

East Timor: Former presidents may be called to testify in Australia wiretap

LUSA, 30 Nov. 2019 -- Two former prime ministers and presidents of East Timor, Xanana Gusmão and José Ramos-Horta, may be called as witnesses in preliminary court hearings in the Australian government's case against a lawyer whose client reported illegal wire-taps by Canberra on East Timor officials in negotiations between the two countries.

According to Australian media reports, the two Timorese leaders are on a witness list that includes a former foreign minister of Australia, Gareth Evans, who the lawyer, Bernard Collaery, wants heard as part of his case.

A man known only as 'Witness K' and Collaery as his former lawyer have been charged with conspiracy by the Australian authorities – a crime that carries a maximum prison sentence of two years. They are being tried in an Australian court.

The two were charged last year with conspiring to reveal information protected by the law on the secret services, which covers the unauthorised communication of secret information, in a case shot through with intrigue.

The case has become a new focus of tension between East Timor and Australia, with Gusmão having declared that he stands ready to testify in a court in Canberra if the Australian authorities do not drop the case.

Government lawyers have said they want more time to review more than 1,600 pages of news reports relating the case to determine whether Collaery and 'Witness K' were the sources for these or not.

They have also requested that evidence be given in secret – in closed court – citing national security interests. The defence insists the hearings should be public .

The case is expected to return to court next week, with Collaery pressing for the case to be heard by a jury in 2020.

In addition to the Timorese leaders and Evans, Collaery also wants to call a former Australian ambassador to Indonesia, John McCarthy, and a former defence minister, Chris Barrie.

This week, at a brief session at the Supreme Court in Canberra, Judge David Mossop said that the trial might take longer than expected, given the amount of evidence to be considered.

Witness K is on trial separately.

According to Collaery, his trial will help demonstrate that Australia's secret services, ASIS, should be removed from under the Department of Foreign Affairs and Trade (DFAT), where he alleged it has been instrumentalised.

“What I'm looking for most in this trial – if it's ever public – is irrefutable evidence that ASIS should leave DFAT as soon as possible,” he said. “ASIS should never have become a complement to trade policies. And more I can't say about that because I'm subject to a national security order under terrorist law.”

Collaery said that if ASIS remains in DFAT, the use of its assets to support the shareholders of national and international companies, in cases where there is no national security issues, should be treated as a specific crime.