

**BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

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**CO-PROSECUTORS' AND CIVIL PARTY LEAD CO-LAWYERS' JOINT REQUEST  
FOR ADDITIONAL TIME TO EXAMINE EXPERTS 2-TCE-81 AND 2-TCE-82**

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## REQUEST

1. On 3 June 2016, the Trial Chamber Senior Legal Officer communicated by email to the parties a list of 12 witnesses, civil parties and experts selected by the Trial Chamber to testify during the regulation of marriage segment of the trial in Case 002/02.<sup>1</sup> The list attached to the email sets out the expected order of appearance as well as the time allocation for each witness, civil party, and expert to be called. Two experts on the regulation of marriage during the Democratic Kampuchea (“DK”) period, 2-TCE-81 and 2-TCE-82, are expected to testify at the end of this segment for one day each. According to the list provided by the Trial Chamber Senior Legal Officer, the Prosecution and the Civil Party Co-Lead Lawyers will be allocated half a day, shared between them, to put questions to each expert.
2. The Co-Prosecutors and Civil Party Co-Lead Lawyers request that the Trial Chamber modify the proposed schedule by allocating a total of 1.5 days for each expert. This request is justified by the necessity to explore the policy of regulation of marriage in full detail. Much research has been conducted and published on this topic and the complicated issues involved affect thousands of victims. The Co-Prosecutors and Civil Party Co-Lead Lawyers highlight that sharing three sessions to examine each expert would provide an adequate opportunity to question 2-TCE-81 and 2-TCE-82 to the full extent necessary to ensure that the Trial Chamber has a complete overview of the experts’ knowledge on the subject.
3. The Civil Party Co-Lead Lawyers consider that they need additional time to show the extent of the harm suffered by the Civil Parties as victims of the alleged nationwide policy of regulation of marriage enforced by the DK regime. Seven hundred seventy-nine (779) civil parties are admitted to Case 002 as victims of regulation of marriage, of which four hundred and seventy-four (474) are direct victims. This group of civil parties is amongst the largest sub-sets of civil parties within the consolidated group and demonstrates the massive number of victims of this alleged crime – female and male victims who come from all levels of society, both within and outside of the Communist Party of Kampuchea and

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<sup>1</sup> Email from Kenneth W. Roberts, SLO, to the parties, sent 3 June 2016 at 13:51 and entitled “List of Witnesses, Civil Parties and Experts on the Regulation of Marriage”.

who were forcibly married throughout each of the zones of DK. Therefore, a reasonable amount of time should be dedicated to the subject in order to allow the Trial Chamber to properly assess the physical and psychological harm suffered by civil parties at the time of the events, as well as the long-lasting consequences for the victims and Cambodian society in general. A full discussion of harm is crucial to demonstrate whether the regulation of marriage during the DK regime was of such gravity and seriousness that it constituted the crime against humanity of other inhumane acts.

4. As the Prosecution has the burden of proof and this is the first time the policy of regulation of marriage is being examined by the Trial Chamber, the Co-Prosecutors require additional time to, amongst other topics, explore how the expert opinions relate to other evidence before the Chamber.
5. For all of these reasons, the Co-Prosecutors and the Civil Party Co-Lead Lawyers respectfully request the Trial Chamber to allocate six sessions (one and a half days) to hear each of the two regulation of marriage experts, 2-TCE-81 and 2-TCE-82.

Respectfully submitted,

<b>Date</b>	<b>Name</b>	<b>Place</b>	<b>Signature</b>
5 August 2016	CHEA Leang Co-Prosecutor	Phnom Penh	
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