

Annex I

Completion Plan chronology

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First Completion Plan

16. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the International Co-Prosecutor in September 2009. The Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded disagreements between the National and International Co-Investigating Judges regarding the investigation of these cases. The two Co-Investigating Judges are therefore pursuing separate approaches in these cases. The International Co-Investigating Judge is actively investigating the commission of alleged crimes at more than 10 different crime scenarios in case 003, and alleged crimes at 55 different crime scenarios in case 004. Since the current Judge assumed his duties in October 2012, an excess of 50 field missions have been conducted and more than 170 witness interviews have been completed. The best time-projection that can be given at this moment is (i) that the investigations into case 003 and 004 will conclude by the end of the second quarter 2014, (ii) that the closing orders will be issued by the end of the fourth quarter of 2014, and (iii) that any appeals against the closing orders will be decided by the Pre-Trial Chamber by the end of the second quarter of 2015.

Revision 1

22. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the international Co-Prosecutor in September 2009. The Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded disagreements between the national and international Co-Investigating Judges regarding the investigation of these cases. The two Co-Investigating Judges are therefore pursuing separate approaches in these cases. The international Co-Investigating Judge is actively investigating the commission of alleged crimes at more than 10 different crime scenarios in case 003, and alleged crimes at 55 different crime scenarios in case 004. Since the current Judge assumed his duties in October 2012, an excess of 70 field missions have been conducted and more than 250 witness interviews have been completed. The best time-projection that can be given at this moment is that:
- (i) the investigations into case 003 will conclude by first quarter of 2015;
 - (ii) the investigations into case 004, depending on whether or not the case will be severed, will conclude by first or second quarter of 2015;
 - (iii) the closing order in case 003 will be issued by the third quarter of 2015;
 - (iv) the closing order(s) in case 004, depending on whether or not the case will be severed, will be issued by by second, third or fourth quarter of 2015; and
 - (v) any appeals against the closing orders will be decided by the Pre-Trial Chamber by the first quarter of 2016 for case 003 and second quarter of 2016 for case 004.

Revision 2

23. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the international Co-Prosecutor in September 2009. The Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded disagreements between the national and international Co-Investigating Judges regarding the investigation of these cases. The two Co-Investigating Judges are therefore pursuing separate approaches in these cases. The international Co-Investigating Judge is actively investigating the commission of alleged crimes at more than 10 different crime scenarios in case 003, and alleged crimes at 55 different crime scenarios in case 004. Since the current Judge assumed his duties in October 2012, an excess of 80 field missions have been conducted and more than 300 witness interviews have been completed. The best time-projection that can be given at this point in time is that:
- (i) investigations into case 003 will conclude by first quarter of 2015;
 - (ii) investigations into case 004, depending on whether or not the case will be severed, will conclude by first or second quarter of 2015;
 - (iii) the closing order in case 003 will be issued by the third quarter of 2015;
 - (iv) the closing order(s) in case 004, depending on whether or not the case will be severed, will be issued by the second, third or fourth quarter of 2015; and
 - (v) any appeals against the closing orders will be decided by the Pre-Trial Chamber by the first quarter of 2016 for case 003 and second quarter of 2016 for case 004.



Revision 3

22. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the international Co-Prosecutor in September 2009. The Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded disagreements between the national and international Co-Investigating Judges regarding the investigation of these cases. The two Co-Investigating Judges are therefore pursuing separate approaches in these cases. The international Co-Investigating Judge is actively investigating the commission of alleged crimes at more than 10 different crime scenarios in case 003, and alleged crimes at 55 different crime scenarios in case 004. Since the current Judge assumed his duties in October 2012, an excess of 90 field missions have been conducted and more than 350 witness interviews have been completed. To increase the understanding of the on-going judicial investigations, with particular emphasis on the role of witnesses and the rights of individuals subject to investigation, the Office of Co-Investigating Judges conducted 9 public outreach forums in former Khmer Rouge strongholds during November 2014.

The best time projections that can be given at this point in time is that:

- (i) investigations into case 003 will conclude by first quarter of 2015;
- (ii) investigations into case 004, depending on whether or not the case will be severed, will conclude by first or second quarter of 2015;
- (iii) the closing order in case 003 will be issued by the third quarter of 2015;
- (iv) the closing order(s) in case 004, depending on whether or not the case will be severed, will be issued by the second, third or fourth quarter of 2015; and
- (v) any appeals against the closing orders will be decided by the Pre-Trial Chamber by the first quarter of 2016 for case 003 and second quarter of 2016 for case 004.

Revision 4

23. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the international Co-Prosecutor in September 2009. The Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded disagreements between the national and international Co-Investigating Judges regarding the investigation of these cases. The two Co-Investigating Judges are therefore pursuing separate approaches in these cases. The international Co-Investigating Judge is actively investigating the commission of alleged crimes at more than 10 different crime scenarios in case 003, and alleged crimes at 55 different crime scenarios in case 004. Since the current Judge assumed his duties in October 2012, an excess of 105 field missions have been conducted and 563 witness interviews have been completed.
24. A number of factors have necessitated a revision of the time lines for cases 003 and 004. At the outset it is important to recall that the number of crime sites and scenarios under investigation in cases 003 and 004 is more than double of what was investigated in case 002, while less than half the



number of investigators and legal officers have been available to work on cases 003 and 004. Furthermore, the scope of the investigations has been expanded by two supplementary submissions filed by the Office of the Co-Prosecutors in 2014.

