

The Guardian

Witness K lawyer says raids on media show Australia becoming 'oppressive democracy'

Bernard Collaery is one of many whistleblowers facing prosecution, in his case for helping expose illegal spying on Timor-Leste



Bernard Collaery has been charged with conspiring to breach the Intelligence Services Act by revealing details of Australia's spying operations against Timor-Leste during oil and gas negotiations. Photograph: Mike Bowers/The Guardian

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Persecuted whistleblower and lawyer Bernard Collaery says the successive police raids on journalists show Australia is becoming the most oppressive democracy in the western world.

Collaery is among a string of whistleblowers currently facing jail time for revealing wrongdoing by the Australian government. He is currently being prosecuted for his role in exposing an illegal Australian spy operation on an ally, Timor-Leste, during oil negotiations.

Collaery, who also represents former Asis spy Witness X, said the two successive raids on the ABC and News Corp are part of a worrying trend towards authoritarianism and pose an extreme threat to press freedom.

“Gillian Triggs has said Australia is the most oppressive of the western democracies,” Collaery told Guardian Australia. “I agree with her. It’s gotten worse since she said that.”

Collaery is so concerned about the situation in Australia that he’s been forced to move abroad to prepare a defence for his criminal case.

His voice adds to a growing mass of discontent about the “chilling effect” the raids will have on public interest journalism and whistleblowers. Australia’s peak union body, the ACTU, described the raids as a “disturbing threat to press freedom”.

The Australian Press Council warned of the possible intimidation of journalists from “pursuing legitimate stories in the public interest”, while the Media Entertainment and Arts Alliance said they showed a “disturbing new normal” that sought to intimidate journalists and whistleblowers.

“A second day of raids by the Australian federal police sets a disturbing pattern of assaults on Australian press freedom,” the MEAA media section president, Marcus Strom, said. “This is nothing short of an attack on the public’s right to know.”

The timing of the raids has prompted criticism of the government. The first raid at News Corp on Tuesday related to a story published in 2018. The raid on the ABC on Wednesday related to a story from 2017.

The ABC and News Corp respectively described the raids as “highly unusual” and “outrageous and heavy handed”.

Collaery said the prosecution of black-letter law - in this case secrecy laws - must be balanced against higher values.

“Laws don’t exist in isolation. They’ve got to be balanced against higher values,” Collaery said.

“One of the highest values, of course, is that the media and publicity is the soul of justice, has been for centuries.”

Collaery’s case is currently before the ACT magistrates court where he and former spy, Witness K, face possible jail time. The pair are charged with communicating information about a secret spy operation in Timor-Leste in 2004, where Australia bugged government offices to gain an upper hand during lucrative oil treaty negotiations.

A preliminary hearing to decide how to deal with sensitive evidence is set down for August, and the case may later be committed to the ACT supreme court. The pair are facing a two-year maximum jail term for allegedly conspiring to provide information about the Australian Secret Intelligence Service.