

# EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

## COMPLETION PLAN

REVISION 25

30 June 2020

Summary	2
I. INTRODUCTION.....	3
II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION OF PROCEEDINGS	6
III. JUDICIAL INVESTIGATIONS COMPLETION PLAN .....	7
<i>A. Office of the Co-Investigating Judges</i>	7
<i>B. Pre-Trial Chamber</i>	7
IV. TRIALS COMPLETION PLAN .....	8
<i>A. Case 002/02</i>	8
<i>B. Case 003, case 004/02 and case 004</i>	8
V. APPEALS COMPLETION PLAN .....	9
<i>A. Case 002/02</i>	9
<i>B. Case 003, case 004/02 and case 004</i>	10
VI. CONCLUSION.....	10

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 twenty-fifth quarterly update of the Completion Plan covering the quarter ending 30 June 2020.

During this quarter, the Pre-Trial Chamber delivered its considerations on the appeal against the international co-investigating judge’s decision on civil party admissibility in case 004/02. The Pre-Trial Chamber continued its deliberations on the appeals against closing orders in cases 003 and 004.

## 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 twenty-fifth revision, and it incorporates adjustments based on the developments in the ongoing judicial proceedings between 1 April and 30 June 2020.
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. The accused person was sentenced to life imprisonment.
5. The charges in **case 002** were severed into two trials. The Trial Chamber rendered judgement in the first trial, styled 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. Appeal proceedings in the case were concluded on 23 November 2016, with the pronouncement of the Supreme Court Chamber’s judgement. The Chamber affirmed the sentence of life imprisonment imposed on both accused.
6. The second trial in this case, styled as case 002/02, focused on a representative selection of the remaining charges against Nuon Chea and Khieu Samphan. These comprised 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

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<sup>1</sup> 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.

<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 ([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 ([www.eccc.gov.kh/en/articles/statement-international-co-prosecutor-regarding-eccc-caseload](http://www.eccc.gov.kh/en/articles/statement-international-co-prosecutor-regarding-eccc-caseload)).

treatment of Buddhists), 1st January Dam worksite, the Kampong Chhnang Airfield 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 Trial Chamber delivered an oral summary of the findings and the disposition of the judgement on 16 November 2018 and issued its written judgement in all three working languages on 28 March 2019. The Chamber found Khieu Samphan and Nuon Chea guilty of genocide, war crimes and crimes against humanity, and sentenced them each to life imprisonment.<sup>3</sup> After registering notices of appeal by the co-prosecutors, Nuon Chea and Khieu Samphan, the Trial Chamber forwarded the case file to the Supreme Court Chamber on 1 July 2019.

7. On 4 August 2019, Nuon Chea passed away aged 93 while admitted to the Khmer-Soviet Friendship Hospital. The Supreme Court Chamber terminated further appellate proceedings against him on 13 August 2019. On 22 November 2019, the Chamber clarified that the Trial Chamber's findings with respect to Nuon Chea are not vacated following his death, and confirmed that no further proceedings are possible in the case against Nuon Chea.
8. 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.
9. Judicial investigations in **cases 003 and 004** were initiated following introductory submissions filed by the international co-prosecutor in 2009 and subsequent 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.
10. On 10 July 2017, the co-investigating judges issued the closing order with reasons for the dismissal of **case 004/01** against Im Chaem. The international co-prosecutor filed an appeal against the closing order before the Pre-Trial Chamber. On 28 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.
11. The progress of cases 003, 004/02 and 004 stands as follows:
  - a) 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 (Khmer and English, 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. The English and Khmer translations of the closing orders in this case were notified on 1 February and 6 February 2019, respectively. Three appeals were filed against the closing orders: the defence and national co-prosecutor appealed the international co-investigating judge's closing order (indictment), while the international co-prosecutor appealed the national co-investigating judge's dismissal order. All responses and replies to the appeals were filed by the parties in English and Khmer by the end of the third quarter of 2019. In addition, on 7 March 2019, the civil parties filed an appeal against the international co-investigating judge's order on the admissibility of civil parties. On 27 to 29 November 2019, the Pre-Trial Chamber held three days of hearings on the appeals against the closing orders. On 7 May 2020, the co-lawyers for Meas Muth filed a confidential supplement to his appeal against the indictment. The co-prosecutor's response and the co-lawyers' reply were fully briefed by 17 June 2020. The Pre-Trial Chamber projects its judgement(s) on appeals against the closing orders by the third quarter of 2020.

