



## **Time limits on questioning unfair, Duch defence argue**

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*As the trial process drags on, judges have suggested limiting the amount of time allotted for examination of witnesses.*

The international co-lawyer for Kaing Guek Eav, alias Duch, on Tuesday objected to a plan to limit questioning on the operations of Tuol Sleng and the Choeung Ek killing fields, saying it was unfair to the defence team.

Presiding Judge Nil Nonn said Tuesday that prosecutors and civil parties would be allowed to question Duch about the torture facility and killing fields for three hours each, while the defence team would be given a total of four hours.

Francois Roux, Duch's co-lawyer, said he did not understand why the co-prosecutors and civil parties would be given a combined six hours to question Duch while the defence would receive only four hours.

"The defence should at the very least have ... the same speaking time as all its opponents together," he said. "Even when you are accused and charged with the worst crimes, you are entitled to a fair defence, and a fair defence at the very least requires a fair and balanced allocation of time."

He said the defence team could raise the issue of this "imbalance" in "the framework of an appeal".

Deputy co-prosecutor William Smith argued that the prosecution's role - to prove charges against Duch "beyond a reasonable doubt" - was different from that of the civil parties, saying it would be inaccurate to describe the civil parties and the prosecution as "one super-prosecution office".

### **Time crunch**

The announcement came one day after Judge Silvia Cartwright outlined a plan to limit the amount of time allotted for the questioning of witnesses in an effort to complete the trial "as soon as possible while maintaining the fairness of the proceedings".

She noted that parties' estimates as to when the trial could be completed, offered during a Thursday trial management meeting, ranged from August to December of this year.

Though she noted that the Trial Chamber would "assess the time it thinks appropriate for the hearing of each witness on a case-by-case basis", she said prosecutors would "generally" be given 30 minutes for questioning, while civil parties and the defence team would be given 40 minutes each.

Legal communications officer Lars Olsen said Tuesday that the attempt to impose time limits on the questioning of Duch and of witnesses marked a change on the part of the Trial Chamber.

"Earlier they would not do this," he said, adding, "They have allocated more time to Duch because obviously he is the key."

Speaking of time limitations generally, civil party lawyer Alain Werner said, "I think it's going to depend on the implementation and how flexible they're going to be. We said we were not opposed to a limitation of time if it was done in a fair or equal manner."