

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

COMPLETION PLAN

REVISION 19

31 December 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 nineteenth quarterly update of the Completion Plan covering the quarter ending 31 December 2018.

During this quarter, the co-investigating judges issued two separate closing orders in case 003 against Meas Muth. On 16 November, the Trial Chamber announced the summary of the findings and the disposition of the judgement in case 002/02 against Nuon Chea and Khieu Samphan.

The Completion Plan is updated to reflect the status of the judicial proceedings as of 31 December 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 nineteenth revision, and it incorporates adjustments based on the developments in the ongoing judicial proceedings between 1 October and 31 December 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 was delivered on 16 November 2018. The Trial Chamber found Khieu Samphan and Nuon Chea guilty of genocide, war crimes and crimes against humanity; and sentenced them each to life imprisonment.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. 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; ending the judicial proceedings in the case.
9. The ongoing judicial investigations in cases 003, 004/02 and 004 stand as follows:
 - a) 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. On 28 November 2018, the co-investigating judges issued two separate closing orders in case 003 against Meas Muth in each judge's working language only (English and Khmer, respectively), with translations to follow. The international co-investigating judge indicted Meas Muth for genocide, crimes against humanity, war crimes 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 first quarter of 2019. The co-lawyers for Meas Muth filed a notice of appeal on 5 December 2018. The parties may file appeals against the closing orders after translations of the closing orders in a minimum of two working languages have been notified.
 - b) 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. 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

³ Case File No. 002/19-09-2007/ECCC/TC, Trial Chamber Summary of Judgement Case 002/02, 16 November 2018, Public.

applications. The Khmer and English translations of the closing orders in this case were notified on 30 October and 5 November 2018, respectively. Three notices of appeal were filed in October and November 2018 by the co-lawyers for Ao An, the national co-prosecutor and the international co-prosecutor. Submissions on appeal were filed in one language by 20 December 2018, pursuant to the Chamber's instructions, and are awaiting translation.

- c) 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 defence filed its joint response to the final submissions of the co-prosecutors on 26 November 2018. The closing order in this case is expected by the second quarter of 2019.
10. During the quarter, a milestone was reached with the 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, thereby enabling the parties to file any notices of appeal against the closing orders.
 11. In view of progress over the quarter, this Completion Plan identifies eight 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 first quarter of 2019);
 - (ii) deadline for filing any appeals against the trial judgement in case 002/02 (by second quarter of 2019); and
 - (iii) if appealed, delivery of an appeal judgement in case 002/02 (by fourth quarter of 2020).
 12. In cases 003, 004/02, and 004 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) 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 003 (by first quarter of 2019);
 - (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 fourth quarter of 2019);
 - (vi) 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).
 - (vii) 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); and
 - (viii) 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).

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.

II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION

13. 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 2018 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.
14. As of 31 December 2018, voluntary contributions received by the international component of the Extraordinary Chambers amount to \$8.4 million against the revised budget of \$17.71 million for 2018. The General Assembly in its resolution 72/262/A authorized a subvention of \$8.0 million to supplement the voluntary financial resources of the international component for the period from 1 January to 31 December 2018, constituting a total of \$16.4 million of available resources. Final expenditures for 2018 are estimated to be within the above level of resources. The national component received direct support of \$4.0 million from the Royal Government of Cambodia for 2018 and \$1.48 million in voluntary contributions, constituting a total of \$5.48 million of available resources. It is estimated that the national component's 2018 expenditure will remain within this funding level.
15. Following the expression of support from the Royal Government of Cambodia, the General Assembly authorized the Secretary-General on 22 December 2018, as an exceptional measure, to enter into commitments in an amount not to exceed \$7.5 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2019. This timely action greatly facilitates the uninterrupted operations of the Extraordinary Chambers for the first seven months of 2019, opening space for continued solicitation of voluntary contributions. In addition, the Royal Government's commitment of direct contribution of \$3.9 million to the national component, to cover, as in 2018, the first six months of national staff costs as well as operational costs arising in 2019 is a key measure facilitating the ongoing operation of the Extraordinary Chambers' national component. In combination, these measures have ensured that the ongoing workload in the Extraordinary Chambers' work continues to receive sustained attention. Voluntary contributions are currently projected to amount to \$6.5 million for the international component. The national component anticipates a contribution from one donor. However, the amount of this contribution, is not yet confirmed. This is against the approved budget of \$16.01 million for the international component and \$5.37 million for the national component. Of these projected contributions, the international component has received \$1.7 million so far. The balance is expected during 2019.
16. 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.
17. 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.⁵ 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

⁵ 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.

of the scope of the indictment.⁶ 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.

18. 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, during the field investigations stage, a task normally falling to the investigators. The international co-investigating judges during 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

19. 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.

