

# CANBERRA LAWYER FACES CHARGES

Bernard Collaery has been charged with making known intelligence services information over an Australian spying operation on East Timor. He is a former ACT Attorney-General and long-time Timor advocate, and with Witness K, deserves strong support.

## Background

In March 2002, just before East Timorese independence, Australia withdrew from the maritime boundary jurisdiction of two international bodies. As a result, East Timor was forced to negotiate with Australia about the border without an "umpire".

## Spying

In 2004, the offices of the East Timorese Prime Minister were being refurbished with Australia's help in an AusAid project. The walls of the office were later found to have "bugs" in them, which allowed Australian negotiators to listen in on the Timorese planning sessions concerning the border.

## Conscience matter

One of those involved in the bugging, known as Witness K, complained to the Australian Security Intelligence Service authorities and was told to get a lawyer, and chose Bernard Collaery. A case was prepared in which Collaery determined that Australia had acted illegally.



*Bernard Collaery*

## Raid on office, passport seized

In 2013, while preparations were being made to have the case heard in The Hague, Collaery's Canberra offices were raided by ASIO and Witness K's passport was seized, preventing evidence being given overseas. In the meantime, negotiations to set a proper border under international law continued. During this time, Timor-Leste withdrew the case it had launched against Australia regarding the spying allegations.

## *Why is denouncing a crime itself a crime?*

Just after Australia concluded a new Timor Sea treaty with East Timor in May 2018, charges were laid against Witness K and Collaery. The Australian government claims that they made known information about ASIS operations. They are charged under the *Criminal Code* and the *Intelligence Services Act 2001*, and perhaps face two years jail.

The matter has serious implications, raising questions about legislation, secrecy, and the "national interest".  
(Click [here](#) and [here](#) for more information about the case)

**Bernard Collaery and Witness K told the truth.  
They deserve commendation, not persecution.**

# BACKGROUND

World War II Indonesian Invasion Occupation Referendum Nationhood



Paddy and Rufino



Kopassus Troops



I voted.

## World War II

In December 1941, 700 Australian soldiers were sent to Portuguese Timor because of the Japanese threat. The Timorese people befriended them and helped them, carrying equipment, guarding, nursing, feeding them.

Early in 1943 the Australians withdrew. A whole division of Japanese took revenge on the Timorese, and along with Allied bombing, were responsible for the deaths of at least 40,000 Timorese.

This wartime episode is not remembered, acknowledged or celebrated in Australia.

## Indonesian Occupation

In December 1975, the Indonesian military invaded Portuguese Timor, and the Australian government knew of the plans. The Balibo Five were killed just before the invasion.

From 1975-1999 the Indonesians occupied East Timor. Between 102,000 and 183,000 Timorese died violently during this time, out of a population of 650,000. Successive Australian governments supported the Indonesians throughout.

## Freedom

In 1999 the United Nations conducted a referendum through which 78-5% of the Timorese voted to be free of Indonesia. An international force under the command of Australia began the process of normalisation after which the nation of Timor-Leste was established in May 2002.

Australia spied on these people.