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<sup>3</sup> Case File No. 002/19-09-2007/ECCC/TC ([www.eccc.gov.kh/en/document/court/case-00202-judgement](http://www.eccc.gov.kh/en/document/court/case-00202-judgement)).

- b) 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 (Khmer and English, 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 applications. The Khmer and English translations of the closing orders in this case were notified on 30 October and 5 November 2018, respectively. Three appeals were filed against the closing orders: the defence and national co-prosecutor appealed the international co-investigating judge's closing order (indictment), while the international co-prosecutor appealed the national co-investigating judge's dismissal order. In addition, on 29 November 2018, the civil parties filed an appeal against the international co-investigating judge's order on the admissibility of civil parties. The Pre-Trial Chamber held three days of hearings on the appeals against the closing orders in June 2019. On 19 December, the Pre-Trial Chamber filed its considerations on the appeals against the closing orders unanimously declaring "that the Co-Investigating Judges' issuance of the Two Conflicting Closing Orders was illegal". Since the Chamber had "not attained the required majority of four affirmative votes to reach a decision based on common reasoning on the merits", the judges attached their respective opinions to the unanimous considerations.<sup>4</sup> On 30 June 2020, the Pre-Trial Chamber issued its considerations on the appeal against the international co-investigating judge's order on civil party admissibility, unanimously finding the appeal to be admissible. The Chamber declared that it had "not attained the required majority of four affirmative votes to reach a decision based on common reasoning on the merits", and the judges attached their respective opinions to the considerations.<sup>5</sup>
- c) On 28 June 2019 the co-investigating judges issued two separate closing orders in case 004 against Yim Tith in each judge's working language only (Khmer and English, respectively), with translations to follow. The international co-investigating judge indicted Yim Tith 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. The Khmer and English translations of the closing orders in this case were notified on 14 August and 5 September 2019, respectively. Five appeals were filed against the closing orders: the defence and national co-prosecutor appealed the international co-investigating judge's closing order (indictment); the international co-prosecutor and civil parties appealed the national co-investigating judge's dismissal order; and the defence further appealed the issuance of separate closing orders. In addition, on 13 September 2019, the civil parties filed an appeal against the international co-investigating judge's order on the admissibility of civil parties. The Pre-Trial Chamber projects the judgement(s) on appeals against the closing orders by the first quarter of 2021.

12. In view of progress over the quarter, this Completion Plan identifies three remaining milestones for the cases of which the Extraordinary Chambers are seised. The remaining milestone in case 002 and associated indicative forecast is:

- (i) issuance of an appeal judgement in all three working languages (fourth quarter of 2022).

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<sup>4</sup> Before the Pre-Trial Chamber, the parties queried the procedural consequences of the considerations. The president and two judges of the Pre-Trial Chamber issued separate communications, both stating that no further action is required by the Chamber to implement their respective considerations. The two communications are available at

<https://eccc.gov.kh/en/document/court/presidents-memorandum-dated-16-march-2020> and

<https://eccc.gov.kh/en/document/court/international-judges-memorandum-concerning-transfer-case-file-0042>.

<sup>5</sup> The national judges found that all civil party applicants in case 004/02 shall be rejected. The international judges found that 12 additional civil party applicants should have been admitted as civil parties to case 004/02. However, as the required majority vote was not attained, the international judges found that the appealed order on civil party admissibility stands.

13. In cases 003 and 004 a total of two distinct milestones have been identified for the investigation appeals phase. In the case that indictments are found to stand, additional milestones will be identified for the trial and appellate phases.<sup>6</sup> The milestones for the remainder of the investigation appeals phase are:
  - (ii) disposal by the Pre-Trial Chamber of appeals against the closing orders in case 003, either sending the case for trial or ending the judicial proceedings in the case (third quarter of 2020); and
  - (iii) disposal by the Pre-Trial Chamber of appeals against the closing orders in case 004, either sending the case for trial or ending the judicial proceedings in the case (first quarter of 2021).