25. The unexpected departure of key staff members within the Office of the Co-Investigating Judges has negatively affected the progress of the cases. One example is illustrative: the departure of an entire investigative sub-team consisting of one analyst, one investigator and one legal officer, delayed the investigation related to one suspect and associated crime sites by at least 5 months. In addition to the lengthy period of time needed to identify and recruit replacements, it takes a minimum of 2-3 months for new staff members to familiarize themselves sufficiently with the cases before they become fully functional.
26. Also affecting the pace of investigations has been the lack of timely translation of documents, as well as postponement of witness interviews due to diminishing interpretation and other support resources following the commencement of trial proceedings in case 002/02 (see statistics below in paragraph 28). At one point in 2014, a total of 8,705 pages of witness interview statements remained untranslated, thus delaying the ability to analyse and process the evidence. This backlog was addressed through the hiring of a consultant and increased prioritization of these translation requests by the Interpretation and Translation Unit. Additional resources have also been allocated to the Interpretation and Translation Unit in the revised budget for 2015 to meet the demand for timely translation and interpretation services.⁹
27. External factors have also contributed to delays in the judicial investigations. Suspects' failure to respond to summonses and the fact that arrest warrants were not executed caused a delay of up to 6.5 months in granting one Suspect access to the case file. Such access is contingent on a person being charged with crimes falling within the jurisdiction of the ECCC. Case file access was only given to two Suspects in March 2015 after they were charged *in absentia*. Once suspects have been charged, the rules relating to Charged Persons apply. These rules establish time periods for various stages of the judicial investigative process and grant appeal rights to the parties. Accordingly, the rules applicable as a result of a change of status from that of Suspects to Charged Persons have altered the previous time line projections.
28. Many witnesses are of advanced age, and a number of witness interviews have had to be cancelled because witnesses were deceased or were in poor health. When the number of witness interviews cancelled due to death or illness is combined with those cancelled as a result of a lack of resources required to support interviews, the cancellation rate is 38 per cent.¹⁰
29. Another factor that prevents progress in the investigations has been the continued lack of cooperation of certain States to provide access to archives and archival materials despite the fact that these requests have been pending since 2013. Requests for those materials are still being made.
30. The best time projections that can be given at this point in time is that:
 - (i) investigations into case 003 will conclude by the fourth quarter of 2015;
 - (ii) investigations into case 004, depending on whether or not the case will be severed, will conclude by fourth quarter of 2015 and/or the first quarter of 2016 ;
 - (iii) the closing order in case 003 will be issued by the third quarter of 2016;
 - (iv) the closing order(s) in case 004, depending on whether or not the case will be severed, will be issued by the first, third or fourth quarter of 2016; and
 - (v) any appeals against the closing orders will be decided by the Pre-Trial Chamber by the first quarter of 2017 for case 003 and second quarter of 2017 for case 004.
31. These time projections are contingent on a number of factors such as: no departure of key staff, timely recruitment of new staff to fill vacant posts, timely translation of documents, sufficient interpretation and transcription capacity made available to support field missions and witness interviews, timely resolution of any appeals filed with the Pre-Trial Chamber and full support from the judicial police in serving summonses and executing any arrest warrants.



Revision 5

22. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the international Co-Prosecutor in September 2009. The Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded disagreements between the national and international Co-Investigating Judges regarding the investigation of these cases. The two Co-Investigating Judges are therefore pursuing separate approaches in these cases. The international Co-Investigating Judge is actively investigating the commission of alleged crimes at more than 10 different crime scenarios in case 003, and alleged crimes at 55 different crime scenarios in case 004. Since the current Judge assumed his duties in October 2012, an excess of 115 field missions have been conducted and 784 witness interviews have been completed.
23. The best projections that can be given at this point in time continue to be that:
- (i) investigations into case 003 will conclude by the fourth quarter of 2015;
 - (ii) investigations into case 004, depending on whether or not the case will be severed, will conclude by fourth quarter of 2015 and/or the first quarter of 2016 ;
 - (iii) the closing order in case 003 will be issued by the third quarter of 2016;
 - (iv) the closing order(s) in case 004, depending on whether or not the case will be severed, will be issued by the first, third or fourth quarter of 2016; and
 - (v) any appeals against the closing orders will be decided by the Pre-Trial Chamber by the first quarter of 2017 for case 003 and second quarter of 2017 for case 004.
24. These time projections remain contingent on a number of previously-identified factors such as: no departure of key staff, timely recruitment of new staff to fill vacant posts, timely translation of documents, sufficient interpretation and transcription capacity made available to support field missions and witness interviews, timely resolution of any appeals filed with the Pre-Trial Chamber and full support from the judicial police in serving summonses and executing any arrest warrants.



Revision 6

20. Judicial investigations in cases 003 and 004 were initiated following an introductory submission filed by the international Co-Prosecutor in September 2009. The Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded disagreements between the national and international Co-Investigating Judges regarding the investigation of these cases. The two Co-Investigating Judges are therefore pursuing separate approaches in these cases. The international Co-Investigating Judge is actively investigating the commission of alleged crimes at more than 10 different crime scenarios in case 003, and alleged crimes at 55 different crime scenarios in case 004.
21. Given the disparity in the status of the investigation against the three case 004 defendants, the international Co-Investigating Judge continues to consider two options: a) case 004 could be severed, in which case two notices of conclusion of investigation could be issued by the fourth quarter of 2015, and a third by the first quarter of 2016; b) alternatively, case 004 could remain intact, in which case the investigation could conclude by the first quarter of 2016. If case 004 is severed into separate proceedings, it is estimated that the closing orders could be issued by the first quarter, third quarter, and fourth quarter of 2016, respectively. If case 004 is not severed, it is estimated that a decision, in the form of a closing order, on whether any defendant(s) will be indicted and sent for trial, could be issued by fourth quarter of 2016.
22. As noted above, the newly appointed international Co-Investigating Judge is currently reviewing the remaining workload and projected timelines in cases 003 and 004. This review will continue into the last quarter of 2015, and subsequent amendments to the projected timelines will be incorporated in the next revision of the Completion Plan.
23. The best projections that can be given at this point in time, subject to amendments resulting from the on-going review by the international Co-Investigating Judge, are that:
 - (i) investigations into case 003 will conclude by the fourth quarter of 2015;
 - (ii) investigations into case 004, depending on whether or not the case will be severed, will conclude by fourth quarter of 2015 and/or the first quarter of 2016 ;
 - (iii) the closing order in case 003 will be issued by the third quarter of 2016;
 - (iv) the closing order(s) in case 004, depending on whether or not the case will be severed, will be issued by the first, third or fourth quarter of 2016; and
 - (v) any appeals against the closing orders will be decided by the Pre-Trial Chamber by the first quarter of 2017 for case 003 and second quarter of 2017 for case 004.
24. These time projections remain contingent on a number of previously-identified factors such as: no departure of key staff, timely recruitment of new staff to fill vacant posts, timely translation of documents, sufficient interpretation and transcription capacity made available to support field missions and witness interviews, timely resolution of any appeals filed with the Pre-Trial Chamber and full support from the judicial police in serving summonses and executing any arrest warrants.



