

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

COMPLETION PLAN

REVISION 12

31 MARCH 2017

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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 updated every quarter 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 twelfth quarterly update of the Completion Plan covering the quarter ending 31 March 2017.

During the quarter, the Trial Chamber completed the evidentiary proceedings in case 002/02, confirmed the deadline for closing briefs as 24 April 2017, and that closing statements would commence on 5 June 2017. It also terminated the proceedings with regard to all facts set out in the case 002 closing order that were not included in either case 002/01 or case 002/02.

During the quarter, the international co-investigating judge notified the conclusion of judicial investigations against Meas Muth and reduced the scope of the judicial investigation in relation to him. In case 004/01, the co-investigating judges issued a joint *dispositive* closing order dismissing the case against Im Chaem as not subject to the personal jurisdiction of the Extraordinary Chambers. The closing order with *full reasoning* will follow in the second quarter of 2017.

The Completion Plan is updated to reflect the status of the judicial proceedings as of 31 March 2017.

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 twelfth revision, and it incorporates adjustments based on the developments in the ongoing judicial proceedings between 1 January and 31 March 2017.
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 final 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 Cambodia law of crimes committed during the period of Democratic Kampuchea.

² 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>).

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 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 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 parties³ and 8 experts. The parties' closing briefs are due by 24 April 2017 and closing statements will commence on 5 June 2017.
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. No party appealed against this decision with the result that it is now final. Therefore, the judicial proceedings in case 002 will be completed upon the final adjudication of case 002/02.
8. The international co-investigating judge continued with the investigations in cases 003 and 004, involving allegations against four charged persons.
 - a) On 10 January 2017, the international co-investigating judge notified all parties in *case 003* that he considered the judicial investigation in this case concluded and granted the parties 30 days to request further investigative action. The international co-investigating judge also issued a separate decision reducing the scope of the judicial investigation regarding Meas Muth pursuant to Internal Rule 66*bis*. The closing order is expected during the first quarter of 2018.
 - b) The judicial investigation against Im Chaem in case 004 was concluded on 18 December 2015 and severed into *case 004/01*. On 22 February 2017, both co-investigating judges issued a joint *dispositive* closing order dismissing the case against Im Chaem because, according to their evaluation of the evidence collected during the investigation, she is not subject to the personal jurisdiction of the Extraordinary Chambers. The co-investigating judges issued the dispositive part of the closing order with a summary of the reasons first, with the closing order with full reasons expected to be filed during the second quarter of 2017.
 - c) On 16 December 2016, the co-investigating judges notified that they considered the judicial investigations against Ao An in case 004 to be concluded and ordered the severance of proceedings against him and the creation of a new case file, styled as *case 004/02*. The closing order in this case is expected during the first quarter of 2018.
 - d) The investigation against the third charged person in *case 004*, Yim Tith, remains open. It is expected that the investigation in this case will be concluded by the second quarter of 2017. The closing order in this case is expected during the first quarter of 2018.
9. In view of progress over the last quarter, this Completion Plan identifies 13 remaining milestones for the cases of which the Extraordinary Chambers are seised. The remaining milestones in case 002 and associated indicative forecasts are:
 - (i) closing statements in case 002/02 (by second quarter of 2017);
 - (ii) delivery of a trial judgement in case 002/02 (by second quarter of 2018);
 - (iii) deadline for filing any appeals against the trial judgement in case 002/02 (by third quarter of 2018); and

³ The previous Completion Plan indicated that 64 civil parties testified. However, the Trial Chamber has removed one civil party from the list of witnesses, civil parties and experts as this civil party did not complete his testimony. See Trial Chamber Memorandum entitled "Decision withdrawing 2-TCCP-237 from the list of civil parties heard in court", E29/501/1, 14 December 2016, para. 11.

