

The Australian Women's Register

Entry type: Person
Entry ID: AWE5724

Nguyen, Lyma

Occupation Advocate, Barrister, Lawyer, Legal officer, Solicitor

Summary

Lyma Nguyen, an advocate whose earliest memories stem back to the Indonesian refugee camp in which she was born, has devoted the better part of her young life to human rights; she has particularly concerned herself with advancing criminal justice domestically and in the international sphere. Nguyen practises at the Northern Territory Bar in Darwin and also appears before the Khmer Rouge Tribunal (the Extraordinary Chambers in the Courts of Cambodia (ECCC)). In 2009, Nguyen became the first Australian woman to be admitted as International Counsel for Civil Parties in the ECCC. She acts on behalf of ethnic Vietnamese Cambodians – as well as foreign nationals from Australia, New Zealand and the United States – who suffered during the Khmer Rouge regime. In recognition of indefatigable, pro bono work for the rights of ethnic minority Vietnamese in Cambodia, Nguyen was awarded an Australian Prime Minister's Executive Endeavour Award in 2013.

Lyma Nguyen was interviewed by Kim Rubenstein for the Trailblazing Women and the Law Oral History Project. For details of the interview see the National Library of Australia [CATALOGUE RECORD](#).

Details

Lyma Nguyen was born in a refugee camp on Kuku Island, Indonesia. Just days before her birth, her mother was taken from the dilapidated vessel that had borne the family from Vietnam and transported by helicopter to the Indonesian mainland. The story of Nguyen's birth and the mystery of whether she was named for the call signal 'Lima', possibly used on the helicopter that brought her to safety, are told in the book, *Boat People: Personal Stories from the Vietnamese Exodus: 1975-1996*, edited by Carina Hoang. Nguyen's earliest memories are of her childhood in the refugee camp, before settling in Brisbane via Perth, Australia.

Educated first at the local primary school in Darra, Brisbane, before receiving her secondary schooling at Brigidine College, Indooroopilly, Nguyen's interest in human rights was awakened when she became president of Brigidine's Amnesty International group. In 2001, Nguyen began studying arts and law at the University of Queensland. Her law studies, focused on international law, peacekeeping and international institutions, and human rights law, would stand her in good stead for her future work, particularly at the Khmer Rouge Tribunal.

In 2001 – the time of the International Force for East Timor, the multinational, non-United Nations peacekeeping taskforce which was organised and led by Australia – Nguyen's involvement with the United Nations' Student Association at university saw her travel to Timor-Leste to teach English to children – including orphans – in Los Palos.

Back in Australia, in 2002 she was elected president of the University's chapter of Amnesty International. She also became a student councillor, supporting projects with the Red Cross and Oxfam. The same year, Nguyen returned to Timor-Leste, where she witnessed the withdrawal of the International Force for East Timor and the student rioting which resulted.

In 2004, Nguyen travelled to south-eastern Nigeria where she taught French to high school students in Anambra State. The following year, her legal studies took her to Canada's University of British Columbia. In 2006, Nguyen undertook an international clerkship with the Singaporean law firm, Drew & Napier LLC; it was here that she fatefully met Mahdev Mohan, who would introduce her to the work being undertaken at the Khmer Rouge Tribunal.

Graduating with a combined degree in 2006, Nguyen accepted a position with the Department of Immigration's Brisbane office. She was there only a short time before she felt drawn to Canberra to work as a legal officer with the International Transfer of Prisoners Scheme, International Criminal Law Division of the Attorney-General's Department.

While she was at the Attorney-General's Department Mohan contacted Nguyen: he was preparing victim class action claims being heard in the Khmer Rouge Tribunal and wondered if Nguyen might be interested in assisting him. She was, and in 2008, Nguyen travelled to Cambodia where she made contact with the Khmer Kampuchea Krom Human Rights

Organisation, which was conducting 'outreach' to the floating Vietnamese villages. Nguyen helped four complainants to fill out forms to submit to the Khmer Rouge Tribunal. They would be the first of many she helped.

After returning to Australia, Nguyen joined the Office of the Commonwealth Director of Public Prosecutions (DPP) in a legal policy role which was concerned with human trafficking, slavery and sexual servitude offences. In 2009, seeking prosecution experience, Nguyen successfully applied for a transfer to the Darwin office of the DPP.

The same year, she was admitted as International Counsel for Civil Parties in the Khmer Rouge Tribunal. The Tribunal was established in 2003 through an agreement between the Government of Cambodia and the United Nations and the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia; Nguyen has noted that "[t]his was the very first time in international criminal law history that victims of crime were permitted to join the proceedings of an internationalised court as 'civil parties', with a mandate to support the prosecution, and to seek 'moral and collective reparations' for harm suffered" [Nguyen].

Nguyen's ability to converse in French and Vietnamese has provided her with a crucial link to the minority ethnic Vietnamese Cambodians she represents at the Khmer Rouge Tribunal, victims and claimants who have spoken "of horrific crimes – mass deportation to Vietnam, torture, cannibalism, rape, the singling out of members of their group, mass executions of family members, details about the methods of killing and torture; things that would make any ordinary person wretch and cry" [Nguyen].

All the time she was at the DPP, Nguyen continued to work doggedly, in her own time, at the Tribunal, initially with the non-governmental organisation, Access to Justice Asia. In 2010, with Australian Volunteers International and Legal Aid Cambodia, Nguyen prepared victim compensation claims for over 100 survivors, in cases that began before the Tribunal had finalised the trial hearings. Nguyen, working as an International Civil Party Lawyer in the Tribunal, represented a variety of victim groups, including foreign nationals from Australia, New Zealand and the United States who had lost family members through Khmer Rouge policies against foreign nationals.

Together with national colleagues from Legal Aid of Cambodia, she has provided pro bono legal representation for victims across cases 002, 003 and 004, including for ethnic Vietnamese minority victims of Cambodia's genocide, foreign nationals who are victims of crimes at S21 (the torture centre in Phnom Penh), and members of the Cambodian diaspora.

In 2011 Nguyen completed a Master of Laws degree which focussed on International Law, at the Australian National University (ANU). Together with Christoph Sperfeldt of the ANU, she was author in 2012 of a research paper: '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' [Nguyen and Sperfeldt]. The same year, Nguyen was enlisted by the Department of Foreign Affairs and Trade as a Law and Justice Civilian Expert on the register of the Australian Civilian Corps, for rapid deployment to fragile or post-conflict situations.

In recognition of her dedication to the rights of ethnic minority Vietnamese in Cambodia, in 2013 Nguyen was honoured with an Australian Prime Minister's Executive Endeavour Award for her work representing ethnic Vietnamese victims of the Khmer Rouge [Marcham].

In 2014, Nguyen was awarded a Churchill Fellowship. She used the fellowship to increase her expertise in the practice of international criminal justice by examining the operation of international courts and preparing victim representation in the genocide trial before the Khmer Rouge Tribunal.

In June of the same year, Nguyen left her role at the DPP to read at the Northern Territory Bar in Darwin.

Believing that "the ECCC could help repair race relations between Khmer and Vietnamese, in addition to finding justice for millions affected by the Khmer Rouge's murderous rule" [Phan], Nguyen continues to have a significant impact on the lives of the Vietnamese ethnic minority and foreign national victims whom she represents in the Khmer Rouge Tribunal.

Published resources

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

Archival resources

National Library of Australia, Oral History and Folklore Collection

[Lyma Nguyen interviewed by Kim Rubenstein in the Trailblazing women and the law oral history project](#)

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