



Use of Twitter Stokes Row at Khmer Rouge Court
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Controversial tweets by a Khmer Rouge tribunal judge have inflamed a damaging public spat between the UN and Cambodia and raised questions over how Twitter is used in the courts.

Laurent Kasper-Ansermet has angered Phnom Penh by using the micro-blogging site to draw attention to the court's much-criticized handling of two possible new Khmer Rouge crimes against humanity cases.

Cambodia, which opposes prosecutions beyond two initial trials, has refused to endorse him as a new investigating judge, effectively halting new work at the UN-backed court, which was set up to seek justice for the deaths of up to two million people during the regime's 1975-79 rule.

"Does my known determination to investigate cases three and four explain the opposition by some to my official nomination?" said the Swiss judge in a January 15 tweet in French after hearing his appointment had been rejected.

That post broke with his previous reluctance to air a direct opinion on proceedings, but @LKasperAnsermet has since been silent on the Khmer Rouge tribunal.

"I would say I don't want to put oil on the fire. It's a sensitive issue," he told AFP, acknowledging the stir he had caused.

Last month Phnom Penh issued a statement saying the tweets "violate" judicial ethics and could "cause confusion or doubts" regarding his impartiality.

Kasper-Ansermet stressed that most of his posts were links to news articles and date back to when he was still a reserve judge.

"I was interested in what was happening at the court," he said. "At no time did I express my personal view or disclose any confidential information."

The United Nations has called Cambodia's "ethical concerns" about the judge "unfounded" and stands by the appointment, which filled the vacancy created when a German judge abruptly resigned in October citing political interference at the court.

The brutal Khmer Rouge presided over the deaths of almost a quarter of the country's population through starvation, overwork and execution in a bid to create an agrarian utopia.

But the Cambodian government, which counts many former Khmer Rouge members among its ranks, strongly objects to trials beyond the court's first two cases involving a former prison chief and three top ex-regime leaders, claiming that going after more suspects could destabilise the country.

While observers agree that Phnom Penh is using the tweets as a pretext to obstruct further prosecutions, they say the Twitter-friendly Swiss judge has provided the government with ammunition.

"The general view is it would have been better if judge Kasper-Ansermet had been more prudent in his use of Twitter," said Clair Duffy from the Open Society Justice Initiative, funded by US billionaire George Soros.

Most of the several dozen tweets, which can be traced back to May, are links to media articles about the controversies surrounding the potential new cases, as well as links to statements by court officials involved in the inquiries.

"So he represents a variety of views," said Duffy, "but the majority of those views were critical."

Lawyer Michael Karnavas, who is defending a former Khmer Rouge foreign minister in the court's current second trial, said Kasper-Ansermet's tweeting was "inappropriate" and showed a lapse of judicial judgement.

"It's become a major distraction," Karnavas said. "I think he should probably do the honorable thing and just resign."

"I'm sure he meant no harm," he added, "but the integrity of the tribunal is the bigger picture."

Stephen Gillers, a law professor at New York University who is a judicial ethics expert, said by sharing those articles with his 150-plus followers "he can begin to look like a cheerleader for a point of view".

"It does not mean he will be partial in fact, but he will appear so and as the saying goes, the appearance of justice is as important as justice," Gillers told AFP.

Duffy said the use of social media by judges was an "emerging trend", but said it presents an ethical challenge for the legal profession.

“Given their responsibility in upholding the highest office in the judicial system, I think it’s always going to be better for judges to err on the side of caution with all of their public communications,” she said.

Kasper-Ansermet acknowledged the controversy his tweets have caused, but said that ever more judges were joining Twitter.

“What gives rise to debate today will surprise no one tomorrow,” he said.