

10 September 2018

For immediate release

MEDIA RELEASE

Truth tellers facing prosecution, jail by Australian government

A former intelligence officer and his lawyer decided Australia's shameful use of its national security services to gain financial advantage over an impoverished neighbour was illegal. They are now being prosecuted for allegedly disclosing information about Australia's installation of listening devices (under the cover of an aid project) in the government offices of Timor-Leste, during negotiations over resource sharing in the Timor Sea.

This prosecution has serious implications for all citizens of Australia:

- It raises questions about legislation which depends on unsubstantiated claims of being in the "national interest";
- It blurs economic interest into "national interest";
- It attempts to make a crime out of the action of reporting a crime;
- It publicises Australian wrong-doing unnecessarily, opening Australia to further international ridicule and disgust;
- It exonerates economic espionage.

The case should be abandoned immediately.

Background

Between 2004 and 2006 the offices of the East Timorese Prime Minister were being refurbished with Australia's help as an AusAid project. The walls were later found to have had listening devices placed in them by the Australian Secret Intelligence Service (ASIS), thus enabling the Timorese negotiators to be overheard.

One of those involved in the operation, "Witness K", complained to his superiors upon finding that one of the oil companies involved, Woodside, employed the services of retired political figures who had been connected to the negotiations. These included Alexander Downer, a previous Foreign Minister, and Ashton Calvert, a Secretary of the Department of Foreign Affairs and Trade. Witness K engaged the services of Bernard Collaery, a Canberra lawyer with extensive experience in Timorese matters.

Timor-Leste took Australia to the International Court over the espionage. In 2013, as the case was about to be heard in The Hague, Collaery's Canberra offices were raided by ASIO and his papers taken. Witness K's passport was seized, preventing his evidence being given. In 2017 negotiations were recommenced to set a proper maritime border between Australia and Timor-Leste under international law. The new border treaty was signed in March, 2018.

In May 2018, more than four years after the espionage and a few months after the border treaty was signed, charges were laid against Witness K and Bernard Collaery under the Criminal Code and the Intelligence Services Act 2001. The charges claim that between May 2008 and March 2014 they made known information about ASIS operations. The penalty could be two years' jail.

The initial hearing is set for **4:00 p.m. Wednesday, 12 September 2018 at the Magistrate's Court, 4 Knowles Place, Canberra, ACT**. Some of the many concerned Australians will gather as witness to their disapproval of this prosecution.

For further information:

Sister Susan Connelly - Timor Sea Justice Forum 0498 473 341 www.justimor.org
Affiliated with the national Timor Sea Justice Campaign

GetUp! will hold an event at 8:30 a.m. on Wednesday 12th September in support of the truth-tellers. Same venue.

References:

<https://www.smh.com.au/politics/federal/top-lawyers-jump-to-the-defence-of-former-australian-spy-witness-k-20180629-p4z0jl.html>
<https://theconversation.com/lawyer-and-witness-face-charges-under-spy-laws-raising-questions-of-openness-and-accountability-99143>

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