Revision 7

21. Judicial investigations in cases 003 and 004 were initiated following introductory submissions filed by the international Co-Prosecutor in September 2009; several supplementary submissions have been made since. The national and international Co-Investigating Judges have, in accordance with the Internal Rules of the Extraordinary Chambers, recorded a number of disagreements regarding the investigation and are pursuing separate approaches in consequence in these cases. It should be noted that despite different views on certain legal and factual issues, the professional cooperation between both judges is excellent. The international Co-Investigating Judge is actively investigating the commission of alleged crimes in case 003 and in case 004.
22. Since the beginning of the investigations in cases 003 and 004, a total of 201 field missions have been carried out and 1,109 witness statements taken. In 2015 alone, up to 15 December 2015, 63 field missions (31.3 % of the total) have been conducted and 421 witness interviews (38 % of the total) completed. In addition, a major investigation with regard to the S-21 prison documentation is under way and making good progress. The international Co-Investigating Judge also recently initiated the wholesale digitisation of all available audio-recordings from the Documentation Center of Cambodia (DC-Cam) with the aim of placing them all on the case files in cases 003 and 004 in order to obviate the need for any future motions by the parties for *ad hoc* digitisation, thus minimising judicial and team time spent on such motions and cutting down further on the time needed for investigative action. This project is being set up at present and is anticipated for completion within the first quarter of 2016. This could not have been achieved by the Office of the Co-Investigating Judges without the substantial use of interns' time, reflecting the general comment on the staffing levels above.
23. The international Co-Investigating Judge carried out a status review of all remaining investigations in cases 003 and 004 in the fourth quarter of 2015, and the following comments are based upon that review. The state of progress regarding the investigations in both cases 003 and 004 established during this stock-taking exercise revealed that the previous timeline estimate had been, in the



circumstances, unduly optimistic due to a number of necessary investigative activities that could not be completed as had been foreseen at the time. The case of Yim Tith, in particular, will have a major impact on the development of the investigation in case 004, because that part of the investigation had been progressing without any substantial input from the Defence until the recent decision by the international Co-Investigating Judge granting access to the case file on 4 December 2015. Yim Tith was charged on 9 December 2015 at his initial appearance, where he appeared voluntarily on the basis of a summons issued by the international Co-Investigating Judge. The charged person and his counsel will need a substantial amount of time to familiarise themselves with the material accrued so far in the investigation, which has been ongoing since 2009, before they can meaningfully participate in it. A substantial number of investigative requests and other motions can now be expected to be filed once the Defence have sufficiently familiarised themselves with the case file. Any prediction of the remaining time for that particular part of case 004 is thus tentative at best at this time, given these contingencies. This fact is also of clear relevance to the question of severing individual sub-cases in case 004 for those charged persons whose investigations have been progressing with their participation for up to nine months.

24. The charged person in case 003, Meas Muth, voluntarily followed a renewed summons to an initial appearance on 14 December 2015 and was charged by the international Co-Investigating Judge with the totality of the alleged crimes as supported by the current state of the investigation, as opposed to the merely partial *in absentia* charging decision of 3 March 2015, which thereby became moot, as did the outstanding arrest warrant, which was accordingly rescinded.
25. Regarding the charged person in case 004, Im Chaem, a notification regarding the conclusion of the judicial investigation was issued on 18 December 2015 by both Co-Investigating Judges, and the parties may submit investigative requests within 15 days of notification.
26. It is the preferred avenue of the Co-Investigating Judges, at this time, to sever the proceedings against the three individual charged persons in case 004 as their respective investigations near completion, although the parties will be consulted on the matter in each case. The best approximate projections that can be given at this point in time are that:
 - (i) investigations into case 003 regarding Meas Muth will conclude by the third quarter of 2016;
 - (ii) investigations into case 004, depending on whether or not the case will be severed, will be concluded by the fourth quarter of 2015 for charged person Im Chaem and by the end of the second quarter of 2016 for Ao An, but not before the end of the fourth quarter of 2016 for the most recently charged person, Yim Tith;
 - (iii) the closing order in case 003 will be issued by the fourth quarter of 2016;
 - (iv) the closing order(s) in case 004, depending on whether, and if so, how, the cases will be severed, will be issued by the second quarter of 2016 for Im Chaem; by the fourth quarter of 2016 for Ao An; and by the second quarter of 2017 for Yim Tith;
 - (v) any appeals against the closing orders will be decided by the Pre-Trial Chamber by the second quarter of 2017 for case 003 and fourth quarter of 2017 for case 004.
27. These time projections remain contingent on a number of previously-identified factors such as, among others, retention of key staff, sufficient funds for the timely recruitment of new and qualified staff to fill vacant posts, timely translation of documents, sufficient interpretation and transcription capacity made available to support field missions and witness interviews, timely resolution of any appeals filed with the Pre-Trial Chamber and full support from the judicial police.



