

**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)**

**COMPLETION PLAN**

**REVISION 20**

**31 March 2019**

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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.

2018, respectively. Submissions on appeal were filed by the co-lawyers of Ao An, the national co-prosecutor and the international co-prosecutor, in one language only, in the fourth quarter of 2018, with translations filed by 28 January 2019. The Pre-Trial Chamber projects its judgment(s) on appeals against the closing orders by the fourth quarter of 2019.

- c) On 5 September 2017, the investigation in case 004 was closed for the second time after dealing with a number of additional requests from the parties. The case file was forwarded to the co-prosecutors for their final submissions on 1 March 2018. The national co-prosecutor filed her final submissions on 31 May 2018 while the international co-prosecutor filed his final submissions on 4 June 2018. The defence filed its response to the final submissions of the co-prosecutors on 26 November 2018. The closing order in this case is expected by the second quarter of 2019. The Pre-Trial Chamber projects the judgment on any appeal(s) against the closing order by the first quarter of 2020.
11. During the quarter, a milestone was reached with the notification of trial judgment in case 002/02 in all three working languages on 28 March 2019. Another milestone was reached in case 003 with filing of the Khmer translation of the closing order of the international co-investigating judge and English translation of the closing order of the national co-investigating judge in February 2019.
12. In view of progress over the quarter, this Completion Plan identifies six remaining milestones for the cases of which the Extraordinary Chambers are seised. The remaining milestones in case 002 and associated indicative forecasts are:
- (i) deadline for filing any appeals against the trial judgement in case 002/02 (by second quarter of 2019); and
  - (ii) if appealed, issuance of an appeal judgement in case 002/02 (by fourth quarter of 2020).
13. In cases 003, 004/02, and 004 distinct milestones have been identified for the remainder of the judicial investigation phase, and in case of indictments, additional milestones will be identified for the trial and appellate phases.<sup>4</sup> The milestones for the remainder of the judicial investigation phase are:
- (iii) disposal by the Pre-Trial Chamber of appeals against the closing order in case 003, either sending the case for trial or ending the judicial proceedings in the case (by fourth quarter of 2019);
  - (iv) disposal by the Pre-Trial Chamber of appeals against the closing orders in case 004/02, either sending the case for trial or ending the judicial proceedings in the case (by fourth quarter of 2019).
  - (v) issuance of closing order in case 004, with a decision either to send the case for trial or to end the judicial proceedings (by second quarter of 2019); and
  - (vi) disposal by the Pre-Trial Chamber of any appeals against the closing order in case 004, either sending the case for trial or ending the judicial proceedings in the case (by first quarter of 2020).

## **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 2018 for the international component of the Extraordinary Chambers were essential measures that stabilized the funding situation and enabled concentrated

<sup>4</sup> Given the current state of proceedings, it is premature at this point to forecast specific time points in respect of eventual trial milestones.

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 on 22 December 2018, as an exceptional measure, to enter commitments in an amount not to exceed \$7.5 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2019. This timely action greatly facilitates the uninterrupted operations of the Extraordinary Chambers for the first seven months of 2019, opening space for continued solicitation of voluntary contributions. In addition, the Royal Government's commitment of direct contribution of \$3.9 million to the national component, to cover, as in 2018, the first six months of national staff costs as well as operational costs arising in 2019 is a key measure facilitating the ongoing operation of the Extraordinary Chambers' national component. In combination, these measures have ensured that the ongoing workload of the Extraordinary Chambers continues to receive sustained attention. Voluntary contributions are currently projected to amount to \$6.5 million for the international component. The national component anticipates a contribution from one donor. The amount is not yet confirmed. This is against the approved budget of \$16.01 million for the international component and \$5.37 million for the national component. Of these projected contributions, the international component has received \$2.7 million so far. The balance is expected during the year.
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>5</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>6</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 or case 002/02.
17. With the aim of augmenting the investigative capacity of the Office of the Co-Investigating Judges, nine international legal officers were accredited by the Ministry of Justice to conduct investigative interviews, during the field investigations stage, a task normally falling to the investigators. The international co-investigating judge also benefitted from additional personnel under non-reimbursable loan arrangements and additional interns allocated to the Office. This enhanced capacity accelerated the pace of the investigations.
18. Further, 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.

### 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

<sup>5</sup> Rule 66*bis*. The decision to use Rule 66*bis* is required by law to be made at the closure notice stage.

<sup>6</sup> Rule 89*quater*.

international co-investigating judge and the English translation of the closing order of the national co-investigating judge.

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