A. Office of the Co-Investigating Judges

20. On 28 November 2018, the co-investigating judges issued two separate closing orders in case 003 against Meas Muth in each judge's working language only, with a translation to follow. The international judge indicted Meas Muth for genocide, crimes against humanity, war crimes and domestic offences, whereas the national judge dismissed the case for lack of personal jurisdiction. The filing of the closing orders allowed for staff resources allocated to case 003 to be redirected immediately and fully to case 004. The co-investigating judges remain seized of case 004 only against Yim Tith, having previously issued a joint closing order in case 004/01 on 10 July 2017, as well as two separate closing orders in case 004/02 on 16 August 2018.
21. By the end of this quarter, case 004 stands as follows:
 - a) The defence filed its joint response to the final submissions of the co-prosecutors on 26 November 2018 in English only. Despite preliminary work already having started, final closing order drafting cannot begin before the translation is filed.⁷
 - b) Staff attrition has heavily affected this case. The staff recruitment process in the wake of the resignation of the entire previous team suffered a further serious setback in early October when the selected P-3 replacement candidate unexpectedly rejected the offer on the date scheduled for travel to the duty station in Phnom Penh in favour of a longer-term post at another tribunal. Another staff member resigned at the end of November with effect from the end of 2018, also in order to take up a longer-term post elsewhere.
 - c) The overall case timeline already had to be moved to the second quarter of 2019 in Rev. 17 of the Completion Plan. The risk of that timeline having to be fully exhausted has now materialized due to the developments described above. The above-mentioned factors result in the projected issuance of the closing order in case 004 by the second quarter of 2019.

⁶ Rule 89*quater*.

⁷ Translation of 589 pages in English into Khmer is currently expected by 4 March 2019.

B. Pre-Trial Chamber

22. In the fourth quarter of 2018, the Pre-Trial Chamber issued one decision on an appeal in case 004 and one interlocutory decision regarding the filing of appeals against the closing orders in case 004/02. By the end of the reporting period, the Pre-Trial Chamber was seized of three appeals against the closing orders and one appeal regarding the admissibility of civil party applications in case 004/02.
23. The Pre-Trial Chamber intends to dispose of any potential appeals against closing orders in cases 003, 004/02 and 004 within a reasonable time, which, subject to the nature of the submissions and subject to the potential filing of several concomitant appeals, is currently estimated at two quarters from the reception of all written submissions. In the event that appeals against orders on civil party applications are filed, the Chamber would also need an approximate time of three months after the decisions on any appeals against closing orders are issued in order to dispose of all such appeals.
24. The current projections are as follows:
 - a) In *case 003*, the co-lawyers for Meas Muth filed a notice of appeal on 5 December 2018. The features of case 003 – in which two simultaneous and contradicting closing orders have been delivered, each over 250 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 case 003, if the closing orders are translated by the first quarter of 2019 and all appeal brief(s) filed by the second quarter of 2019, is to have any judgement(s) on appeal(s) against the closing orders issued by the fourth quarter of 2019.
 - b) In *case 004/02*, three notices of appeal were filed in October and November 2018 by the co-lawyers for Ao An, the national co-prosecutor and the international co-prosecutor, respectively. Submissions on appeal were filed in one language by 20 December 2018, pursuant to the Chamber’s instructions, and are awaiting translation. The unprecedented features of case 004/2 – in which two simultaneous and contradicting closing orders have been delivered, each over 400 pages long, and three appeals have been filed in one language – makes it difficult to project the timeline for judgement(s) on appeals against the closing orders. The current projection for the completion of case 004/2, if all appeal briefs are translated and responses filed by the first quarter of 2019, is to have any judgement(s) on appeals against the closing orders issued by the third quarter of 2019. The decision on the appeal against the International Co-Investigating Judge’s order on admissibility of civil party applications would then be expected by the fourth quarter of 2019.
 - c) In *case 004*, the judgement on any appeal against the closing order is projected by the first quarter of 2020.
25. 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.

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.

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 Airfield 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 then 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 the stage of judgement preparation in the third quarter of 2018, having already completed a substantial amount of work, the Chamber was 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) in English and approximately 1,100 pages (including annexes) in Khmer, the trial judgement in case 002/02 surpasses 2,400 pages (including annexes) in English and approximately 4,000 pages (including annexes) in Khmer in order to ensure that all charges were properly addressed.