Revision 8

23. Following the additional charging in December 2015, judicial investigations in case 003 against Meas Muth continue to move forward. In case 004, Yim Tith is now fully participating in the proceedings after his defence counsel was granted access to the case file in December 2015.
24. On 5 February 2016, the co-investigating judges ordered Im Chaem's case to be severed from case 004; a new case with the case file no. 004/01 was created and is now proceeding separately from case file 004. The next procedural step towards the closing order is sending the case file 004/01 to the Office of the Co-Prosecutors for final submissions and then for the defence to respond. However, a motion for annulment of an investigative action was filed in this case, and it is estimated that this will cause a delay of up to three months.
25. It continues to be the preferred avenue of the co-investigating judges in Case 004 to sever next the proceedings against Ao An as the investigation nears completion.
26. Since the beginning of the investigations in cases 003 and 004, a total of 221 field missions have been carried out and 1,211 witness statements taken. During the first quarter of 2016 a total of 20 field missions were carried out and 102 witness statements were taken. The Extraordinary Chambers entered into a Memorandum of Understanding with the Documentation Center of Cambodia (DC-Cam) which will allow for the wholesale digitisation of audio tapes in the possession of DC-Cam. These records will be placed on the case files.
27. The best overall projections that can be given at this point are that:
 - investigations in case 003 against Meas Muth will conclude by the middle of the third quarter of 2016;
 - investigations in case 004, will conclude by the end of the second quarter of 2016 in respect of Ao An and be followed by a severance order. The investigations in respect of Yim Tith will conclude by the end of the fourth quarter of 2016.
 - the closing order in case 003 will issued by the end of the fourth quarter of 2016;
 - the closing order in case 004/01 against Im Chaem will be issued by the end of the third quarter of 2016;
 - the closing order in respect of the charges against Ao An will be issued by the fourth quarter of 2016; and the closing order in respect of the charges again Yim Tith will be issued by the second quarter of 2017
 - any appeals against the closing orders will be decided by the Pre-Trial Chamber by the second quarter of 2017 for case 003 and fourth quarter of 2017 for case 004.
28. These time projections remain contingent on a number of previously-identified factors such as, among others, no departure of key staff, sufficient funds for the timely recruitment of new and qualified staff to fill vacant posts, timely translation of documents, sufficient interpretation and transcription capacity made available to support field missions and witness interviews, timely resolution of any appeals filed with the Pre-Trial Chamber and full support from the judicial police



Revision 9

28. The calculation of the timelines has had to be significantly revised due to two factors, firstly amended projections in respect of several procedural steps, and secondly, logistical matters such as drafting time (including translation), in respect of which the necessary time has become clearer only recently for reasons including heightened procedural activity of the parties. It is the second issue that mainly drives the extensions identified in this report.
29. The timely translation issue will have a particular impact during the closing order drafting phase, when not only the text of the orders will have to be translated, but the Khmer versions will have to undergo a separate footnote reference checking exercise, because the format of the Khmer and the other material is not identical, e.g. as far as page numbers are concerned etc.
30. The Office of the Co-Investigating Judges' intention is to streamline the drafting of closing orders as much as possible, wherever that is possible and justifiable by the substance of the decision. The timelines for drafting the closing orders in cases 001 and 002 ranged from around three months in case 001 – which concerned a rather closely circumscribed scenario – to about eight months in case 002 – a category which is approximately mirrored by the current case of Yim Tith in complexity.
31. In addition, it should be remembered that the Office, with a relatively low staff contingent, is engaged on four fronts, one of which – case 004/01 – is less active in that respect but still represents a significant workload until the issuance of the closing order.
32. These combined factors exert a knock-on effect in each case leading to an average period of six months between closure of investigations and issuance of a closing order as explained below.
33. Following the additional charging in December 2015, judicial investigations in case 003 against Meas Muth continue to move forward, however not as fast as hoped due to a number of factors such as new unexplored leads and interviews with crucial witnesses having fallen through. There is also a high motion activity in the case. The notice of closure of investigations may be achieved by the end of the fourth quarter of 2016. The closing order will accordingly not be issued before the end of the second quarter of 2017, and later if there are substantial investigative requests.
34. In case 004, Yim Tith is now fully participating in the proceedings after his defence counsel were granted access to the case file in December 2015. The Defence team is increasingly making progress in its review of the case file and had to adjust its staffing structure already. Heightened motions activity, especially in the form of annulment motions and investigative requests is thus expected and is likely to begin in earnest in the fourth quarter of 2016. An investigative request by the civil party lawyers and a separate one by the international co-prosecutor on forced pregnancy and forced impregnation were denied by decision of 13 June 2016 partly because of questions around the principle of legality (*nullum crimen*), but partly also because both were filed too late and no good cause had been shown by either party why the matter had not been raised years ago when the issue had already been apparent, thus causing prejudice to the Defence, delaying the investigations and impacting on the allocation of the Office of the Co-Investigating Judges' finite resources. Should this decision be appealed and subsequently reversed by the Pre-Trial Chamber, it is more than likely that the timeline in this case must be further revised. Combined with the logistical concerns mentioned above, the date for the notice of closure has been revised to the first quarter of 2017, with a closing order projected for delivery by the end of the third quarter of 2017, with a possibly even later date if there is substantial motions activity after the closure notice.
35. On 5 February 2016, the co-investigating judges ordered Im Chaem's case to be severed from case 004. A new case with the case file no. 004/01 was created and is now proceeding separately from case file 004. The next procedural step towards the closing order is sending the case file 004/01 to the Office of the Co-Prosecutors for final submissions and then for the defence to respond. However, as opposed to the last completion report when a delay of up to three months was indicated because of an



annulment motion, there may now be a further delay of three months or more, because Im Chaem's international co-lawyer passed away unexpectedly on 18 April 2016; a new co-lawyer was sworn in on 29 June 2016. The impact of this sudden change in counsel on the development of the case remains to be seen. The fluid situation in case 004/01 does not allow for a precise prediction of the time for a closing order but it may now be as late as the first quarter of 2017. The timeline for case 004/01 has thus been revised to the first quarter of 2017.

