

Court rules Balibo killings a war crime

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On November 16, NSW deputy coroner Dorelle Pinch ruled that five journalists from Australia's Seven and Ten commercial TV networks who died in the East Timorese town of Balibo on October 16, 1975, were not killed by crossfire (which is what Australian authorities have previously maintained) but were deliberately murdered by invading Indonesian forces, on orders from above in what Pinch ruled to be a "war crime".

In her ruling, Pinch said: "The Balibo Five died at Balibo, in Timor Leste on 16 October 1975, from wounds sustained when [they] were shot and or stabbed deliberately, and not in the heat of battle, by members of the Indonesian special forces, including Christoforus Da Silva and Captain Yunus Yosfiah on the orders of Captain Yosfiah to prevent [them] from revealing that Indonesian special forces had participated in the attack on Balibo. There is strong circumstantial evidence that those orders emanated from the head of the Indonesian Special Forces, Major General Benny Murdani, to Colonel Dading Kalbuadi, Special Forces Group Commander in Timor, and then to Captain Yosfiah."

Malcolm Rennie, Brian Peters, Greg Shackleton, Tony Stewart and Gary Cunningham, who were all under 30 at the time of their deaths, travelled to Balibo to investigate reports, at the time vigorously denied by Jakarta and Canberra, that Indonesian troops were attacking East Timorese territory. The April 1974 "Carnation Revolution" in Portugal had allowed East Timor, a Portuguese colony for 500 years, to begin a process of decolonisation.

An independent, democratic East Timor, particularly under the leadership of the then leftward-leaning Revolutionary Front for an Independent East Timor (FRETILIN), would provide an example to the Indonesian people that would be unwelcome for that country's military dictator General Suharto, who had seized power in a 1965-66 CIA-backed coup that cost a million lives. Suharto's fears of the subversive potential of an independent East Timor were quietly fuelled by Australia. As then ambassador to Jakarta Richard Woolcott noted in memo dated September 24, 1974, "It is worth recording — for limited distribution only — that the Prime Minister [Gough Whitlam] put his views on this subject frankly in the following way: 'I am in favour of incorporation [of East Timor into Indonesia] but obeisance has to be made to self-determination. I do not want it [East Timor] incorporated in a way which will create argument in Australia which would make people more critical of Indonesia.'"

The reasons for Australia favouring an Indonesian-occupied East Timor were spelled out by Woolcott in his infamous August 1975 cable: "It would seem to me that this department [the Department of Minerals and Energy] might well have an interest in closing the present gap in the agreed sea border and this could be more readily negotiated with Indonesia than with Portugal or an independent Portuguese Timor. I know I'm recommending a pragmatic rather than a principled stand but that is what national interest and foreign policy is all about."

A foreign affairs department minute of October 15, 1975, a day before the journalists' murder, again spelled out the policy of quiet support for, but public disassociation from, the Indonesian invasion: "We should be able to seek Indonesian understanding of our wish to express disquiet. We would not be doing anything physically to prevent Indonesia from doing whatever it might believe it has to do. We would simply be asking the Indonesians to allow us publicly to disassociate ourselves from

Indonesian military intervention.”

Canberra's desperation not to be known to have prior knowledge of Jakarta's invasion plans not only sealed the fate of the five journalists about to expose them to the world, but ensured a cover-up lasting over 30 years. Australia intercepted Indonesian military communications that showed that the journalists were being tracked and that orders were given for their elimination. Then defence minister Bill Morrison testified to the inquest that he knew immediately that the journalists had been killed but maintained that he didn't tell Whitlam for five days, something Whitlam himself maintained when he testified before the inquest in May. The families of the journalists were initially not told that their relatives were dead, then fed the “killed in crossfire” story.

Australia's deliberate ignorance on the fate of the Balibo 5 meant that following its December 7, 1975, invasion of the Timorese capital Dili, the Indonesian army had no reservations about summararily (and publically) executing another Australian journalist, Roger East. There has never been any investigation into his death.

On November 7, the Australian ran a story by journalist Geraldine Willesee about the secrets told to her by her father, Whitlam's foreign minister, Don Willesee, who died in 2003 “hounded by guilt” from his government's responsibility for the 200,000 East Timorese deaths under Indonesian occupation (which ended in 1999). She also revealed that when she had, in the late '70s, confronted her father about the fate of the five journalists he had angrily responded, “Of course they bloody well murdered them!” Furthermore, he had attempted (unsuccessfully) to let the families know that the journalists were dead while the government was still denying any knowledge.

Successive Australian governments have also tried to shift the blame for the deaths onto the journalists themselves. Whitlam maintained this stance in his testimony to the inquest, claiming that he had personally warned Shackleton not to go to Balibo. Not only does this contradict his assertion of having no knowledge that Indonesian forces were in East Timor at the time, Shackleton's widow, Shirley Shackleton, pointed out that her husband never mentioned this in any of the conversations he had with anyone prior to leaving for Balibo and dismissed it, along with Whitlam's claim that his ministers failed to immediately inform him of the deaths. Speaking to journalists outside the court on May 8 she described the former PM as “despicable”.

For over 30 years Shirley Shackleton has been at the forefront of campaigns demanding justice for her husband and the other murdered journalists and for the people of East Timor. That the inquest was finally held, and that its verdict deemed the journalists' murder a war crime, was a victory for these campaigns. Since the verdict, representatives of both the outgoing and incoming Australian governments have made references (albeit extremely vague ones) to bringing the Indonesian perpetrators to justice. However, while Pinch vindicated what supporters of East Timor and press freedom have been saying about the Balibo killings for the past 32 years, she stopped short of ruling that there was an Australian cover-up.

Furthermore, while the East Timor solidarity movement (as well as the 1998 overthrow of Indonesian dictator President Suharto by an uprising) helped bring about the 1999 change in Australian policy, which saw the Indonesian troops replaced with an Australian-led multinational force and East Timor finally gaining political independence, Australian theft of Timorese oil continues. In post-independence negotiations with East Timor, Canberra has resorted to economic blackmail, withdrawal from international conventions such as the UN Convention on the Law of the Sea and interference in East Timor's internal affairs. East Timor currently has an Australian-dominated occupation force, the International Stabilisation Force, that was despatched in 2006 in response to an outbreak of instability that evidence suggests Canberra played a role in fomenting. The struggle for justice continues.

P.S.

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