

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

COMPLETION PLAN

REVISION 17

30 June 2018

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Annex - Chart of projected timelines for the completion plan including milestones

Note to the reader:

The ECCC Completion Plan is revised on a quarterly basis for planning purposes. It contains the best possible estimates for projection of timelines in the remaining cases before the ECCC at the time of revision. A number of factors, including developments in the judicial proceedings may impact these projections. As such the timelines do not reflect statutory requirements on when the different milestones will be reached. The ECCC Completion Plan is prepared and issued by the Office of Administration with input from the judicial offices.

issues. Noting the main issues raised by the parties, in particular the extraordinary length and complexity of the case, the Chamber subsequently established the deadline for the filing of the parties' final trial briefs on 24 April 2017 and the start of closing statements on 5 June 2017. The Chamber later granted the parties a one-week extension of time to file closing briefs in view of the ongoing revision of transcripts of hearings by the Transcription Unit, which had created difficulties for the parties in relying upon the court record in the closing briefs. Closing statements were accordingly rescheduled and took place between 13 and 23 June 2017. Following this, the Chamber adjourned to deliberate and prepare a trial judgement in this case.

31. The original projection of time required to issue a judgement in case 002/02 was made prior to the beginning of the trial based on the experience in case 002/01, without yet knowing how many witnesses, civil parties and experts would be heard. This projection was revised in the twelfth revision of the Completion Plan taking into account the fact that twice as many witnesses, civil parties and experts were heard in case 002/02 (a total of 185) as in case 002/01, creating a significantly larger evidentiary base (including approximately 10,800 documents) for consideration and analysis during deliberations and the judgement drafting process. At this stage of judgement preparation, having already completed a significant amount of work, the Chamber is better able to assess the practical effect of this significantly larger evidentiary base; whereas the trial judgement in case 002/01 totalled approximately 670 pages (including annexes), the Chamber expects the trial judgement in case 002/02 to surpass 2,000 pages in order to ensure that all charges are properly addressed. The Chamber previously underestimated the time necessary to assess and deliberate on the huge amount of evidence of this very complex case.
32. The projected length of the judgement has increased the importance of the Trial Chamber remaining fully staffed. The nationalisation of a post within the Trial Chamber has resulted in the Chamber being short of one international Legal Officer. Further, the Trial Chamber has continued to be negatively impacted by staff turnover combined with the relative lengthiness of the UN recruitment process. Given the time that would be required to conduct recruitment and install a staff member (a minimum of five months), at this stage the Chamber will be wholly reliant on recruiting consultants to fill both current and future vacancies. The Chamber will require the full support of the Administration in order to expedite this process insofar as possible. The Chamber notes in this regard that more staff turnover is expected in view of the uncertain financial situation of the court, the associated short-term contracts and the imminent completion of the case 002/02 trial judgement, which has increasingly motivated staff to look for more secure and longer-term employment.
33. The Trial Chamber has previously expressed to the Office of Administration concerns regarding the timely delivery of final translations, which could potentially extend the time needed to issue a judgement. In this regard, the Chamber has recently been assured that translation capacity (from English to Khmer) will be increased in order to allow the Chamber to meet its deadline. Given the volume of translation required over a short period of time, the Chamber is not confident that it will be possible to issue the judgement in three languages simultaneously. While it will focus necessarily on English and Khmer in order to ensure that judgement is issued within a reasonable time, it will also progress with French translation insofar as possible, noting that the availability of the judgement in French may impact appeal deadlines.
34. The Trial Chamber continues to monitor the health conditions of the accused on an ongoing basis. The accused's fitness to continue to participate in the trial was evaluated at the end of January 2018 and they were both found to be fit to stand trial. The medical reports noted, however, several medical conditions suffered by the accused and recommended that their cognitive functions continue to be evaluated on a quarterly basis.
35. In view of the above factors, the Chamber assesses that it is necessary to extend the deadline for trial judgement at this time by one quarter, to fourth quarter 2018. Noting that one of the international judges is required to return to his domestic jurisdiction effective 1 December 2018, the Chamber will if necessary consider issuing, after the conclusion of its deliberations, an oral