



Court decision to overturn secrecy orders in prosecution of Bernard Collaery will 'help ensure the truth is heard in open court about the illegal bugging of Timor-Leste's cabinet room', Xanana Gusmão says. Photograph: Willy Kurniawan/Reuters

## Prosecution of Bernard Collaery an 'insult' to Timor-Leste, Xanana Gusmão says

**Christopher Knaus** Thu 7 Oct 2021 12.30 EDT in *The Guardian*

Former [Timor-Leste](#) president Xanana Gusmão says the continuing prosecution of Bernard Collaery is an “insult” to his country and has urged Australia to drop the case in the wake of this week’s decision to overturn a secrecy order.

Gusmão welcomed [this week’s decision by the Australian Capital Territory court of appeal](#) to lift secrecy orders hiding aspects of the case against Collaery. The lawyer is charged over his alleged role in exposing Australia’s bugging of the Timor-Leste government during 2004 oil and gas negotiations.

“Given the decision of the court of appeal to support Mr Collaery’s demand for open justice I call for the charges against him to be dropped in the interests of justice and the relationship of friendship between Timor-Leste and Australia,” Gusmão told Guardian Australia in a statement.

The former president said the court’s decision to overturn secrecy orders - imposed after an intervention by the attorney general using the National Security Information Act - would “help ensure the truth is heard in open court about the illegal bugging of Timor-Leste’s cabinet room”.

He said the operation “was undertaken, not for reasons of national security, but for commercial interests”.

The prosecution of Collaery and his former client, ex-Australian Secret Intelligence Service officer Witness K, was authorised by the former attorney general Christian Porter in 2018.

Collaery is charged with sharing protected intelligence information about an operation against Timor-Leste, an impoverished ally of Australia, during negotiations over the Timor Sea, which held vast underwater resources that companies like Woodside were hoping to exploit.

In 2013, as Collaery and Witness K helped Timor-Leste prepare a case against Australia for negotiating in bad faith, their homes were raided by Australian authorities.

Witness K had his passport seized, preventing him from travelling to The Hague to give evidence on behalf of Timor-Leste. Both Collaery and Witness K were charged after the Australian government finalised a new Timor Sea treaty with Timor-Leste.

Gusmão described that decision as an insult to his country.

“The Attorney-General’s decision to prosecute Mr Collaery and his client former Australian spy Witness K, immediately after Timor-Leste and Australia had finally agreed a Maritime Boundary Treaty in 2018, just as our nations were embarking on a new period of cooperation and good will, was an insult to the people of Timor-Leste,” he said.

In lifting the secrecy orders on Wednesday, the ACT court of appeal cited the importance of open justice in deterring “political prosecutions” and allowing scrutiny of prosecutors.

The matter has been remitted back to the ACT supreme court, where the primary judge will consider further affidavits from attorney general, Michaelia Cash.

Cash also has the option of challenging the ACT court of appeal’s judgment in the high court.

Her office said on Thursday that the government was “carefully considering” the ruling. It did not say whether it would appeal.

The commonwealth Director of Public Prosecutions declined to comment on whether it would proceed with the prosecution.