

Witness K and Bernard Collaery

Background

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

Spying

In 2004, the offices of the East Timorese Prime Minister were being refurbished with Australia's help under an AusAid project. The walls of the office were later found to have had listening devices placed in them. This had allowed Australian negotiators to eavesdrop on the Timorese planning sessions concerning the sea boundary.

Consciences

One of those involved in the bugging, now known as Witness K, complained to the Australian Security Intelligence Service (ASIS). He was told to get a lawyer and Bernard Collaery was chosen. Collaery and Witness K disclosed that Australia had acted illegally. Timor-Leste then took Australia to the International Court which ordered Australia to cease spying and to return the papers seized from Collaery's office by ASIO. Witness K's passport was confiscated, preventing evidence being given in The Hague. Negotiations for a proper border under international law continued, during which Timor-Leste, in a gesture of good-will, withdrew the spying case it had launched against Australia.

Oz spied. Witness K & Bernard Collaery told the truth. Timor let Oz off. We got away with it. Oz now wants to jail the truth-tellers.

Charges

The maritime boundary was finalised in 2018. In June it was revealed that Witness K and Collaery have been charged under the Crimes Act and the 2001 Intelligence Services Act for allegedly communicating ASIS information. They face 2 years' jail if convicted.

Australia spied on Timor, even after this...

World War II

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

Early in 1943 the Australians withdrew. The remaining division of Japanese, along with Allied bombing, were responsible for the deaths of at least 40,000 Timorese. This wartime episode is not officially acknowledged or celebrated in Australia.

Indonesian Occupation

In December 1975, the Indonesian military invaded Portuguese Timor. Australian authorities knew of the plans, expressing “understanding” of Indonesia's position. The Australian-based journalists, the “Balibo Five”, were killed just before the invasion. No one has yet been brought to account for their murders.

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 Indonesia.

The Hon. Christian Porter, Attorney-General for Australia,
PO Box 6022 Parliament House
Canberra ACT 2600

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Dear Mr Porter,

Australian intelligence services spied on East Timor for financial gain under an AusAid programme. Witness K and Bernard Collaery told the truth, and are now charged with security “crimes”.

I believe strongly that this case should be dropped immediately.

You could send something like this to the Attorney-General.