## II. MEASURES THAT MAY ASSIST EXPEDITIOUS COMPLETION OF PROCEEDINGS

14. 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 2020 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.
15. Following the expression of support from the Royal Government of Cambodia, the General Assembly authorized the Secretary-General in December 2019, as an exceptional measure, to enter commitments in an amount not to exceed \$7.0 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2020. As of 30 June 2020, some 50% or \$3.5 million of this amount has been drawn down, with full drawdown expected during the year. This timely action greatly facilitated the uninterrupted operations of the Extraordinary Chambers for the first half of 2020, opening space for continued solicitation of voluntary contributions. In addition, the Royal Government's commitment of direct contribution of \$3.8 million to the national component, to cover the first six months of national staff costs as well as operational costs arising in 2020 is a key measure facilitating the ongoing operation of the Extraordinary Chambers' national component. In combination, these measures have ensured that the ongoing workload of the Extraordinary Chambers continues to receive sustained attention. Voluntary contributions received or pledged as at 30 June 2020 are \$4.0 million, for the international component. The Extraordinary Chambers continue their work on securing further funding from the international donor community against the approved budget of \$13.5 million for the international component and \$5.0 million for the national component.
16. 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>7</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 authorized to reduce the scope of a trial by excluding certain facts set out in the indictment, as long as the remaining facts subject to trial are representative of the scope of the indictment.<sup>8</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

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<sup>6</sup> Given the current state of proceedings, it is premature at this point to forecast specific time points in respect of eventual trial milestones.

<sup>7</sup> Rule 66*bis*.

<sup>8</sup> Rule 89*quater*.

or case 002/02.

17. The Office of Administration retained the services of a number of additional linguistic personnel to support the judicial offices to ensure timely translation and transcription services.
18. In March 2020, the Office of Administration took measures to prevent the transmission of Covid-19 at the ECCC. As of 25 March, alternate working arrangements, including remote work, were in place for all personnel, who remotely may access network resources, facilitating continuity of both judicial and administrative processes.<sup>9</sup>

### **III. JUDICIAL INVESTIGATIONS COMPLETION PLAN**

19. 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.
20. Judicial investigations in cases 003 and 004 were initiated following introductory submissions filed by the international co-prosecutor in 2009 and subsequent supplementary submissions. Case 004 was 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.

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

21. On 22 April 2020, Michael Bohlander was reinstated as the international co-investigating judge. The statutory mandate of the co-investigating judges will be completed on the same day as the mandate of the Pre-Trial Chamber.
22. On 17 March 2020 the defence filed a request to the co-investigating judges to seal and archive case file 004/02.<sup>10</sup> On 29 May 2020, the co-investigating judges informed the parties that they would hold their decision in abeyance pending the decision of the Supreme Court Chamber on the international co-prosecutor's immediate appeal.<sup>11</sup>

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

23. At the outset of the second quarter of 2020, the Pre-Trial Chamber was seized of thirteen motions: one interlocutory request and four appeals in case 003 (one regarding civil party admissibility and three concerning the closing orders); one interlocutory request and one appeal in case 004/02 (regarding civil party admissibility); and six appeals (one regarding civil party admissibility and five relating to closing orders) in case 004. Within the reporting period, the Pre-Trial Chamber received three additional motions, disposed of two interlocutory decisions in case 003, issued considerations on an appeal regarding civil party admissibility in case 004/02, and issued a reclassification order in case 004/02. At the end of the reporting period, twelve motions remained pending before the Pre-Trial Chamber in cases 003 and 004, as well as one interlocutory request in case 004/02.<sup>12</sup>
24. The Pre-Trial Chamber intends to dispose of appeals against closing orders in cases 003 and 004 within a reasonable time, which, subject to the nature of the submissions and the potential filing of several concomitant appeals, is estimated at four quarters from the time the appeals are fully briefed.<sup>13</sup> To dispose of appeals against orders on civil party admissibility, the Chamber would,

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<sup>9</sup> Such arrangements were in effect for the international component from Monday 23<sup>rd</sup> and for the national component from Wednesday 25<sup>th</sup> March 2020.

<sup>10</sup> This document was initially filed confidentially and subsequently notified publicly on 4 May 2020.

<sup>11</sup> See below, para. 30.

<sup>12</sup> The interlocutory request is available at <https://www.eccc.gov.kh/en/document/court/civil-party-lawyers-request-necessary-measures-be-taken-pre-trial-chamber-safeguard>.

<sup>13</sup> The projection was re-estimated from two to four quarters in revision 24 of the Completion Plan.

based on experience in case 004/02, need approximately two quarters following the decision on appeals against the closing orders.

