response or appeal periods begin only once the Khmer version of a document is notified. Furthermore, the

---

<sup>5</sup> 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.

<sup>6</sup> Rule 89*quater*.

national co-investigating judge and his team work mainly with the Khmer versions of any document filed. To make the extent of the problem clear, it is worth pointing out that the Court's Interpretation and Translation Unit (ITU) informed the International Co-Investigating Judge by email of 17 May 2018 that – based on their own logistical and staffing strictures – translations from English into Khmer and their revisions would on average<sup>7</sup> take around 8 weeks for 300 pages, and 12 weeks for 500 pages. Staff attrition on the international side of the Office has moved from being a real concern to becoming a concerning reality, and has risen to an unprecedented level in the last year. Unattractive short-term chain contracts have been the norm over the last year, resulting in virulent staff retention difficulties: In the period from June 2017 to the end of June 2018, the international side lost 13 staff members and consultants through resignation, 10 alone since October 2017, triggering the need for multiple and time-consuming recruitment procedures. On average, the Office has thus lost one person each month. The staffing cover of the Office is now so threadbare that even minor staff turnover seriously impacts the Office's institutional memory and its ability to keep to the projected timelines (see below), especially at this late stage in the investigations<sup>8</sup>.

20. By the end of this quarter, the cases stand as follows:

- a) In case 003, the 318-page response in English from the defence to the Co-Prosecutors' submissions had been filed on 12 April 2018; closing order drafting had been under way for some time but could not be taken into its final stage before the Khmer translation of the defence response, which is envisaged to be filed by ITU on 6 July 2018. Furthermore, one long-standing key staff member, who had been co-ordinating the day-to-day drafting process on that case, resigned effective 14 June 2018 which, together with the time needed to get new staff to work on the case and/or to spread the work among the remaining team members, means the timeline has been compromised. Based on the combined effect of the staff attrition together with the projected ITU translation logistics, it had to be moved to the fourth quarter of 2018. One annulment motion filed by the defence in July 2017 is still pending before the PTC at the time of writing.
- b) Case 004/02 is at an advanced stage of closing order drafting; however, recent turnover of core staff on the international team had already made an extension into the third quarter of 2018 necessary under the previous revision of this completion plan. One core P-3 staff member of Team 004/2, who was also in charge of handling and updating all civil party applications across all cases, resigned and left in mid-April 2018. A second member of Team 004/2, who worked on-site as a consultant, resigned effective end of March 2018 due to a family-based need to move to Europe; he was re-hired after a recruitment process as a remote consultant and will finish his contract in July 2018. Both resignations and the ensuing recruitment procedures have led to a loss of drafting capacity. Another consultant working on the generic procedural law support of case 004/2 (and for cases 003 and 004) and doubling as the Office's deputy greffier resigned effective 14 June 2018. The timeline for case 004/2 given in Rev. 16 of this Plan, i.e. of the third quarter of 2018, is currently still up-to-date, assuming the closing order translation will also be completed by ITU in that quarter.
- c) Case 004 saw the national co-prosecutor filing her final submission on 31 May 2018 in both English (11 pp.) and Khmer (15 pp.); the international co-prosecutor filed his 732-page submission on 4 June 2018 in English only. Because of resource constraints, he was not able to file it simultaneously in Khmer within the three months allotted by the Internal Rules. Final

---

<sup>7</sup> ITU clarified on 11 June 2018, that these estimates may change depending on the actual content of the document once filed.

<sup>8</sup> When the investigations were still ongoing, new (legal) staff had a sort of buffer period because drafting on the closing orders had not begun to the same degree; now, however, every loss of staff and new recruitment means loss of drafting time and capacity. In other words, the impact on the closing order timelines is now direct and immediate.

closing order drafting work can only begin once the defence has filed its response which will be 3 months after the Khmer translation of the ICP submission has been notified, which, based on ITU's revised estimate of 7 June 2018, is expected for 20 August 2018. Staff attrition has also heavily affected this team: One of the two remaining team members, the consultant with the longest institutional memory of the case, resigned effective end of June 2018. The exact impact of this 50% loss of team capacity on the progress of the drafting is as yet unclear. Due to the complexity of the case<sup>9</sup>, translation logistics and the staff loss, finalising the draft and the translation will, however, not now be feasible until the first quarter of 2019. Since this revision of the completion plan is meant to be the basis for the last budget request ever from OCIJ, the persistent danger of further staff attrition made it necessary to use prudent evaluation of the risks and hence the timeline has been moved to the second quarter of 2019, although every effort will be made to finish earlier. Two annulment motions filed by the Defence in September and November 2017 are still pending before the PTC at the time of writing. Should the PTC decide to annul certain evidence, the parties will be given an opportunity to address this to the extent necessary. On 7 May 2018, the defence filed an appeal against a decision of 28 February 2018, the translation of which was only notified on 4 May 2018

21. The above-mentioned factors result in the projected issuance of the closing orders as follows (these timelines cannot and should not in any event be considered as anything more than a fair-weather estimate):
  - In *case 003*, by the fourth quarter of 2018.
  - In *case 004*, by the second quarter of 2019.
  - In *case 004/02*, by the third quarter of 2018.