- (iv) delivery of an appeal judgement in case 002/02, if any (by first quarter of 2020).
10. 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.⁴ The milestones for the remainder of the judicial investigation phase are:
- (v) issuance of closing order in case 003, with a decision either to send the case for trial or to end the proceedings (by first quarter of 2018);
 - (vi) 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 2018);
 - (vii) notification of conclusion of remaining judicial investigations in case 004 (second quarter of 2017);
 - (viii) issuance of closing order in case 004, with a decision either to send the case for trial or to end the proceedings (by first quarter 2018);
 - (ix) 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 third quarter of 2018);
 - (x) issuance of the closing order with full reasons in case 004/01 (second quarter of 2017);⁵
 - (xi) disposal by the Pre-Trial Chamber of any appeals against the closing order in case 004/01, either sending the case for trial or ending the judicial proceedings in the case (by fourth quarter of 2017);
 - (xii) issuance of closing order in case 004/02, with a decision either to send the case for trial or to end the proceedings (by first quarter 2018); and
 - (xiii) 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 third quarter of 2018).

II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION

11. 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.
12. Following the expression of support from the Royal Government of Cambodia, the General Assembly authorized the Secretary-General on 23 December 2016, as an exceptional measure, to enter into commitments in an amount not to exceed \$11 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2017. This timely action greatly facilitates the uninterrupted

⁴ The closing order, following the conclusion of investigations, 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.

⁵ The Pre-Trial Chamber has confirmed that the parties may appeal the closing order after the full reasons are notified.

operations of the Extraordinary Chambers 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 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 into the first six months of 2017. Moreover, donors have made pledges in the amount of \$2.7 million with anticipated pledges, based on indications from the traditional donors, amounting to further \$5.3 million to the international component.⁶ Efforts are being made to raise additional contributions to cover the budgetary deficit of approximately \$4.7 million for the international component and approximately \$2.2 million for the national component. 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 again emerge, there may be need to revise the timelines accordingly.

13. 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.⁷ The international co-investigating judge reduced the scope of the judicial investigations in relation to Meas Muth in case 003 and Ao An in case 004/02 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.⁸ On this basis, during the first quarter of 2017 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 bring to a conclusion the proceedings in case 002.
14. 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 additional linguistic staff to support the judicial offices, to ensure timely translation and transcription services.

III. JUDICIAL INVESTIGATIONS COMPLETION PLAN

15. 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.

⁶ Report of the Secretary-General of 16 August 2016 entitled "Request for a subvention to the Extraordinary Chambers in the Courts of Cambodia" (A/71/338), para. 37.

⁷ 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.

⁸ Rule 89*quarter*.

A. Office of the Co-Investigating Judges

16. Since the commencement of the investigations in cases 003 and 004, a total of 261 field missions have been carried out and some 1,404 witness statements taken. Specifically in 2017, a total of 9 field missions were carried out and 50 witness statements taken. An excess of 2,500 civil party applications are currently being scrutinized in preparation for the decision on admission or rejection. Efforts are being made at proactively pursuing innovative and pragmatic avenues in order to streamline these investigations leading up to the closing orders.
17. By the end of this reporting period, the cases stand as follows:
 - a. In case 004/01, the co-investigating judges issued the dispositive part of the closing order on 22 February 2017 which dismissed the case as not subject to the personal jurisdiction of the Extraordinary Chambers with the full reasons to follow.
 - b. In case 004/02, both co-investigating judges concluded the investigation on 16 December 2016; the international co-investigating judge simultaneously issued an order under Rule 66bis.⁹
 - c. In case 003, the international co-investigating judge concluded the investigation on 10 January 2017 and simultaneously issued an order under Rule 66bis.
 - d. The investigation in case 004 continues – and with the input of the parties, the groundwork is laid for a substantial future application of Rule 66bis.
18. The investigations' progress is subject to various factual and directly case-related conditions such as the nature and complexity of each case, the number of witnesses to be interviewed, the number of field missions or summonses required and the necessary logistical support for those, availability of and ability to retain qualified staff and practical impediments to conducting the investigation and availability of witnesses. They are also contingent on other factors outside the judges' control such as, for example, sufficient funding for vacant posts and timely recruitment procedures, expeditious translation of documents, sufficient interpretation and transcription capacity and effective support from the judicial police.
19. The staffing of the Office of the Co-Investigating Judges has twice been supplemented with secondments of investigators by the Government of Canada; their terms will end in May 2017. For an extended time, the Office has been augmented by a number of interns, on average 11 to 13 at any given time, who work for a maximum of six months. Almost all staff act in multiple roles across teams or in administrative roles, either permanently or ad hoc.
20. The limited staffing and its composition make the Office vulnerable to even minor staff turnover. Low staffing and frequent turnover pose a serious risk to the task of ensuring the Office's institutional memory as well as its ability to absorb workload coming from parties' filings, decisions by the Pre-Trial Chamber and disclosure-related requests from the Trial Chamber.
21. Investigative requests by parties can cause substantial efforts. Rejections of such requests can be appealed to the Pre-Trial Chamber. The time until and the outcome of these decisions can have a significant impact on the shape and duration of the investigations. The same applies to annulment motions transmitted to the Pre-Trial Chamber. These factors have overall the most serious impact on the timelines; since the closing order heals all procedural defects in the investigation, the parties must raise any relevant issue before that stage or risk being excluded with any argument not so raised at trial. Depending on the complexity of the motions, it may take three months or more from the filing of the motion to a first draft decision of the co-investigating judges alone. The average time for the Pre-Trial Chamber to issue a decision in an appeal is set out below.