25. For appeals to be fully briefed, all submissions on appeal, responses to those submissions, and replies to those responses must be filed in both Khmer and either English or French. The unprecedented issuance of two separate and contradicting closing orders in cases 003, 004 and 004/02, and the co-investigating judges' practice of issuing the respective closing orders in their own working language has extended the time required for the appeals to be fully briefed.
26. As of the second quarter, all sitting judges of the Pre-Trial Chamber, including the reserve international judge, are in conformity with Internal Rule 34(6) engaged in the disqualification process initiated in case 002/02.<sup>14</sup> Consequently, and subject to staffing circumstances of the Pre-Trial Chamber, unforeseen litigation related to current cases and to the expeditious translation of the parties' submissions and judicial decisions into all three working languages of the Extraordinary Chambers, the current projections are as follows:
  - a) In *case 003*, appeals against the closing orders were fully briefed by 2 September 2019. The current projection for the completion of case 003 is to have the judgement(s) on appeals against the closing orders issued by the third quarter of 2020. 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 first quarter of 2021.
  - b) In *case 004*, appeals against the closing orders were fully briefed by 27 March 2020. The current projection for the completion of case 004 is to have the judgement(s) on appeals against the closing orders, subject to the complexity and magnitude of the appeals, issued by the first quarter of 2021. The decision on the appeal against the international co-investigating judge's order on admissibility of civil party applications is expected by the third quarter of 2021.

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

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

27. Evidentiary proceedings commenced on 8 January 2015 and 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 concerning eight crime sites, the regulation of marriage, and the treatment of Buddhists, Cham and Vietnamese. On 16 November 2018, the Trial Chamber orally pronounced the verdict in case 002/02 along with a summary of its findings, and notified the trial judgement in all three working languages on 28 March 2019. The Chamber found Nuon Chea and Khieu Samphan guilty of crimes against humanity, grave breaches of the Geneva Conventions and genocide of the Vietnamese ethnic, national and racial group. The Chamber additionally convicted Nuon Chea of genocide of the Cham ethnic and religious group under the doctrine of superior responsibility. Both Nuon Chea and Khieu Samphan were sentenced to terms of life imprisonment. The Chamber took into consideration the life sentences imposed on Nuon Chea and Khieu Samphan in case 002/01 and merged the sentences in cases 002/01 and 002/02 into a single term of life imprisonment.
28. On 1 July 2019, the Trial Chamber registered Nuon Chea and Khieu Samphan's notices of appeal and accordingly forwarded the case file to the Supreme Court Chamber.

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

29. 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 separate

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<sup>14</sup> See below, para. 34.



case files of which two cases remain active: case 004/02 related to Ao An; and case 004 related to Yim Tith.

30. On 19 December 2019 the Pre-Trial Chamber issued its considerations on the appeals against the closing orders in case 004/02. The Trial Chamber received a total of nine documents in this case.<sup>15</sup> On 3 April 2020, the Chamber issued a statement stating that “it has never been formally notified of the case and it has not received the case file”, and added that “issuing a formal decision of the Trial Chamber is not possible”.<sup>16</sup> On 4 May 2020, the international co-prosecutor filed an immediate appeal to the Supreme Court Chamber under internal rule 104(4)(a), arguing that the Trial Chamber in its statement erred in law and “effectively terminated” case 004/02. In her request, the international co-prosecutor *inter alia* requests the Supreme Court Chamber to “[f]ind that the T[rial] C[hamber] is seised of Case 004/02 and order [the Chamber] to hear the case expeditiously”. According to internal rule 108.4.(bis)(b), the Supreme Court Chamber shall decide on immediate appeals within three months, or four months in exceptional circumstances.<sup>17</sup>
31. 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

32. On 4 August 2019, Nuon Chea passed away aged 93 while admitted to the Khmer-Soviet Friendship Hospital in Phnom Penh. The Supreme Court Chamber terminated further appellate proceedings against him on 13 August and on 22 November issued clarifications on the legal consequences of his death at this stage of proceedings.<sup>18</sup>
33. On 20 August 2019, the Co-Prosecutors filed their appeal against the trial judgement comprising only one ground. Taking into account the size, scale and complexity of case 002/02 proceedings, and the legal and/or factual issues presented by the Khieu Samphan defence in their notice of appeal,<sup>19</sup> the Supreme Court Chamber granted the defence an additional 180 days to file their appeal in one language only.<sup>20</sup> Accordingly, the defence filed its 750-page appeal brief in one language only on 27 February 2020. The Chamber directed that any responses to the appeal be filed within 120 days of its notification<sup>21</sup> and notified the parties that any subsequent replies to those responses would be heard at an oral hearing currently projected to take place in the first quarter of 2021. On

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<sup>15</sup> The defence and international co-prosecutor filed documents to the Trial Chamber.

