



VOTING FOR THE COMMON GOOD

Federal Election 2022

Your voice strengthens our voice

A Joint Project of Social Justice,
Welfare and Educational Agencies

A FAIR TRIAL

THE RIGHT OF BERNARD COLLAERY

WHAT DO WE BELIEVE?

There are minimum standards for a fair trial.

All people should be equal before the courts.

A defendant is entitled to be informed promptly of the charges and the evidence to be used against him or her.

A defendant is entitled to be given access to the detailed evidence and background to the charges.

The defendant is entitled to be tried 'without undue delay'.

Trials should be public except where there are clearly recognised matters of national security at risk.



Bernard Collaery

WHAT ARE THE ISSUES?

The Australian government spied on Timor-Leste in 2004 during Treaty negotiations concerning resources of the Timor Sea, an illegal and fraudulent act.

When the spy now known as "Witness K" saw that officials who ordered the spying were lobbying for Woodside, the oil company set to gain most from the deal, he complained to his superiors and was advised to get a lawyer. He chose Bernard Collaery.

When the Timorese government was advised of the spying, they withdrew from the Treaty and began negotiations for the 2018 border.

Two months after the border was finalised, Witness K and Collaery were charged with making known state secrets. Witness K pleaded guilty in 2021 and received a short suspended sentence.

Three years and over 60 often delayed or secretive hearings passed without a trial date being set.

The prosecution is secretive, too costly, too lengthy, unfair, and not in the public interest.

WHAT ARE THE EFFECTS?

The right to a fair and open trial is being denied to Bernard Collaery.

Australians are denied the right to observe the trial and their faith in the rule of law is undermined.

National Security legislation – designed to combat terrorism – is being used to cover-up Australia's economic espionage against Timor-Leste.

The actions of those who ordered the spying are concealed while those who told the truth are depicted as criminals.

This prosecution could establish precedents which may constrain future truth-tellers.

The prosecution signals to the intelligence community that reporting government wrong-doing threatens their reputation and livelihood.

The prosecution exposes Australia to international condemnation. It erodes the Australian image as a fair, law-abiding, honest and non-corruptible regional power.

The episode has weakened the Australian relationship with the strategically placed Timor-Leste.

“Australia’s bugging of Timor-Leste’s Cabinet rooms and subsequent hounding of Bernard Collaery and a former intelligence officer was a display of mendacity, duplicity, fraud, criminal trespass and contempt of international law.”

Stephen Charles AO QC

“If the material is so significant a danger to national security if disclosed, then the result should be that the proceedings are abandoned.”

Anthony Whealy QC

WHAT DO WE WANT?

A fair and open trial of Bernard Collaery before a jury as soon as possible;

A fair and open investigation at the highest level into the espionage against Timor-Leste in 2004;

An explanation of how the prosecution is in the public interest.

Proper parliamentary oversight of the operations of the intelligence services;

Complete review of the historical relationship between Australia and Timor-Leste;

Australian financial compensation to the Timor-Leste government for legal and other costs incurred during litigation concerning the Timor Sea espionage.



Canberra demonstration at the first Magistrate's hearing on 12 September 2018



Bernard Collaery speaking at demonstration for the 61st hearing on 16 December 2021

For more information:

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Government
"lies,
fraud,
duplicity,
secrecy,
criminal trespass,
contempt of
international law."