36. It continues to be the preferred avenue of the co-investigating judges in case 004 to sever next the proceedings against Ao An as the investigation nears completion. However, with the new charges announced in March 2016, the Defence is under an additional staffing resource burden. One particular and very sensitive investigative request has also impacted the time projections in this case. It is still awaiting resolution and has the potential to lead to a substantial amount of new evidence being found that may in turn necessitate further investigative action. On 20 June 2016, the Defence indicated to the international co-investigating judge⁷ that they will file at least three additional evidence-related motions (two major and one minor), one of them a major annulment motion, the other a comprehensive investigative request. Based on the experience with similar motions in the past, this will add significant time to the process through the amount of time needed to review the motions in the office of the international co-investigating judge. If only one of the motions reaches the Pre-Trial Chamber, either directly or by way of appeal, this may necessitate further extension of the projected timeline of up to six months, substantially more if both motions were to go to the Pre-Trial Chamber. The timeline has for now been revised with the notice of closure scheduled for the end of 2016 and the closing order to be issued by the end of the second quarter of 2017, and later if there is substantial motions activity after the closure notice. The best overall revised projections that can be given at this point are:

- investigations in case 003 against Meas Muth will conclude at the end of the fourth quarter of 2016;
- the closing order in case 003 will be issued by the end of the second quarter of 2017;
- the closing order in case 004/01 against Im Chaem will be issued within the first quarter of 2017;
- investigations in case 004, will conclude at the end of the fourth quarter of 2016 in respect of Ao An and this will be accompanied by a severance order;
- the closing order in case 004 in respect of Ao An will be issued by the end of the second quarter of 2017;
- investigations in case 004 in respect of Yim Tith will conclude in the first quarter of 2017;
- the closing order in case 004 in respect of Yim Tith will be issued by the end of the third quarter of 2017;



Revision 10

28. The calculation of the timelines has had to be significantly revised due to two factors, firstly amended projections in respect of several procedural steps, and secondly, logistical matters such as drafting time (including translation), in respect of which the necessary time has become clearer only recently for reasons including heightened procedural activity of the parties. It is the second issue that mainly drives the extensions identified in this report.
29. The timely translation issue will have a particular impact during the closing order drafting phase, when not only the text of the orders will have to be translated, but the Khmer versions will have to undergo a separate footnote reference checking exercise, because the format of the Khmer and the other material is not identical, e.g. as far as page numbers are concerned etc.
30. The Office of the Co-Investigating Judges' intention is to streamline the drafting of closing orders as much as possible, wherever that is possible and justifiable by the substance of the decision. The timelines for drafting the closing orders in cases 001 and 002 ranged from around three months in case 001 – which concerned a rather closely circumscribed scenario – to about eight months in case 002 – a category which is approximately mirrored by the current case of Yim Tith in complexity.
31. In addition, it should be remembered that the Office, with a relatively low staff contingent, is engaged on four fronts, one of which – case 004/01 – is less active in that respect but still represents a significant workload until the issuance of the closing order.
32. These combined factors exert a knock-on effect in each case leading to an average period of six months between closure of investigations and issuance of a closing order as explained below. The timelines have so far not changed since the last revision of the Completion Report. However, it bears reiterating that this is always contingent on the actual development of the ongoing investigation.
33. Another major concern for the resource allocation of the Office has for some time been the disclosure activity by the Prosecution from cases 003 and 004 into case 002. This disclosure serves only the aims of the trial and has nothing to do with the actual progress of the investigations, yet it takes up a large amount of staff time needed to check the materials requested for disclosure and whether there are any concerns regarding the confidentiality of the investigation. With the Trial Chamber's recent decision on motions under Internal Rule 87(4)⁷ in the final phase of case 002/2, this part of the workload is expected to decrease and additional measures have been taken to reduce remaining disclosure motions.
34. Following the additional charging in December 2015, judicial investigations in case 003 against Meas Muth continue to move forward, however not as fast as hoped due to a number of factors such as new unexplored leads and interviews with crucial witnesses having fallen through. There is also a high motion activity in the case. The notice of closure of investigations may be achieved by the end of the



fourth quarter of 2016. The closing order will accordingly not be issued before the end of the second quarter of 2017, or later, if there are substantial investigative requests.

35. In case 004, Yim Tith is now fully participating in the proceedings after his defence counsel were granted access to the case file in December 2015. The Defence team is increasingly making progress in its review of the case file and had to adjust its staffing structure already. Heightened motions activity, especially in the form of annulment motions and investigative requests is thus expected and is likely to begin in earnest in the fourth quarter of 2016. Combined with the logistical concerns mentioned above, the notice of closure is expected during the first quarter of 2017, with a closing order projected for delivery by the end of the third quarter of 2017, with a possibly even later date if there is substantial motions activity after the closure notice.
36. On 5 February 2016, the co-investigating judges ordered Im Chaem's case to be severed from case 004. A new case with the case file no. 004/01 was created and is now proceeding separately from case file 004. The case file was forwarded to the Office of the Co-Prosecutors for final submissions on 27 July 2016; the defence will be given an opportunity to respond in due course. There is still an annulment motion pending; a closing order cannot be entered before that motion has been ruled upon by the Pre-Trial Chamber. The timeline for a closing order in case 004/01 is still within the first quarter of 2017.
37. It continues to be the preferred avenue of the co-investigating judges in case 004 to sever the proceedings against Ao An as the investigation nears completion. However, with the new charges announced in March 2016, the Defence is under an additional staffing resource burden. One particular and very sensitive investigative request has also impacted the time projections in this case. It is still awaiting resolution and has the potential to lead to a substantial amount of new evidence being found that may in turn necessitate further investigative action. On 20 June 2016, the Defence had indicated to the international co-investigating judge⁸ that they would file at least three additional evidence-related motions (two major and one minor), one of them a major annulment motion, the other a comprehensive investigative request. At the time of reporting, two of these motions have been filed. These filings have added significant time to the process through the amount of time needed to review the motions in the office of the international co-investigating judge. If only one of the motions reaches the Pre-Trial Chamber, either directly or by way of appeal, this may necessitate further extension of the projected timeline of up to six months, substantially more if both motions were to go to the Pre-Trial Chamber. The timeline has for now been revised with the notice of closure scheduled for the end of 2016 and the closing order to be issued by the end of the second quarter of 2017, and later if there is substantial motions activity after the closure notice. The best overall revised projections that can be given at this point remain:
 - investigations in case 003 against Meas Muth will conclude at the end of the fourth quarter of 2016;
 - the closing order in case 003 will be issued by the end of the second quarter of 2017;
 - the closing order in case 004/01 against Im Chaem will be issued within the first quarter of 2017;
 - investigations in case 004, will conclude at the end of the fourth quarter of 2016 in respect of Ao An and this will be accompanied by a severance order;
 - the closing order in case 004 in respect of Ao An will be issued by the end of the second quarter of 2017;
 - investigations in case 004 in respect of Yim Tith will conclude in the first quarter of 2017;
 - the closing order in case 004 in respect of Yim Tith will be issued by the end of the third quarter of 2017;