### ***B. Pre-Trial Chamber***

22. In the second quarter of 2018, the Pre-Trial Chamber reached a milestone by issuing its public considerations on the appeal against the closing order in case 004/01, as well as one decision on appeal and three decisions on requests regarding the reclassification as public of judicial documents in case 004/01. The Pre-Trial Chamber dealt with the three above-mentioned requests within 6 days to 3 months of receiving them. This quick turnover was assisted by additional support provided to the Chamber by the Administration. The judicial proceedings in case 004/01 are now closed.
23. By the end of the reporting period, the Pre-Trial Chamber was seised of four appeals and annulment motions, one having been filed since the last revision of the Completion Plan:
  - a) In *case 003*, one annulment motion.
  - b) In *case 004*, two annulment motions and one appeal.
24. Concerning the completion of the procedures, the Pre-Trial Chamber still intends to dispose of any potential appeals against closing orders in cases 003 and 004 within a reasonable time, which, subject to the nature of the submissions, staffing and translation constraints, is currently estimated to two quarters from the reception of all written submissions. The current projections are as follows:

---

<sup>9</sup> It is worth mentioning that, as far as complexity is concerned, case 004 compares easily with case 002/2, currently pending judgment in the Trial Chamber, and that the Chamber has more international judges and staff working on that one case than the international side of OCIJ has had for the three remaining cases.



- 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; and
  - c) In *case 004/02*, the judgement on any appeal against the closing order is projected by the second quarter of 2019.
25. All projections are also dependent on the available staffing of the Pre-Trial Chamber and on the expeditious translation of the parties' submissions and of the decisions into the three languages of the Court.
26. Finally, if any appeals against orders of the co-investigating judges on civil party applications are filed, the Pre-Trial Chamber would also need an approximate time of about three months after the decisions on any appeals against closing orders are issued to dispose of all such appeals.

#### **IV. TRIALS COMPLETION PLAN**

27. 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.
28. 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.

##### **A. Case 002/02**

29. 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.
30. 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.

31. 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.
32. The projected length of the judgement has increased the importance of the Trial Chamber remaining fully staffed. The nationalisation of a post within the Trial Chamber has resulted in the Chamber being short of one international Legal Officer. 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 (a minimum of five months), 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.
33. 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 recently been assured that translation capacity (from English to Khmer) will be increased in order to allow the Chamber to meet its deadline. Given the volume of translation required over a short period of time, the Chamber is not confident that it will be possible to issue the judgement in three languages simultaneously. While it will focus necessarily on English and Khmer in order to ensure that 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.
34. 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.
35. In view of the above factors, the Chamber assesses that it is necessary to extend the deadline for trial judgement at this time by one quarter, to fourth quarter 2018. Noting that one of the international judges is required to return to his domestic jurisdiction effective 1 December 2018, the Chamber will if necessary consider issuing, after the conclusion of its deliberations, an oral

judgement in summary form in November 2018 with the written fully-reasoned judgement to follow. The written judgement would be issued first in Khmer and English, with the French translation to follow as soon thereafter as possible. The Chamber's ability to meet this new 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***

36. 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 002/02***

37. The Supreme Court Chamber projects at this time that the appeal(s), if filed, 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***

38. 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**

39. A milestone was reached in case 004/01, during the quarter, with disposal of appeals against the closing order in respect of Im Chaem, with a decision of the Pre-Trial Chamber confirming the dismissal decision of the co-investigating judges. The judicial proceedings in the case are now closed.
40. 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) 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; (iii) issuance of the closing order in case 004/02 against Ao An, with a decision of the co-investigating judges either to send the case for trial or to terminate the proceedings.
41. 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 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 with disposal of any appeals against the closing orders in (vi) case 004/02 in respect of Ao An, and in (vii) case 003 in respect of Meas Muth.
42. For 2020, two milestones are expected with: (viii) disposal of any appeals against the closing order in case 004 with a decision of the Pre-Trial Chamber and (ix) delivery of an appeal judgement in

case 002/02 by the Supreme Court Chamber.

43. 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.
44. The various projected milestones are reflected in a chart attached to this plan.

## Chart of projected timelines, including milestones

Completion Plan, revision 17 - 30 June 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				Trial Phase				Appeal(s) phase				Appeal(s) phase			
(a) Closing statements	(a)															
(b) Trial judgement					(b)				(c)							
(c) Deadline for appeals against trial judgement																
(d) Appeal judgement													(d)			
Case 003 Meas Muth									Appeal(s) against Closing Order							
Case 004/02 Ao An					(e)				Appeal(s) against Closing Order				(f)			
Case 004 Yim Tith													Appeal(s) against Closing Order			

(e) Closing order in case 003, 004, 004/02

(f) Pre-Trial Chamber decision on closing order in case 003, 004, 004/02