

MOVIMENTU KONTRA OKUPASAUN TASI TIMOR (MKOTT)

Díli, 20 July 2018

Public Statement on the Prosecution Against Witness K and Bernard Collaery by the Australian Government

It is with great astonishment and sadness that on 28 June the *Movimentu Kontra Okupasaun Tasi Timor* - the Movement Against the Occupation of the Timor Sea - (MKOTT) learned that Australian Lawyer Bernard Collaery and former Australian Intelligence Officer "Witness K" have been charged for revealing the Australian Government spying on Timor-Leste's Cabinet Room during the negotiations about maritime boundaries and off-shore natural resources in the Timor Sea between Timor-Leste and Australia in 2004.

We are shocked that the prosecution of Bernard Collaery and Witness K was approved by the Australian Federal Attorney General, Christian Porter, which means that Mr. Collaery and Witness K are being prosecuted by the Australian Government. This prosecution reminds many in MKOTT of the prosecution they and their family members, friends and colleagues received from the Soeharto regime during the 24 years of Indonesian occupation.

Ironically, these Timorese were charged as terrorists by the Indonesian government and today, Bernard Collaery and Witness K are charged under the anti-terror law by the Australian Attorney General, their very own government. MKOTT is shocked that in this day and age, the Australian Government is doing what it thinks only the Dictator Soeharto was capable of doing during his reign.

The Australian government had come under intense international scrutiny when the government of Timor-Leste brought the spying case before the International Court of Justice in December 2013. As an act of good faith the government of Timor-Leste dropped this case in June 2015, which paved the way for the conciliation process facilitated by the Permanent Court of Arbitration for the delimitation of a permanent maritime boundary between the two countries.

The Australian government eventually accepted the Conciliation process and declared its own readiness to negotiate a permanent maritime boundary with Timor-Leste in good faith. The charges against Witness K and lawyer Mr. Bernard Collaery now show that the Australian government had acted in bad faith, with the mere intention of discharging the international pressure brought about by the espionage case at the ICJ.

MKOTT strongly condemns the charges against lawyer Bernard Collaery and Witness K as politically motivated, which the movement regards as an attack on freedom of expression and an attack on democracy by the Australian government. This act on the part of the Australian government also shows that the government will use anything to advance Australia's commercial interests in relation to its neighbors, even if it violates international law to deprive one of its poorest neighbors, and will crush anyone or anything stands on its way.

As a movement which strives for justice, human rights, good neighborhood and respect for international law, MKOTT:

1. Expresses its solidarity with Witness K and his lawyer Mr. Bernard Collaery as they struggle to make the Australian government aware that their bugging of the Timorese cabinet room was not only illegal but also infringed on Australia's spirit and tarnished Australia's proud image as a good and responsible member of the international community.
2. MKOTT calls on all the defenders of justice, human rights and international law in Australia and around the world to stand united in solidarity with Witness K and Lawyer Bernard Collaery against this prosecution.
3. MKOTT appreciates the willingness of Australian government to recognizing the right of the people of Timor-Leste to a permanent maritime boundary. MKOTT notes, however, that the charges against Witness K and Bernard Collaery will start to pollute this goodwill.
4. MKOTT calls on the Australian government not to criminalize Witness K and his lawyer Bernard Collaery, as doing so is an attack on freedom of expression and democracy.
5. MKOTT calls on the government of the Democratic Republic of Timor-Leste to consider reviving the espionage case before the International Court of Justice should Witness K and his lawyer Bernard Collaery be criminalized by the Australian government. They are charged because they revealed an illegal operation against the government and the people of Timor-Leste.
6. MKOTT calls on the Australian government to stop using the Australian intelligence apparatus to spy on its neighbors for commercial gain, which is a clear breach of international law.
7. MKOTT applauds and support the stand of Federal Member of Parliament, Mr. Andrew Wilkie, who invoked his Parliamentary Privilege to let the public know about the prosecution against Witness K and Bernard Collaery.
8. MKOTT appreciates the members of the Australian Federal Parliament -- MP Andrew Wilkie, Senator Nick McKim, Senator Rex Patrick and Senator Tim Storer -- who requested the Australian Federal Police to investigate the legality of the Australian Spy Operation in the Timor-Leste Cabinet Room in 2004.
9. MKOTT calls on other Australian Federal Parliament Members and Senators from all the parties, particularly from the Labor Party who had opted the policy of respect to international law with regards to maritime boundary with Timor-Leste, to use their Parliamentary Privilege to reveal information in relation to the prosecution against Witness K and Lawyer Bernard Collaery to the public.