Revision 11

24. The Office of the Co-Investigating Judges' intention is to streamline and condense the drafting of closing orders as much as possible, wherever that is possible and justifiable by the substance of the decision. The timelines for drafting the closing orders in cases 001 and 002 ranged from around three months in case 001 – which concerned a rather closely circumscribed scenario – to about eight months in case 002 – a category which is approximately mirrored by the case 004 (Yim Tith) in complexity. The timely translation issue will have a particular impact during the closing order drafting phase, when not only the text of the orders will have to be translated, but the translations will have to undergo a separate footnote reference checking exercise, because the format of the different versions is not identical, e.g. as far as page numbers are concerned etc. In addition, it may be noted that the Office, working with a relatively low staff contingent is engaged on four fronts, representing a significant workload until all the closing orders are issued.
25. These combined factors have exerted a knock-on effect in each case. The timelines are not changed in this revision of the Completion Plan, with the exception of a brief extension of the closing of the investigation in case 003, for reasons explained just below. Following the additional charging in December 2015, the notice of conclusion of the investigation in case 003 was originally scheduled to be issued by fourth quarter of 2016. However, the need to rule on outstanding motions caused a brief extension of this benchmark. The notice of conclusion of investigations, barring any unforeseen circumstance, will be issued by the first quarter of 2017.¹⁰ Following the issuance of the notice, the proceedings in case 003 against Meas Muth will proceed following the mandatory procedural steps required by the Internal Rules, as described above. The closing order is expected by the second quarter of 2017.
26. In case 004, Yim Tith's defence counsel was granted access to the case file in December 2015. Though defence-motions may still be foreseen, notice of closure continues to be expected by the first quarter of 2017 followed with a closing order by the third quarter of 2017.
27. On 5 February 2016, the co-investigating judges ordered Im Chaem's case to be severed from case 004, creating case file no. 004/01 and on 27 July 2016 forwarding it to the Office of the Co-Prosecutors for final submissions. The co-prosecutors and the Defence have filed their submissions and the co-investigating Judges are currently drafting the closing order, to be announced by the first quarter of 2017.
28. The investigation against Ao An was closed by the co-investigating judges on 16 December 2016, and the case against him severed to become a new case file, 004/02. The international co-investigating judge also issued an order under Rule 66 *bis*, reducing the scope of this investigation. The closing order is scheduled by the second quarter of 2017.
29. The overall revised projections at this revision are
 - investigations in case 003 will conclude by the first quarter of 2017;¹¹
 - the closing order in case 003 will be issued by the second quarter of 2017;
 - the closing order in case 004/01 will be issued by the first quarter of 2017;
 - the closing order in case 004/02 will be issued by the second quarter of 2017;
 - investigations in case 004 will conclude by the first quarter of 2017;
 - the closing order in case 004 will be issued by the third quarter of 2017.



Revision 12

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.

Revision 13

24. A total of 15 requests, annulment motions or notices of appeal across all cases have been filed with the co-investigating judges and are awaiting a decision: four requests, six notices of appeal and five annulment motions.¹⁴ Nine of those were filed after the last revision of the Completion Plan.
25. These factors, especially the added requests, motions and notices of appeal since the last revision and the uncertainty regarding the number and complexity of future requests, motions and notices of appeal, and in case 003 the staff turnover, are likely to exert a new knock-on effect. It is too early to put numbers on the extensions and hence the timelines remain for the time being the same as in the last revision of the Completion Plan; however, it should be emphasised that the likelihood of a further extension of at least three months, especially in cases 003 and 004, is very high. The timelines still cannot and should not be considered as anything more than a fair-weather estimate.
- a. In *case 003*, the closing order is projected at best by the first quarter of 2018.
 - b. In *case 004*, the closing order is projected at best by the first quarter of 2018.
 - c. In *case 004/01*, the co-investigating judges are currently finalising the reasons for the closing order, to be announced by the third quarter of 2017.¹⁵
 - d. In *case 004/02*, the closing order is projected at best by the first quarter of 2018.



Revision 14

18. By the end of this reporting period, the cases stand as follows:
- a) In case 004/01, the co-investigating judges issued the reasons for the dismissal of the case on 10 July 2017. The co-investigating judges are now *functus officio* of case 004/01.
 - b) In case 004/02, the co-investigating judges received the final submissions of the Office of the Co-Prosecutors. The defence response is currently still outstanding.
 - c) In case 003, the case file was forwarded by the international co-investigating judge to the Office of the Co-Prosecutors for their final submissions, on 25 July 2017.
19. With all investigations now closed work has shifted to dealing with outstanding procedural motions and preparing for the drafting of the closing orders once final submissions and defence responses have been received. As of 25 September 2017, there were no more motions pending before the co-investigating judges.
20. The future progress of the cases continues to depend substantially on factors outside the judges' control, in particular on sufficient funding,⁷ timely recruitment for vacant posts and expeditious translations. For an extended time now, the Office has been augmented by a large number of interns, on average 1 to 2 on the national and 11 to 13 on the international side at any given time. Almost all staff act in multiple roles across teams or in administrative capacities, either permanently or ad hoc.
21. The limited staffing and its composition make the Office vulnerable to staff shortages and even minor staff turnover, posing a serious risk to ensuring the Office's institutional memory. 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 timelines.
23. Lack of adequate resources will have a massive impact on the drafting of the closing orders in all cases. The drafting time for the closing order was around three months in the rather compact case 001 and about eight months in case 002, which was similar to case 004 in complexity. However, in case 004/01, which is larger than case 001 but less complex than case 004, the drafting of the reasons for the dispositive part of the closing order of 22 February 2017 took almost five months from that date alone but had obviously been going on before then. Case 004/02 is more complex than case 004/01 but somewhat less than case 004.
22. A case in point is the international co-investigating judge's team working on case file 003, where *all* staff from the original team except one legal officer resigned over the last few months, making urgent new recruitment efforts and re-assignment of current staff from other teams necessary and resulting in a loss of actual case work time and efficiency: None of the newly recruited staff have any deep knowledge of the case when they arrive and need to familiarise themselves with the proceedings and the massive amount of evidence on the case file before being able to work effectively. The full impact of this development on the progress of case 003 is as yet unclear but already now an additional three months needs to be added to the timeline, leading to a projected date for the closing order by the second quarter of 2018.