⁹ For the purpose and scope of Rule 66bis see para. 13.

22. When an investigation is considered concluded, the parties are notified and may within 15 days request further investigative action.¹⁰ If such a request is rejected, the parties may within 30 days appeal to the Pre-Trial Chamber. Only once the period for those appeals has expired, been waived, or the appeals been heard, may the case file be sent to the co-prosecutors for their final submission(s). Since none of the charged persons are in detention, the time for these submissions is three months, upon which the defence is given adequate time to respond.
23. Following this, the co-investigating judges draft and issue the closing order, which may be either a – full or partial – indictment or dismissal. The drafting time was around three months in the rather compact case 001 and about eight months in case 002, which is similar to case 004 in complexity. Timely provision of translation services and the continued availability of experienced legal staff will have a particular impact during the drafting phase. Key staff leaving, for instance against the background of the overall funding situation; the approaching end of the Office’s mandate; or career planning, represents another serious risk to the projected time lines.
24. At the time of reporting, 22 requests, annulment motions or notices of appeal across all cases have been filed with the co-investigating judges and are awaiting a decision: 14 requests, 4 notices of appeals, and 4 annulment motions.¹¹ Additional work related to a request filed by the Trial Chamber on 3 March 2017 to lift redactions and use of pseudonyms in case 002/02 must be factored in. This involves checking hundreds of documents disclosed into case 002/02 from the investigation of cases 003 and 004. As this does not in any manner relate to case 003 and 004 but only provides support to the Trial Chamber and the parties in case 002/02 within their own deadlines, the time needed to comply with the request must be added to the work of completing cases 003 and 004.
25. These combined factors, especially the requests, motions and notices of appeal and the uncertainty of the number of appeals arising out of the requests filed since January 2017, have exerted a new knock-on effect. Bearing these variables in mind, even with the reduced time it now takes the Pre-Trial Chamber to process appeals and annulment motions, the following revisions to the timelines had to be made. They cannot and should not be considered as anything more than an estimate.
 - a) In *case 003*, given the number and size of the motions pending with possible appeals against any of the decisions to be taken, a minimum extension of six months is unavoidable, substantially more in the case of additional appeals. The closing order is currently projected by the first quarter of 2018.
 - b) In *case 004*, the pending workload includes three major annulment motions and three investigative requests. Notice of closure may therefore be projected, at best, for the end of the second quarter of 2017 and the closing order by the first quarter of 2018. This projection is optimistic and applies only if no additional investigative requests, annulment motions or notices of appeal are filed.
 - c) In *case 004/01*, the co-investigating judges are currently drafting the reasons for the closing order, to be announced in the second quarter of 2017. The extended time is due to checking of a large number of substantive references as well as –due to staff shortage– only one legal officer from the international co-investigating judge’s office being assigned part-time to the case.
 - d) In *case 004/02*, the motions and appeals filed necessitate an extension for the time of final submissions of the co-prosecutors by at least six months, with the closing order projected at best by the first quarter of 2018.

