

Later our guest house owner, Alexander, a retired government official, who spoke excellent English (in addition to Mambai, Tetum and Portuguese), told us that his mother had sold potatoes to the Australian commandos. Hato Builoco was no stranger to violent upheaval. During the Indonesian occupation the soldiers of the resistance had hidden in the mountains nearby. In 1999, after the referendum choosing independence, an Indonesian militia, including men from Hato Builoco itself, had come up from the town of Ainaro and burnt every house in the village. The perpetrators, East Timorese, had then fled with the Indonesians across the border to West Timor where they remained.

While peace had returned to this village development was still a long way off. The government had built an electricity line up to the village and the wires were strung but the power had not been turned on. We talked to a schoolboy of about fourteen who, apart from Alexander, was the only villager we met who spoke English. He went to boarding school in a nearby town. He complained that the government had not managed to bring development to the village. He said that he wished to leave East Timor and would like to go to the UK where his uncle lived and worked.

The next day we arranged to climb Tatamailau (which means 'grandfather of all' in Mambai) with our guide, Iwasebe. We started at 3 am for the three-hour walk, intending to watch the dawn from the summit. We trudged up a badly eroded track in the dark to near the summit and, as we were half an hour early, Iwasebe said we should wait before walking on. After a chilly wait we walked on to the summit. As we reached the summit I understood why we had waited. The wind was bitterly cold. The summit is topped by a three metre high statue of the Virgin Mary, built by the Indonesians in 1997 and an object of pilgrimage during religious festivals for the deeply Catholic population. We sheltered from the wind behind a low wall at its base waiting for the sun. It was cloudy so the dawn was not the spectacular vista we had hoped for.

The walk down the mountain was beautiful in the early morning light. The summit of Foho Tatamailau is clothed

in a forest of Timor Mountain Gum and other ancient and beautiful trees. Between the trees we glimpsed magnificent views to other mountain peaks poking through the clouds. The forest is a protected reserve. There were plenty of birds (although due to a mix up in bags my binoculars had been left behind so I could not identify many of them). Like any Australian eucalypt forest there were screeching flocks of parrots but these were olive-shouldered parrots, found only on Timor and the nearby island of Wetar. There were also pretty little mountain white-eyes, similar to the silver eyes commonly found in eucalypt forest in Australia but these mainly occur at an altitude above 1800 metres. As we walked there were patches of clearing in the forest which Iwasebe told us were the result of lack of enforcement of forest protection during the Indonesian occupation. We saw a couple of very large logs being slid down the mountain on timber runners. Iwasebe told us these were being removed with the permission of the forestry authorities to rebuild a traditional house in a village lower down the mountain and men were physically manhandling the logs down the slope.

Our car and a different driver arrived to take us back to Dili. As we approached Dili my apprehension about travelling on a narrow road with blind turns, a steep drop on one side and heavy traffic was increased by torrential rain and a wet road. Our driver took delight in overtaking the slow moving trucks in front of us and managing to squeeze in just before the next oncoming truck. I asked him to drive more slowly and the rest of the journey was comfortably uneventful. I was relieved to arrive back in Dili.

East Timor is an astonishing and beautiful country. Its people have suffered more than their share of hardship but they are resilient and proud. Poverty is widespread and the people are attempting to build a nation from the ground up. Australians have much to learn from East Timor and its people.

**I am looking forward to the next NTBA conference in Dili from 13 to 16 July 2016. I hope to see you there.**

# The worst of the worst<sup>1</sup>

## Criminal Lawyers Association of the Northern Territory (CLANT)

**Russell Goldflam**  
President  
CLANT

These are strapping young lads, but my goodness gracious me we will crack down on them and we will control them.<sup>2</sup>

Attorney-General John Elferink did not mince his words when reacting to news that there had been yet another breach of security by a group of detained youths (“the worst of the worst”, as he labelled them) in Darwin in September 2014. Nine months later, as he rose to his feet in support of the motion “Tough Love is required to manage youth crime” in a debate organised by Amnesty International at Charles Darwin University, news of yet another escape came through: there have been at least eleven such incidents over the last twelve months.

This column is written in the sad shadow of the untimely passing of former Executive Director of NT Youth Justice Pippa Rudd, who, just a few months before her death, didn’t mince her words either<sup>3</sup>:

If I were asked to outline a plan to ensure increasing incarceration, both generally and of vulnerable groups, I would just point to the Northern Territory of Australia. No need to look to the United States...

The failure of governments to meet the need for a suitable youth facility means young people are now locked up in a jail deemed unfit for adults; Correctional Services described the facility as “fit only for a bulldozer”.

Both [the youth justice and child protection] systems are effectively driving young people’s further and deeper involvement in the criminal justice system. Young people are remanded in custody, sometimes for weeks, because no parent or family member comes to court, yet child protection maintains the young person is not in need of care.

The unpalatable fact is that in a jurisdiction where our incarceration rate is the country’s worst, the real ‘worst of the worst’ is our disastrous youth incarceration regime. Locking up child offenders primes them to re-offend; nationally, young people who are released from detention are three times more likely to end up back in juvie within twelve months than those sentenced to community-based supervision.<sup>4</sup>

We can see the dots, but we seem to have great difficulty joining them up. We know these things: the typical persistent child offender has been exposed to chaos, violence, substance abuse and family dysfunction. That child is consequently traumatised. Traumatization affects both brain development and the response to stress.<sup>5</sup> Being detained is a traumatic experience. Re-traumatizing a traumatised child will not tend to interrupt a pattern of uncontrolled anti-social behaviour. On the contrary.

Thanks to recent advances in neurobiology, youth workers now have a toolkit which equips them to work (and, importantly, play) with damaged young people to undertake the sophisticated, sensitive and structured process of psychological and social repair; identify the source and patterns of trauma, facilitate the building of supportive social and familial relationships, develop resilience to replace the learned responses of the traumatised child, establish a secure and stable environment, reboot and recover. It is not just Todd Sampson who can redesign his brain: with expert intervention, so can traumatised young offenders.

When we don’t lock up young offenders, we often do a good job: The NT’s youth diversionary programs (putting to one side the fact that they are inadequately resourced, particularly in remote areas) and pre-sentencing conferencing (although used only rarely to date) are regarded as models of best practice.<sup>6</sup>

This approach is strongly consistent with the principles set out in Section 4 of the Youth Justice Act, which include custody as a last resort, re-integration into the community, developing socially responsible ways, and so on. Indeed,