24. Timely provision of translation services and the continued availability of experienced legal staff are thus of paramount importance during the drafting phase. This is a problem shared by all protagonists in the proceedings. The international co-prosecutor has advised the co-investigating judges that based on his own resource restrictions he will not be able to submit his final submissions in Khmer and another working language in full within the three months allotted by the Internal Rules; similar concerns have been voiced by all defence teams with regard to their responses. The judges deem those concerns legitimate and have accordingly accommodated them

and agreed to a variation of the submission procedure. Full translations of final submissions and defence responses, as recently advised by the Interpretation and Translation Unit, will take 4-5 weeks from submission of the full final versions of the relevant documents. It needs to be re-emphasised in this context that as a matter of law under the Internal Rules, any response or appeal periods begin only once the Khmer version of a document or an order has been filed and notified to the parties.

25. The above-mentioned factors, as already indicated in the last revision, now exert a measurable knock-on effect in cases 003 and 004, with case 004/02 still being monitored for potential extensions. The timelines in case 004 may require significant additional extensions purely as a matter of law if any appeals are filed against decisions on investigative requests taken during the period of Internal Rule 66(1). The timelines still cannot and should not be considered as anything more than a fair-weather estimate.

- a. In *case 003*, the closing order is projected at best by the second quarter of 2018.
- b. In *case 004*, the closing order is projected at best by the second quarter of 2018.
- c. In *case 004/02*, the closing order is projected at best by the first quarter of 2018.



Revision 15

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

- a) In case 003, the co-investigating judges received the final submission by the national co-prosecutor on 14 November 2017, and the final submission of the international co-prosecutor on 27 November 2017. The response from the defence is expected at the beginning of the second quarter and the closing order is expected by the third quarter of 2018.
- b) In case 004/02, the co-investigating judges received the defence's response to the final submissions of the co-prosecutors on 30 October 2017. The closing order in this case is expected by the second quarter of 2018.
- c) In case 004, the international co-prosecutor filed an appeal against a decision regarding an additional investigative request, on 25 October 2017. The case file can be forwarded to the co-prosecutors for their final submissions only once a decision on the appeal has been issued by the Pre-Trial Chamber. The closing order in this case is expected by the fourth quarter of 2018.

20. In case 003, the international co-prosecutor filed the final amended submission in English on 27 November 2017, numbering some 950 pages. Upon filing of the Khmer translation, which is expected to take eight weeks to complete, the defence will have 80 days to respond. The defence filing is expected by April 2018 in English, followed by the translation into Khmer. As per the practice and procedure of the Court, any response or appeal period begins only once the Khmer version of a document is notified. It should also be remembered that the national co-investigating judge and his team work mainly with the Khmer versions of any document filed.

21. In case 004/02, the defence's response to the co-prosecutor's final submissions was filed in English on 30 October 2017 and in Khmer on 28 December 2017.

22. The investigation in case 004 was closed for the second time on 5 September 2017 after a number of additional requests from the parties had been dealt with. On 25 October 2017, the international co-prosecutor filed an appeal against a decision on such an additional investigative request. Under Internal Rule 66(4), this appeal prevents the judges from issuing the forwarding order for the final submissions by the co-prosecutors until the Pre-Trial Chamber has decided on the appeal. As a result, it is unlikely that all party submissions will be filed by the third quarter of 2018. The defence filed another annulment motion with the co-investigating judges on 8 November 2017.⁶ Similar issues regarding the time needed for translation as in case 003 may arise in case 004.

23. The progress of these cases continues to depend substantially on factors outside the judges' control, in particular on sufficient funding, adequate staffing, timely recruitment for vacant posts and expeditious translations.

24. Almost all staff act in multiple roles across teams or in administrative capacities, either permanently or ad hoc. The limited staffing and its composition make the Office vulnerable to staff shortages and even minor staff turnover, posing a serious risk to ensuring the Office's institutional memory. 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 timelines. New staff will need time to familiarise themselves with the proceedings and the evidence in order to work effectively on the case, and this will have an unavoidable impact on the progress of the cases.



25. Timely provision of translation services and the availability of experienced legal staff are thus of paramount importance during the drafting phase. This is a predicament shared by all protagonists in the proceedings. The international co-prosecutor has advised the judges that based on his own resource restrictions he will not be able to submit his final submissions in Khmer and English within the three months allotted by the Internal Rules; similar concerns have been voiced by all defence teams with regard to their responses to the co-prosecutors final submission. The co-investigating judges have deemed those concerns legitimate and have accordingly permitted a variation of the submission procedure.
26. Furthermore, the maximum length of final submissions and responses is neither regulated under the Internal Rules nor under the relevant Practice Direction on the Filing of Documents. While the co-investigating judges may in extreme cases exercise their inherent powers to set page limits, these filings are the last substantive arguments presented by the prosecution and the defence before the issuance of the closing order and hence the co-investigating judges are of the view that they are not to be interfered with lightly.
27. Lack of adequate resources will impact on the drafting of the closing orders in all cases. The length and timeliness of the final submissions and responses, as well as the concomitant translation issues mentioned, are a case in point for the potential for extension of timelines.⁷
28. The above-mentioned factors result in the issuance of the closing orders as follows (these timelines cannot and should not be considered as anything more than a fair-weather estimate):
 - a. In *case 003*, by the third quarter of 2018.
 - b. In *case 004*, by the fourth quarter of 2018.
 - c. In *case 004/02*, by the second quarter of 2018.



