

People in the Law



Nardine Collier is a Territorian who grew up in Darwin but now lives in Alice Springs and works at Bowden Turner Deane. In January Nardine was made a partner.

Background? I was born and raised in Darwin. I obtained my degree through NTU. I worked as a court orderly, a paralegal, and a librarian whilst struggling through my degree.

Education? Darwin High and NTU.

Why are you here? A question I often ask myself. I had only planned to be in Alice Springs for one month as a locum. I met my husband on the first evening I was here, and the rest as they say, is history.

Other professions considered before law? I was seriously considering becoming a police officer. My boss at the time, Eric Hutton (formerly Clerk of Courts, now a solicitor with Hunt & Hunt) talked me out of it in no uncertain terms! I am indebted to him (most of the time).

What do you like and dislike most about being a lawyer? I dislike the snobbery. I hate timesheets with a passion. I like achieving a good result and love winning a case!

What's the best advice you have ever been given? Don't be a lawyer. Seriously, be honest to yourself and your client.

What is your worst vice? Smoking.

Your favourite Restaurant in the Territory and why? *The Hanuman*. It's dark, the wine's good and the food is perfect.

Your ideal holiday? Eating, drinking, sleeping and lying in the sun. Sounds like my weekends.

Complete this sentence. I couldn't live without... chardonnay, my calculator, my husband, my dog (in no particular order!).

If you were down to your last \$50 what would you buy? A bottle of Chardonnay (to be read in context with question 12) a cheap bottle, so there would be enough to buy a packet of cigs, a magazine, some two minute noodles, and a stamp, to write to mum to ask for some money!

War Crimes

In memory of the 50th anniversary of the signing of the Geneva Conventions, Supreme Court Judge Sir William Kearney CBE will speak at a function organised by the Northern Territory division of the Australian Red Cross about Australian war crimes trials. Meanwhile his associate *Britt Lardelli* writes of the only known war crimes trial to take place on Territory soil.

The Trial of Japanese War criminals - Darwin 1946 - Case notes.

An important chapter in the legal history of the Northern Territory occurred during 1946. In March that year, nine Japanese soldiers were tried for the ill treatment of prisoners of war in Timor on several occasions during 1943 and 1944. In April of 1946, ten Japanese soldiers were tried for the murder of two prisoners of war in Timor in June 1943. Both trials were conducted before an Australian Military Court at Darwin constituted and governed by the *War Crimes Act and Regulations*.

The crown facts alleged that the deceased were prisoners of war held outside a village near Koepang, Timor. For no apparent reason their hands were tied behind their backs, they were blindfolded and taken by truck with an Indonesian prisoner and summarily executed. The prosecutor relied upon oral evidence from two "native" witnesses that saw the prisoners of war

conveyed by truck to the place of execution. Certain admissions were tendered without objection that indicated the presence of certain accused at the execution.

The trial commenced with the presentation of convening orders, the Court itself was then sworn, the judge advocate was sworn, the interpreters sworn and the ten accused arraigned. Upon arraignment all accused pleaded not guilty. The prosecution did not open orally but presented a written opening statement which was provided with an exhibit number. The prosecutor then proceeded to tender several statements without an objection from the defending officer.

Five accused were found not guilty and five found guilty. The principal offender was sentenced to death by shooting and his co-accused were sentenced to periods of four or five years imprisonment, with hard labour. The accused appealed from the decision to the Confirming Authority constituted by a single legal officer with the rank of captain. The grounds of appeal included that the sentence of death for the principal offender was unreasonable and excessive; the actions were taken pursuant to a lawful operational order of the superior division; that guards present at the killings were not criminally responsible for an execution carried out by the order of direct superior officers; although the execution was known to have taken place, some of the accused

were stationed at some distance; the driver of the truck knew of the execution beforehand but was only connected by driving the prisoners of war to the place of execution; one of the accused stated in the appeal notice that there was insufficient evidence to convict because he was sick in bed at the time and this could be corroborated by contacting the medical orderly stationed at that time. The appeal was dismissed and the sentences confirmed.

In the trial of March 1946, six soldiers were acquitted of all charges and the remaining soldiers were convicted of beating and torturing prisoners of war. Those convicted appealed and the appeal officer, the Director Legal Services and a brigadier, made a number of observations. He ultimately found that despite a number of irregularities the convictions should be confirmed as no substantial miscarriage of justice had occurred. He found that the joint trial of all accused was incorrect procedure because not all prisoners were charged with the same offence. In addition it was stated that despite the objection of the defending officer, written statements of the alleged victims could be received as evidence without the need for cross-examination. The sentences were ultimately confirmed and the convicted prisoners were sentenced to terms of imprisonment ranging from one to three months.