31. The projected length of the judgement had increased the importance of the Trial Chamber remaining fully staffed throughout 2018. However, the Trial Chamber 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, in the fourth quarter the Chamber was wholly reliant on recruiting consultants to fill both current and future vacancies. The Chamber required the full support of the Administration in order to expedite this process insofar as possible. The Chamber notes in this regard that it will be downsized significantly as of 1 January 2019. However, it engaged two consultants to meet essential needs, including to assist in the finalization of the French version of the judgement.
32. The Trial Chamber has previously expressed to the Office of Administration concerns regarding the timely delivery of final translations, which affects the time needed to issue a judgement. In this regard, the Chamber was assured that translation capacity (from English to Khmer) would 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 difficulties, the Chamber is not able to issue the judgement in three languages simultaneously. It will progress with the Khmer and French versions 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 reiterated that they envisage to be able to complete the French translation of all of the judgement segments in December 2018.⁸ The Chamber notes that once it has received all of the judgement segment translations, it requires some additional time to compile the French version and ensure harmonization with the English and Khmer versions.
33. Noting that one of the international judges was required to return to his domestic jurisdiction effective 1 December 2018, the Chamber decided to orally announce a summary of its 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 simultaneously in the first quarter of 2019, with the French version to follow later in the same quarter. The Chamber has thus been unable to meet its fourth quarter 2018 target. The Chamber had directed all of the resources at its disposal to achieving the delivery of the trial judgement in Khmer and in English by the fourth quarter 2018, yet was forced to reassess its readiness to issue the trial judgement before the end of 2018 due to editing and formatting issues that arose during the harmonization and compilation process of the Khmer version. The Chamber's ability to complete its work will continue to depend in the first instance on other support units remaining fully staffed, and the Chamber maintaining sufficient staffing levels.
34. 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 continues to monitor the health conditions of the convicted persons in case 002/02 while it is seized of the case.

B. Case 003, case 004/02 and case 004

35. Judicial investigations in cases 003 and 004 were initiated following introductory submissions filed by the international co-prosecutor in 2009. 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

⁸ The Interpretation and Translation Unit uploaded the French translation of the verdict in case 002/02 on the Judgement Translation Interface on 2 January 2019 except the translation of the additional 38 pages received for translation on 18 December 2018.

case against Yim Tith.

36. On 29 June 2018, the Pre-Trial Chamber disposed the appeal on personal jurisdiction in case 004/01 against Im Chaem. The decision of the co-investigating judges that the Extraordinary Chambers has no jurisdiction over Im Chaem stands; ending the judicial proceedings in the case.
37. Until final decisions are made on whether all or any of case 003, case 004/02, 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

38. The Supreme Court Chamber projects at this time that the length of time and resources projected for any appeals against the Trial Chamber judgement in case 002/02, by any of the parties, most likely will be of the same scale as that for case 002/01.
39. An immediate appeal has been lodged against the summary of the judgement in case 002/02 on 19 November 2018. The Supreme Court Chamber is in deliberation of this immediate appeal which will be decided in due course and in accordance with the ECCC Internal Rules, which allow a statutory three-month deadline for a decision to be delivered. In exceptional circumstances, that period may be extended to four months.

B. Case 003, case 004/02 and case 004

40. Should case 003, 004/02, case 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

41. A milestone was reached in case 004/02 during the quarter with the 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.
42. For 2019, it is expected that two milestones will be reached in case 002/02 with: (i) the issuance of the trial judgement; and (ii) the deadline for any appeals against the trial judgement. Two milestones will also be reached with: (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 003 in respect of Meas Muth; and (iv) the disposal of any appeals against the closing orders with a decision of the Pre-Trial Chamber in case 003. Further, one milestone will be reached in each of cases 004/02 and 004 with: (v) the disposal of any appeals against the closing orders in case 004/02 against Ao An; and (vi) the issuance of the closing order in case 004 in respect of Yim Tith, with a decision of the co-investigating judges either to send the case for trial or to terminate the proceedings.
43. For 2020, two milestones are expected with: (vii) the disposal of any appeals against the closing order in case 004 with a decision of the Pre-Trial Chamber; and (viii) the delivery of an appeal judgement in case 002/02 by the Supreme Court Chamber.

44. If all or any of case 003, case 004/02, case 004 are sent for trial, in whole or in part, timelines in these cases will then be projected.
45. The various projected milestones are reflected in a chart attached to this plan.

Chart of projected timelines, including milestones

Completion Plan, revision 19 - 31 December 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) (c)								Appeal(s) phase (d) (e)							
(a) Closing statements																
(b) Trial judgement - summary and disposition																
(c) Trial judgement - full reasoned, in three languages																
(d) Deadline for appeals against trial judgement																
(e) Appeal judgement																
Case 003 Meas Muth	Investigation phase (f) (g)								Appeals against the closing orders (i)							
Case 004/02 Ao An	Investigation phase (f) (g)								Appeals against the closing orders (i)							
Case 004 Yim Tith	Investigation phase (h)								Appeal(s) against the closing order (i)							

(f) Separate closing orders in one language only

(g) Separate closing orders in both English and Khmer

(h) Closing order

(i) Pre-Trial Chamber decision on appeals against closings orders