

DON'T CRY FOR US EAST TIMOR

Don't cry for us East Timor
The truth is we always leave you
and through those wild days
of mad resistance
We broke our promise
We kept our distance

Sometimes memory plays tricks on you. You wind up remembering only what you want to remember and in the way you want to remember it. So feel free to correct me because you may remember it the right way and I don't want to stand accused of distorting history. Were we, or were we not, part of the crowd that guaranteed a free fair and safe vote to the East Timorese in the referendum for independence about a month ago? My recollection is that we were. If I am right we Australians are in the middle of one of the most comprehensive and exquisite cockups in our post colonial history.

It is easy to be an armchair strategist. It is even easier to determine the right foreign policy approach after the event has unfolded. But didn't the Jakarta-backed militia say they intended to crucify the East Timorese if the vote went against them? Did we just think they were kidding around or did we just take a chance that the worst nightmare of the Timorese would not materialise? I don't know. I just keep reading the messages that go up on the barn wall like the rest of you. Of course it could be *double think* that is the power of holding two contradictory beliefs in one's mind simultaneously and accepting both of them. I wonder, though, whether we are smart enough to do that.

1975 was a difficult year for we emerging Australians. Gough

was taking a pizzling. Rex Conner had lent a new definition to the word idiot. Sherbert was hanging around the music scene like a mouth ulcer. Junie Morosi had left Canberra taking all the sex out of politics and leaving the great but flawed Jim Cairns looking like Billy McMahon on a bad day. We were still coming to grips with drinking wine out of bottles and the eating of antipasto needed a delicate approach. Sir Garfield Barwick was still Chief Justice of the High Court and Section 260 of the Income Tax Assessment Act still had no balls. In that threatening atmosphere we obligingly opened the door for the Indonesians to occupy East Timor and then in a unique world move recognised that nation's sovereignty over the territory. Bully for us! Hills hoist diplomacy at its most adroit. We even applied it in our own backyard. Crack a cold one and dream of Abigail.

Of course that bonzer move didn't have anything to do with the fact that the Timor Sea might be rich for the pickings in oil and gas and that a sweetheart deal with Indonesia was the way to bust open the till. It had loftier motives like making friends and developing a workable foreign policy. We embarked on the yellow brick road but now we know what happens when the lion doesn't find a heart. Bugger Valhalla. We cut the cards with the big guys and left the little people to carry the drinks.

I suppose we did the best we believed we could at the time. How were we to see that the supplication of a neighbour would become so intensely embarrassing for us and so deadly for the East Timorese? The

fact that we watched the brutal subjugation of a society almost as close to us as Mataranka did not affect many of us. Out there on the fringe we watched the *crazies* as they protested and yelled betrayal. Their groups were often small and they appeared utterly misguided as our friendship with Indonesia became ever so much more accommodating. They had one thing that most of us lacked, a memory. They were also brave. We all believe that we can be brave but like the man with the talent we spend most of our lives waiting for the right time to dig it up. The vast majority of us die waiting.

In our frenzy to condemn the acts of barbarism that are taking place so close to us it is best we remember that there are many Indonesian people who do not condone the policies of their government or the actions of the armed forces. They deserve our respect and support, for with them a future can be constructed.

The one heartening thing is that the Australian community has responded at last in a way that has driven our government beyond the subdued niceties of international diplomacy into taking action. Very late action and far too late for many Timorese but action nonetheless. Bellicose statements about sending in the troops without international sanction have immediate coffee shop appeal. First we take Manhattan then we take Berlin. But war is a big step and we all know that the quickest way to end a war is to lose it.

The problem I have is the way we put the Timorese into such



Jon Tippett

a murderous situation in the first place. That is a stain we will find very hard to remove and if I were a Timorese I would find it very hard to forget.

What then of we legal disciples? Do we have a part to play in all of this apart from wringing our hands in frustration and regret? I think we do. At least I hope we do. Already a number of people have signed up to assist the Red Cross. Legal organisations must consider giving generously of their time and their funds in support of the recovery of East Timor. It is possible that a War Crimes Tribunal will be established and we should be ready to give whatever support such a body may seek from the local profession. Good luck Mary Robinson.