Revision 16

18. By the end of this quarter, the cases stand as follows:
- a) In case 003, the response from the defence in English to the co-prosecutors' submissions is expected by 12 April 2018, with the Khmer translation as soon as possible thereafter; preliminary drafting preparations are under way to reduce the time needed after the filing of the defence response. One annulment motion based on allegedly torture-tainted evidence on the case file is still pending before the Pre-Trial Chamber at the time of writing.
 - b) In case 004/02, the co-investigating judges are at an advanced stage of drafting a closing order, however, recent turnover of core staff on the international team may yet cause further delay (see below).
 - c) In case 004, the case file was forwarded to the co-prosecutors for their final submissions on 1 March 2018. The international co-prosecutor has advised the judges that based on his own resource restrictions he will not be able to submit his final submissions in Khmer and English within the three months allotted by the Internal Rules; similar logistical concerns have been voiced by the defence team about the time needed for their response to the co-prosecutors' final submission. The co-investigating judges deemed those concerns legitimate and granted the international co-prosecutor leave to file his submission within three months in English, with a Khmer translation to follow as soon as possible. The defence will be given adequate time to respond. Two annulment motions, one based on allegedly torture-tainted evidence on the case file and one relating to certain civil party documents are still pending before the Pre-Trial Chamber at the time of writing. The case file was nonetheless forwarded to the co-prosecutors for their final submissions, because the co-investigating judges already held previously that they will not use torture-tainted evidence, even if it is formally still on the case file, and should the Pre-Trial Chamber decide to annul certain evidence, the parties will be given an opportunity to address this to the extent necessary.
19. Any response periods begin only once the Khmer version of a document is notified. Furthermore, the national co-investigating judge and his team work mainly with the Khmer versions of any document filed.
20. The progress of all cases continues to depend substantially on sufficient funding, adequate staffing, timely recruitment for vacant posts and expeditious translations.
21. Based on internal communications from staff to the judge, staff attrition on the international side of the Office is likely to rise in the coming months due to the uncertain funding and employment situation at the ECCC and the ensuing increased job-seeking activity by all staff, which has been ongoing for some time now. As an example, one core P-3 staff member of Team 004/02, who was also in charge of handling and updating all civil party applications across all cases, recently resigned and will leave in mid-April 2018. A second member of Team 004/02, who worked on site as a consultant, is also leaving. Both replacements will lead to a loss of drafting capacity. The previous timeline for case 004/02 will thus be compromised. Though still unclear to which extent a spill-over into the third quarter is now unavoidable. Any further extensions will be advised to the Office of Administration as soon as the picture has become clearer.



22. Generally, given the increasingly threadbare staffing cover of the Office, even minor staff turnover poses a serious risk to ensuring the Office's institutional memory and keeping to the projected timelines. New staff need time to familiarise themselves with the proceedings and the evidence in order to work effectively on the case; this will have an unavoidable impact on the progress of the cases, especially at this late stage.⁷
23. The above-mentioned factors result in the issuance of the closing orders as follows (these timelines cannot and should not in any event be considered as anything more than a fair-weather estimate):
 - In *case 003*, by the third quarter of 2018.
 - In *case 004*, by the fourth quarter of 2018.
 - In *case 004/02*, by the third quarter of 2018.



Revision 17

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

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

closing order drafting work can only begin once the defence has filed its response which will be 3 months after the Khmer translation of the ICP submission has been notified, which, based on ITU's revised estimate of 7 June 2018, is expected for 20 August 2018. Staff attrition has also heavily affected this team: One of the two remaining team members, the consultant with the longest institutional memory of the case, resigned effective end of June 2018. The exact impact of this 50% loss of team capacity on the progress of the drafting is as yet unclear. Due to the complexity of the case⁹, translation logistics and the staff loss, finalising the draft and the translation will, however, not now be feasible until the first quarter of 2019. Since this revision of the completion plan is meant to be the basis for the last budget request ever from OCIJ, the persistent danger of further staff attrition made it necessary to use prudent evaluation of the risks and hence the timeline has been moved to the second quarter of 2019, although every effort will be made to finish earlier. Two annulment motions filed by the Defence in September and November 2017 are still pending before the PTC at the time of writing. Should the PTC decide to annul certain evidence, the parties will be given an opportunity to address this to the extent necessary. On 7 May 2018, the defence filed an appeal against a decision of 28 February 2018, the translation of which was only notified on 4 May 2018

21. The above-mentioned factors result in the projected issuance of the closing orders as follows (these timelines cannot and should not in any event be considered as anything more than a fair-weather estimate):

- In case 003, by the fourth quarter of 2018.
- In case 004, by the second quarter of 2019.
- In case 004/02, by the third quarter of 2018.



Revision 18

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

- a) In case 003, final closing order drafting is under way. Issuance of the closing order is scheduled for the fourth quarter of 2018.
- b) In case 004, the Khmer translation of the final submission by the international co-prosecutor was filed on 22 August 2018. The defence has three months from that date to file its response, with translation to follow. Final closing order drafting will begin from the date of this translation. Staff attrition has heavily affected this case. Both remaining international team members resigned, the last one in mid-August 2018. The team thus had to be completely rebuilt, partly through the re-assignment of existing staff (see above) as far as this did not impact on the progress of case 003 and partly through the expedited recruitment of new staff, who will, however, need time to familiarize themselves with the case. The exact impact of the total loss at this late stage of institutional memory and team capacity on the most complex of the remaining cases remains unclear. The drafting process, however, will not be finalized before April 2019 under any circumstances. The overall case timeline already had to be moved to the second quarter of 2019 in Rev. 17 of the Completion Plan.

20. The above-mentioned factors result in the projected issuance of the closing orders as follows:

- In case 003, by the fourth quarter of 2018.
- In case 004, by the second quarter of 2019.

Revision 19

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.



Revision 20

21. 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 English translation of the closing order of the national co-investigating judge was notified on 1 February 2019 while the Khmer translation of the closing order of the international co-investigating judge was notified on 6 February 2019. 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.
22. Having previously issued a 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, the co-investigating judges remain seized of case 004 only against Yim Tith. The closing order in case 004 remains scheduled for the second quarter of 2019.

