

POLITICS FEDERAL EDITORIAL

## EDITORIAL

# *Stop punishing Witness K for telling the truth on East Timor*

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Australia's prestige in our region rests not just on our aid or our military might but also, we hope, on our reputation for dealing fair and straight.

That is why Prime Minister Scott Morrison made a serious mistake on a historic trip to East Timor last week by refusing to address the injustice Australia is committing against two of the tiny island nation's best friends.

The story goes back to 2004 when the Australian Secret Intelligence Service (ASIS) bugged the offices of East Timor's prime minister during negotiations over sharing out the oil under the contested Timor Sea.

With this illegally obtained inside information, Australia tricked East Timor into signing a rigged contract that funnelled as much as \$5 billion more to Australia and oil company Woodside Petroleum. Imagine the outrage if China were found to be doing that now in the South Pacific.

East Timor might have never known about this dirty business but for the bravery and decency of an ASIS agent who blew the whistle about the bugging and offered to testify in a case East Timor brought against Australia at the International Court of Arbitration in The Hague in 2013.

Just as the case was about to go court, Australia shamefacedly agreed in 2016 to renegotiate the treaty in exchange for East Timor dropping the suit.

Yet once the new treaty was agreed, Australia brought charges against the ASIS whistleblower, known in documents only as Witness K, and his lawyer Bernard Collaery who helped him get the message out to the Hague.

Prime Minister Scott Morrison tried to turn the page on this disgraceful episode last week when he travelled to Dili to exchange diplomatic notes confirming the revised deal.

That signature might resolve the narrow commercial issue of sharing the oil revenue but Australia can only show it has learnt the moral lesson by dropping the case against Mr Collaery and Witness K.

Instead, Mr Morrison made the weak excuse that the case against Mr Collaery and Witness K was an internal Australian matter.

While East Timor Prime Minister Taur Matan Ruak diplomatically accepted this was not his business, Mr Morrison's stance was deplored as a betrayal by heroes of East Timor's independence movement including Xanana Gusmao and Jose Ramos Horta, and by Shirley Shackleton, widow of one of the Balibo Five journalists who died reporting on Indonesia's illegal invasion in 1975.

The refusal to drop the prosecution also raises questions about our weak laws on the protection of whistleblowers, whether they be in ASIS or the banks or the Australian Tax Office.

Of course, in the interests of national security, our foreign spies sometimes break the law of the countries where they operate and given the nature of their work it would be ridiculous to subject them to the same scrutiny as other public servants.

But this was clearly an abuse of their powers which had nothing to do with national security.

While Witness K has said he could plead guilty, Mr Collaery says he will fight the case through the courts in order to expose what happened. That is a noble plan but the risk is that ASIS will try to have the case heard in secret and the facts, so long suppressed, will never be known.

That would be a new injustice. Australians have a right to know what is done in their name.