Our legal system has for the most part enshrined in our society the value of liberty. That is except in the Northern Territory where political troglodytes have a habit of turning out legislative idols in their own image. Mandatory sentencing has done for the value we place upon liberty, and the dignity of our own indigenous population, what the Asian crisis did for the rupiah. It has the essence of the same knuckle dragging philosophy that led us to turn our backs on the East Timorese in the first place.

Unlike some of our forebears most of us have not had to risk our person to secure freedom. Unlike the Timorese we have

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MOVEMENT AT THE STATION

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are now at:
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Alice Springs 0870
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Pamela Ditton is now a consultant to
Ditton, Budrikis and McNamara,
Lawyers

Traci Keys

Has moved to take up a position at:
McGrath and Co
Tasmania
Tel: 03 6431 1422 Fax: 03 6431 7499

Darwin Community Legal Service

New contact details:
Phone: 8982 1111
Freecall: 1800 812 953
Fax: 8982 1112
Email: info@dcls.org.au

The former Top End Advocacy Service (TEAS) and the former Disability Discrimination Service (DDS) will now be the **Disability Rights Team (RDT)** and the **Residential Care Rights Team (RACRT)**.

Domestic Violence Legal Help (DVLH), Welfare Rights Service (WRS) and free legal advice sessions will continue.

Gina O'Rourke

is now with:
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Martin Carter

Wishes to inform the profession that he has commenced practice solely as counsel. His address is:
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not had to decide if we would come out of the hills to vote for it in the knowledge that our lives may be forsaken because we seek freedom. It seems to me that the idea of freedom becomes troubled when a society feels little for the liberty of an individual who commits a trivial property offence. Perhaps I am getting the two things confused. Perhaps freedom is the freedom to say that two plus two make four. It has always been our call.

The Chief Minister has been quick to condemn the Indonesian government for its breaches of United Nations conventions while at the same time dismissing national and international condemnation of our system of mandatory sentencing as interference in the business of the Northern Territory. Pure if not flagrant hypocrisy. At the present time sentencing provisions in the Northern Territory relating to juveniles are in clear breach of Article 37 of the *International Covenant on the Rights of the Child*. The regime has also placed the Territory in breach of Articles 7, 9 and 10(3) of the *International Covenant of Civil and Political Rights* in relation to the sentencing of adult offenders. It sits ill in the mouths of representatives of the Northern Territory Govern-

ment to engage in political grandstanding about the failure of other governments to adhere to their international political obligations when their own administration has so miserably failed to do the same thing. A 15 year old Aboriginal boy, who was addicted to the sniffing of petrol, has been given a mandatory 28 days prison term for receiving a small quantity of petrol from fuel that had been stolen earlier by other addicted sniffers. That sentence was a breach of international law. Doesn't it make you feel proud.

Remember that scene at the beginning of "Sunday too Far Away"? The blue sky. The red earth. The FJ hurtling along in an empty landscape. Jack Thompson emerging from the overturned vehicle. Resolute. Walking away from the wreck alone into the distance. There was an innate decency and compassion about the shearer. It was a measure of his toughness. Some how he summed up what we have lost. In its place we drive around the suburbs of Darwin with "NT Outback Australia" displayed on our numberplates. Frauds one and all. Only the reintroduction of fair mindedness into our criminal justice system can redress the shift.

I will be leaving this column for a little

while. That ought to come as a relief to some of you. Unfortunately you may find that you are reading my remarks elsewhere in this publication. Oh frabjous joy, caloo calay! Soon there will be a new president of the Criminal Lawyers Association.

While I will thank each member in person I want to record here what a terrific committee the Association has had during my term as president. My observations in this column have been described by some characters as "pungent", an adjective I have always associated with cheap perfume or the back bar of the old Dolphin Hotel. Well no matter how pungent they have been I have had the liberty to make them with the full support of the committee and for that I am very grateful.

The committee is made up of a sound bunch of people who serve the legal community to the highest of standards. The Criminal Lawyers Association, by their work, has taken its rightful place alongside the more established legal organisations such as the Law Society and the Bar Association. In the future it has a huge amount to contribute.

I go adieu. Oh! My thanks to George Orwell for his help in compiling this column. Now there was a bloke with ideas.