¹⁰ All references to conclusion of investigations in this Completion Plan refer by default to the expiry of this 15-day period.

¹¹ The co-investigating judges’ statistics is as of 3 April 2017. Under Internal Rules 75(2) and 76(3) the Greffier of the Office of the Co-Investigating Judges registers all notices of appeal and annulment motions, because such are filed with them (as opposed to the Pre-Trial Chamber).

B. Pre-Trial Chamber

26. The Pre-Trial Chamber issued final decisions on five matters during the quarter and stands by its objective to issue two decisions per month on an average. After an appeal or application is fully briefed, the time to dispose of it has significantly decreased in the past quarter and the last five decisions were issued within one to four months. While there are no statutory deadlines within which the Pre-Trial Chamber is required to dispose of appeals, the Chamber has streamlined its process to dispose these within an average of three months.
27. By the end of the reporting period, the Pre-Trial Chamber was seised of six appeals and annulment motions, broken down as follows:¹²
 - a. in *case 003*; one appeal under deliberation;
 - b. in *case 004/02*; two appeals and one annulment motion for procedural defects (one more appeal is expected, for which a notice was filed in February); and
 - c. in *case 004*; two annulment motions, which are briefed in English only while the translation into Khmer is pending.
28. In *case 004/01* the Pre-Trial Chamber confirmed in February to the parties that they may exercise their right to appeal after the full reasoning of the closing order is duly notified.
29. The Chamber stays committed to process any appeal against any closing order in a reasonable time which, subject to the nature of the submissions and available staffing, is currently estimated at six months.

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 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.
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 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

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-

¹² These are included in the statistics of requests, annulment motions and notices of appeal referred to in para. 24.

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. 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 parties¹³ 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, flooding of the Extraordinary Chambers' premises forced the Chamber to adjourn the hearings for the first week of October 2016. Hearings were also adjourned for three days in November 2016 to allow the parties to follow the Supreme Court Chamber's appeal judgement in case 002/01 and to review this judgement in light of its impact on the completion of hearings in case 002/02. As a result, five days were required in 2017 for key document hearings and to complete testimony from the final witnesses and expert. The Chamber closed evidentiary hearings on 11 January 2017.
34. 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, following which it will deliberate and prepare a trial judgement in this case.
35. 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. In revising this projection at this time, the Chamber takes into account the fact that twice as many witnesses, civil parties and experts were heard in case 002/02 as in case 002/01, creating a significantly larger evidentiary base for consideration and analysis during deliberations and the judgement drafting process. Reflecting this, the Chamber granted the parties' requests for permission to file significantly longer closing briefs in comparison to the previous case 002/01, as well as additional time to prepare the briefs.
36. Revised projections also take account of the fact that, since February 2016, judgement drafting preparations were negatively impacted by staff shortages in the Chamber. In its contribution to the previous version of the Completion Plan, the Trial Chamber set out how the recruitment of personnel has negatively affected the Trial Chamber's judgement preparations and its ability to make accurate projections regarding timelines. This was one of the reasons why, in December 2016, the Trial Chamber already identified the need for an extension of the deadline for issuing the judgement in case 002/02. Recruitment problems persist: high staff turnover, generated in part by the volatile financial situation of the court, has increasingly motivated staff to look for more secure and longer-term employment. High turnover has in turn diverted staff members from substantive matters to spend more time on recruitment activities. The latest hiring freeze, leaving individual recruitments subject to exceptional approval, further complicates the situation.
37. 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. Two further factors that were raised by the defence in the Trial Management Meeting

¹³ The previous Completion Plan indicated that 64 civil parties testified. However, the Chamber has removed one civil party from the list of witnesses, civil parties and experts as this civil party did not complete his testimony. See Trial Chamber Memorandum entitled "Decision withdrawing 2-TCCP-237 from the list of civil parties heard in court", E29/501/1, 14 December 2016, para. 11.

of December 2016 which will impact the length of the trial judgement preparations were 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 Chamber notes that accurate transcripts of proceedings are the basic foundation for judgement preparation, as well as for the preparation of the parties' closing briefs. The Nuon Chea defence requested that all transcripts be finalised prior to 31 March 2017 in order that closing briefs may reflect accurate information. However, the Office of Administration has informed the Chamber that the transcript finalisation process will be completed by the end of April for transcripts deemed priority by the requisitioners and by 31 July 2017 for other transcripts. As this situation is currently unfolding, its possible impact remains under assessment at this time.

