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AVI staff member Jane MacDonald spoke with returned volunteer Lyma Ngyuen about her work as an International Criminal Law Advisor to Legal Aid of Cambodia in 2010, and how she continues to fight for human rights back here in Australia.

Can you please give AVI readers an update of your work since completing your AVI assignment?

Much has happened since completing my AVI assignment as International Criminal Law Advisor to Legal Aid of Cambodia in 2011. No doubt in part due to my work with the Cambodian legal profession, I was recognised by the Department of Foreign Affairs and Trade as a Civilian Expert on Law and Justice, and enlisted on the Australian Civilian Corp Register for rapid deployment to fragile and post-conflict states. I've recently made a transition from being a prosecutor in the public service to working as a barrister in private practice at William Forster Chambers in Darwin.

I have continued my pro bono work representing Civil Parties at the Extraordinary Chambers in the Courts of Cambodia, with funding from the Prime Minister's Endeavour Executive Award, which aimed to further develop professional networks with colleagues in Cambodia. Recently, I was awarded the Churchill Fellowship for 2014, which I will use to build expertise in the practice of international criminal justice by examining the operation of international courts and preparing victim representation in a genocide trial before the Khmer Rouge Tribunal.

In 2010 you worked with Legal Aid of Cambodia (LAC) for eight months. Are you still working with LAC now and if yes, in what capacity?

In 2012, AVI established a placement for an Assistant Lawyer to work with Civil Party Lawyers at Legal Aid of Cambodia. And during my placement in 2010/2011, I supervised some legal interns from Macquarie University through AVI's Pace program, so there have been many strong bonds made and maintained since my placement with AVI.

Can you provide an insight/update on the progression of the 002/02 case? Have there been any significant wins or positive outcomes achieved for clients since your assignment? On the contrary, any set-backs?

The next sub-trial (Case 002/02) concerns the genocide of the ethnic Vietnamese at the hands of Pol Pot's regime. This is the main case I have been working on for the past six years, and the case that has the most impact on the majority of my clients. Funding at the court, the age and health status of the defendants, and delays brought about by the enormity of the case file have created consistent set-backs. Since Case 002 first began, one defendant has been found unfit to stand trial (IENG Thirith) and another has passed away (IENG Sary). The passing of time also means that key witnesses and victims pass away, and with their passing, their memories – the evidence.

On the other hand, sensitive issues with regard to nationality rights (which form a part of my ethnic Vietnamese clients' reparation claims) have been aired in Cambodia, and there has been a lot more awareness raised about the human rights plight of this minority sub-group following the publication of a Legal Report, "[A Boat Without Anchors](#): A Report on the Legal Status of Ethnic Vietnamese Minority Populations in Cambodia under Domestic and International Laws Governing Nationality and Statelessness."

Working to represent victims of genocide through consultation with their family members, colleagues and friends must be personally challenging, are there times when it becomes overwhelming?

I find that interviewing and taking statements from victims of the Khmer Rouge regime, has at times, been an overwhelming experience because when you stand face to face with someone who suffered mass atrocities, you can get lost in their stories. Particularly as I am someone who tends to easily put myself in another's shoes, I find that listening to victims recount experiences of trauma, unspeakable horror and tragedy, to be very confronting. The fact that I can take statements in the Vietnamese language and translate them into English also means that there is no barrier or intermediary as one would experience when hearing such stories through translation and interpretation.



About the photo: Lyma interviews a victim of the Khmer Rouge at the victim's home

"Human rights are underpinned by two fundamental principles: human equality and human freedom. We all come into the world equal in our inability to choose 1) to exist at all, and 2) into what circumstances we exist. Once we exist, we are equal, because of our same collective and individual inability to choose the very basic premises of our existence. The rest, from existence onwards, is entirely up to us. We can make history with our choices. That has always been my strong belief. And maybe that is linked with being born a refugee, and seeing first-hand that something can be made out of nothing."

How has working on the Khmer Rouge trials impacted your life and/or career?

AVI's support in 2010/11 enabled me - in collaboration with local partners from Legal Aid of Cambodia - to provide effective pro bono legal services to victims of serious international crimes committed in the 1970s by the Pol Pot regime. And that opportunity has led to other opportunities, all of which have been very rewarding experiences, both personally and professionally.

Working on the Khmer Rouge trials has become a very real and substantive part of my life and career over the past six years. I never thought it would last this long when I first started in 2008, but I remain committed to see this trial through. The work has also presented many opportunities and I have no doubt that it has been part of the amalgam of activities that had led me to where I am today, in terms of my practise as a barrister, and the achievements I have made with the Australian Civilian Corp (2012), the Prime Minister's Endeavour Executive Award (2013) and more recently, the Churchill Fellowship (2014).

About the photo: Lyma in court in Cambodia.

This is a position of Australian Volunteers for International Development (AVID), an Australian Government initiative.

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The Australian Government is working in partnership to send Australian volunteers overseas through the Australian Volunteers for International Development program