

Ms. Caroline Apps
Executive Officer
Law Foundation of South Australia Inc.
180 Greenhill Road, Parkside
Adelaide, SA 5063

29 August 2019

Dear Ms. Apps,

I am writing to sincerely thank the Law Foundation of South Australia for generously awarding me a Human Rights Scholarship of \$5000 to undertake the University of Adelaide Law School Human Rights Internship Programme in 2019.

I undertook a 6-month full-time legal internship from January-June 2019 at the Extraordinary Chambers in the Courts of Cambodia (ECCC), in the Office of the International Co-Investigating Judge.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) is a special Cambodian court and hybrid tribunal, internationally assisted by the United Nations Assistance to the Khmer Rouge Tribunal (UNAKRT). The court's temporal jurisdiction is from 17 April 1975, when Phnom Penh was evacuated by Khmer Rouge, to 7 January 1979 when the Vietnamese invaded and assumed control of Phnom Penh.

During the Democratic Kampuchea (DK) regime, "at least 1.7 million people are estimated to have died from starvation, torture, execution, genocide and forced labour." Cambodian civil war followed the overthrown Khmer Rouge until 1998. In 1997, the Royal Government of Cambodia formally requested the assistance of the United Nations in establishing the ECCC to prosecute the senior leaders of the Khmer Rouge and those most responsible for grave violations of Cambodian and international law. The ECCC was consequently created through legislation passed through the Cambodian National Assembly in 2001.

As a hybrid tribunal, the ECCC is located in Phnom Penh, Cambodia, and operates with "international participation to help overcome some of the weaknesses of the Cambodian legal system, the international nature of the crimes, and to help meet international standards of justice". Despite being established by the Cambodian government and the UN, the ECCC remains independent of both institutions. Four major cases have been investigated at the ECCC, being Case 001, Case 002, Case 003, and Case 004. These cases involve the crimes of war crimes, crimes against humanity, genocide, and crimes under national Cambodian law.

During my internship at the ECCC, I worked as a legal intern in the Office of the Co-Investigating International Judge. I worked on the drafting of the Case 004 Closing Order, the last case before the OCIJ to be sent for indictment and to trial, or dismissal, as part of a legal investigative and analytical team. In my role, I undertook legal research and factual analysis, and I analysed and managed case file evidence. I assisted Legal Officers and the Judge in their legal and supportive responsibilities, and I contributed to the Case 004 Closing Order through checking the style and formatting of the document, substantiating the evidence against the crimes, reconciling conflicting evidence, and drafting sections of the Closing Order itself.

My internship at the ECCC has been critical to the development of my practical legal and investigative skills, attention to detail, and my ability to communicate complex factual and legal situations clearly and concisely – all of which were critical in analysing evidence. I strongly believe that the skills that I have developed at the ECCC are highly transferrable to my junior legal career now and into the future.

My internship also gave me a significant opportunity to learn from and network with many legal professionals in the field of I.C.L. In particular, I coordinated "Justice Talks", a monthly ECCC intern initiative involving speakers from diverse legal backgrounds discussing critical issues of international law and human rights, and providing career advice, as a platform for engagement open to the entire ECCC community.

I personally found it to be a fascinating time to be working in the OCIJ as the Closing Order for Case 004 was both politically and legally contentious. The ECCC has seen significant disagreement over the past few years, particularly between the National and International Co-Investigating Judges, each filing conflicting orders for dismissal and indictment of Case 003, Case 004/02 and most recently, Case 004, on the basis of personal jurisdiction. As resolving these conflicting Closing Orders is completely new legal ground for the ECCC, many legal questions have been raised on potential impacts on fair trial rights such as undue delay and legal certainty.

Above all, after interning in this field, I am acutely aware of not only the gravity of these crimes, but also the significant difficulties that lie in evidentiary and legal substantiation, and how this process cannot be undertaken lightly or quickly. Not only is the legal reputation of the ECCC at stake, or more broadly the effectiveness of international criminal tribunals, but above all, the right of the Cambodian people to truth and justice.

It was an honour and a privilege to intern at the ECCC, with UNAKRT in the Office of the Co-Investigating Judges. It was an extraordinary experience and I was immensely fortunate to work with fantastic colleagues and interns alike, from all over the world, who have provided me with invaluable insights into the field of International Criminal Law. Working with my team was highly rewarding. Even though the subject-matter of our work was intense, everyone was highly motivated. We all played an integral role in the team and were all equally reliant on each other, from the Judge, to the legal officers, to the interns.

This experience would not have been possible for me without the generosity and support of the Law Foundation of SA through the Human Rights Scholarship. I feel incredibly fortunate to have been granted this wonderful and invaluable opportunity. This has further reinforced my aspirations towards post-graduate legal study, and a career in the international legal field.

My deepest thanks.

Sincerely,



India Hopkins