38. 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 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.
39. In view of the complexity of case 002/02, the impact of the appeal judgement in case 002/01, the time it takes to finalise translations and transcripts, and to fill relevant staff vacancies, the Chamber considers it necessary to extend the time for the delivery of the judgement until the second quarter of 2018. The timeline is revised accordingly.

B. Case 003 and case 004

40. 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

41. 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

42. Should case 003 and/or 004 proceed to trial, immediate appeals as well as appeals against eventual judgements 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

43. During the *first quarter of 2017*, two milestones were reached with (i) the completion of the evidentiary hearings in case 002/02 and (ii) the notification of conclusion of judicial investigations in case 003.
44. For the remainder of *2017*, it is expected that one milestone will be reached in case 002/02,

namely: (i) conclusion of closing statements. In case 004 against Yim Tith, one milestone is expected: (i) notification of the conclusion of the investigation. In case 004/01 against Im Chaem, it is expected that two milestones will be reached, namely: (i) issuance of the closing order with full reasons; and (ii) disposal of any appeals against this closing order, with a decision of the Pre-Trial Chamber either to send this case for trial or to terminate the proceedings.

45. For 2018, it is expected that two milestones will be reached in case 002/02: (i) the delivery of the trial judgement; and (ii) the deadline for any appeals against the trial judgement. In respect of cases 003, 004/02 and 004, six milestones are expected: (i) 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; (ii) 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; (iii) issuance of the closing order in case 004 against Yim Tith, with a decision of the co-investigating judges either to send the case for trial or to terminate the proceedings; and disposal of any appeals against those closing orders in (iv) case 003 in respect of Meas Muth; (v) case 004/02 in respect of Ao An and (vi) case 004 in respect of Yim Tith, with a decision of the Pre-Trial Chamber either to send these cases for trial or to terminate the proceedings.
46. For 2020, it is expected that one milestone will be reached, namely (i) delivery of an appeal judgement in case 002/02.
47. 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.
48. The various projected milestones are reflected in a chart attached to this plan.

Chart of projected timelines, including milestones

Completion Plan, revision 12-31 March 2017

| 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) | | | | Trial phase (b) | | | | Appeal(s) phase (c) | | | | Appeal(s) phase (d) | | | |
| (a) Closing statements | | | | | | | | | | | | | | | | |
| (b) Trial judgement | | | | | | | | | | | | | | | | |
| (c) Deadline for appeals against trial judgement | | | | | | | | | | | | | | | | |
| (d) Appeal judgement | | | | | | | | | | | | | | | | |
| Case 003 Meas Muth | | | | | Appeal(s) against Closing Order (e) | | | | Appeal(s) against Closing Order (f) | | | | | | | |
| (e) Closing order in case 003, 004, 004/01, 004/02 | | | | | | | | | | | | | | | | |
| Case 004/01 Im Chaem | | | | | Appeal(s) against Closing Order (e) | | | | Appeal(s) against Closing Order (f) | | | | | | | |
| (e) Pre-Trial Chamber decision on closing order in case 003, 004, 004/01, 004/02 | | | | | | | | | | | | | | | | |
| Case 004/02 Ao An | | | | | Appeal(s) against Closing Order (e) | | | | Appeal(s) against Closing Order (f) | | | | | | | |
| (e) Notification of conclusion of investigation in case 004 | | | | | | | | | | | | | | | | |
| Case 004 Yim Tith | | | | | Appeal(s) against Closing Order (e) | | | | Appeal(s) against Closing Order (f) | | | | | | | |
| (e) Closing order in case 003, 004, 004/01, 004/02 | | | | | | | | | | | | | | | | |

(e) Closing order in case 003, 004, 004/01, 004/02
 (f) Pre-Trial Chamber decision on closing order in case 003, 004, 004/01, 004/02
 (g) Notification of conclusion of investigation in case 004