<sup>16</sup> The statement is available at <https://www.eccc.gov.kh/en/articles/statement-judges-trial-chamber-eccc-regarding-case-0042-involving-ao>.

<sup>17</sup> Being August or September 2020, respectively.

<sup>18</sup> The Supreme Court Chamber clarified that the termination of proceedings did not vacate the findings of the Trial Judgement concerning Nuon Chea and does not equate to a *post mortem* finding of not guilty; a final judgement on Nuon Chea’s guilt or innocence cannot be delivered as his death prevented any appellate review; and Nuon Chea’s death does not affect the reparations awards to civil parties which were endorsed by the Trial Chamber.

<sup>19</sup> The defence presented some 1,824 alleged errors of law and/or fact in the trial judgement, as well as 355 other (159 oral and 196 written) decisions of the Trial Chamber.

<sup>20</sup> Internal Rule 107(4) provides that appeal briefs shall be filed within 60 days of the filing of the notice of appeal. The Supreme Court Chamber additionally granted an extension of page limits, from the Practice Direction’s 60 pages to 750 pages.

<sup>21</sup> Practice Direction on Filing of Documents, article 7.1 requires all documents to be filed in Khmer as well as in English or French. The appeal was filed in the French language with translation into Khmer being notified on 12 June 2020.

24 April 2020, the Supreme Court Chamber granted the co-prosecutors 145 additional pages (895 in total) to effectively respond to Khieu Samphan's appeal.

34. On 31 October 2019, the Khieu Samphan defence filed a motion to disqualify six judges of the Supreme Court Chamber on the basis of their adjudication of Khieu Samphan's appeal in case 002/01. Pursuant to Internal Rule 34(6), the Judicial Administration Committee chose the five sitting judges and international reserve judge of the Pre-Trial Chamber to replace the identified Supreme Court Chamber judges, in order to consider the disqualification motion. A decision is expected to be delivered in the third quarter of 2020.<sup>22</sup>
35. The Supreme Court Chamber anticipates that an appeals judgement will be delivered in all three official languages by the fourth quarter of 2022. This projection is subject to the exigencies of the appeal process, including the outcome of the disqualification motion, and related factors such as sufficient staffing, the health and fitness of the accused and timely and effective translation services.

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

36. Should case 003, 004/02 and case 004 proceed to trial, immediate appeals as well as appeals against eventual trial judgements 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**

37. For 2020, one milestone is expected with: (i) the disposal of appeals against the closing orders in case 003 against Meas Muth with a decision(s) of the Pre-Trial Chamber to either send the case for trial or terminate the proceedings.
38. For 2021, one milestone is expected with (ii) the disposal of appeals against the closing order in case 004 with a decision(s) of the Pre-Trial Chamber either to send the case for trial or to terminate the proceedings; and
39. For 2022, one milestone is expected with (iii) the issuance of an appeal judgement in case 002/02 by the Supreme Court Chamber.
40. If all or any of case 003, case 004 and case 004/02 are sent for trial, in whole or in part, timelines in these cases will then be projected.
41. The various projected milestones are reflected in a chart attached to this plan.

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<sup>22</sup> The decision was issued on 14 July 2020 unanimously dismissing the motion.

## Chart of projected timelines, including milestones

Completion Plan, revision 25 - 30 June 2020

Case	2017				2018				2019				2020				2021				2022			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Case 002/02 Khieu Samphan	Trial phase (a) (b) (c)								Appeals phase (d) (e)															
(a) Closing statements																								
(b) Trial judgement - summary and disposition																								
(c) Trial judgement - 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 (h)															
Case 004/02 Ao An	Investigation phase (f) (g)								Appeals against the closing orders (h)															
Case 004 Yim Tith	Investigation phase (f) (g)								Appeal(s) against the closing orders (h)															

(f) Separate closing orders in one language only

(g) Separate closing orders in both English and Khmer

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