

Behind the campaign to silence Witness K and Bernard Collaery

Green Left Weekly. By Stephen Langford & Susan Connelly July 14, 2021

Stephen Langford spoke with **Sister Susan Connelly**, convenor of the Timor Sea Justice Forum and a co-convenor of the Alliance Against Political Prosecutions, about the latest developments in the Witness K and Bernard Collaery case.

Witness K, who once worked for Australian Secret Intelligence Service (ASIS), could not stand by and do nothing while Australia was bugging East Timor's offices during its oil negotiations in 2014.

Why do you think he was referred by ASIS to (of all people) Bernard Collaery, a lawyer, but also a well-known East Timor advocate?

It is a great mystery. Why was Collaery's name on a list of lawyers approved to act for Intelligence officers? Unless the government, or its agencies and personnel come clean, we can only surmise.

Given the ineptitude and obvious lack of judgment, perhaps no one had a clue. Perhaps though, given the arrogance and deceit that also appears, someone thought they could shoot Collaery down in flames for advising the East Timorese so well over Timor Sea matters.

Collaery was not actually chosen by ASIS; he was one of a number of suggestions made to Witness K. K's complaint to ASIS about the spying arose from his subsequent knowledge that former foreign minister Alexander Downer became a lobbyist for Woodside, the company destined to gain significantly from the Timor Sea Treaty that was subjected to the spying.

The complaint to the Inspector General of Intelligence Services (IGIS) affected K's employment prospects. As a result he sought, and was granted permission, to access external legal advice. I cannot imagine the depth of the moral dilemma Bernard Collaery was faced with.

Why do you think Downer has so rarely been questioned about these events?

The mainstream media has not excelled itself, except for the ABC. Is the media wary of repercussions from the club from which Downer has received so much support?

Another question should be why Labor is being so meek and mild? This could, and should be, a matter with which Labor could differentiate itself from the Coalition, despite having a great deal of unfortunate form. After all, it was Foreign Minister Bob Carr's media release on May 3, 2013, that brought to light that Timor-Leste was withdrawing from the [Treaty on Certain Maritime Arrangements in the Timor Sea](#) as a result of Australia's spying.

They had the chance to deal with it without megaphones, thus saving face for both nations, but failed.

Why do you think Attorney General Christian Porter wanted to draw attention to government criminality by prosecuting Collaery and Witness K?

I can only muse on his intentions.

First, he was obviously styling himself as a future prime minister and perhaps thought that this would add to his portfolio of triumphs.

Second, he may have thought it would have been over quickly. (He has certainly shown lack of judgement in other regards.)

Third, neither he nor the government understood the depth of feeling among Australians about Timor-Leste.

Fourth, such punitive treatment of these men serves as a serious warning to others in intelligence never to place morality before law.

Fifth, perhaps Porter et al were willing to just wait out the publicity, knowing that Labor's poor decisions when in power would curtail too much opposition.

What has happened recently?

From May 30, 2018 the two prosecutions were combined. On August 6, 2019, Witness K's lawyers indicated that he may plead guilty, should the facts be agreed by the parties.

At this stage, neither of the two defendants had been furnished by the Public Prosecutor with the complete brief of evidence against them.

Numerous hearings took place for both defendants over the following two years. Signalling that some agreement between the government lawyers and Witness K's lawyers over the facts on June 18, K received a non-custodial sentence of three months and a 12-month good behaviour bond. Collaery is adamant that he will be tried by jury.

The campaign and Collaery's push to have his day in court to answer the charges publicly continue. Is it possible the government is hoisting itself by its own petard?

Yes. What a ridiculous, expensive, time-wasting exercise in stupidity this exercise has been.

Usually, when people try to conceal unscrupulous behaviour, they don't announce it over a microphone. The prosecutions of these two men, no matter how secretive, have drawn regional and international interest, or rather suspicion and condemnation, on Australia. If they were not wary already, nations of the Pacific would know Australia's priorities now.

This is a clear warning to others that the state is above all. There would be other Intelligence officers who know of Australia's greed and deceit, but who have not had the backbone that Witness K has shown.

Witness K's past, his personality, any previous mistakes, challenges or deficiencies are immaterial to the basic, inescapable fact that an Australian government planned and executed a greedy and devious act for its own benefit and that of crony corporations, against one of the poorest nations on Earth.

What inspires your dedication to justice for the Timorese and for Collaery?

Human beings copy one another: it's our default position. Children copy parents and then their peers. The example of selflessness, honesty, service of others and fairness are developed through imitation.

While we all have an innate sense of what is right, that sense has to be developed and it receives its most potent formation within community -- family and then others. For me, my Catholic faith is the impetus to every step I take on the road towards a just world.

The formation can be skewed towards what is not good, but in normal communities people grow in understanding about what is right for themselves and others. In the case of the Timorese people, strong community mores were built over centuries -- responsibility to family being foremost.

Another way of expressing "justice" is "right relationships".

Collaery is fighting for a "right relationship" between Australia and Timor-Leste, because it has been severely tested by Australia's unprincipled actions. The unwillingness of the Timorese to retaliate, verbally or in any other way, is testimony to their high cultural sensitivities and does not indicate that their esteem for Australia has not been severely tried.

Both Bernard and the Timorese are wonderful models to imitate. True justice depends on truth and the truth has not been told.

Is it any wonder? We have not yet been able to tell the truth about the history of our First Nations peoples, pompously rejecting the Statement from the Heart under the pretence of protecting a system. We have not yet made that relationship right so how can we relate truthfully to the Timorese people or to anyone?

How can *Green Left* readers become a part of this struggle for justice?

Matters have moved on but you can [sign and pass on the petition](#) as it remains a vehicle for demonstrating public opinion.

Share the story of this gross failure and follow the money -- which involves government ministers and corporations. Your readers would be among the many who cherish and obey their consciences, who can see further than their own nose and who recognise that systems and structures, while necessary for communal life, must be placed under the microscope.

All of us should be proud of Witness K and Collaery as examples of courage, honour, truthfulness and fair-mindedness.

[Susan Connelly is the convenor of the Timor Sea Justice Forum and a co-convenor of the Alliance Against Political Prosecutions. Stephen Langford is a veteran activist for East Timor.]