

José Ramos-Horta pleased ‘fairness prevailed’ in Bernard Collaery case

Exclusive by Christopher Knaus in *The Guardian*, 7 July 2022

Timor-Leste’s president, José Ramos-Horta, has welcomed the “wisdom and fairness” of the decision to end the prosecution of Bernard Collaery, saying the lawyer is a “good man” who represented the best of Australian ideals.

Collaery and his client, intelligence officer Witness K, are viewed as heroes in Timor-Leste for [their role in exposing Australia’s](#) 2004 operation to bug the nation’s government offices to gain the upper hand in oil and gas negotiations.

Australia’s decision to prosecute the pair in 2018 caused tensions over the spying affair to resurface. Timor-Leste [leaders described](#) it as an “insult”.

On Thursday, Ramos-Horta told the Guardian that the [decision to drop the case against Collaery](#) was a welcome one, and sent a message of personal thanks to the prime minister, Anthony Albanese.

“I am pleased that wisdom and fairness have prevailed,” he said.

Ramos-Horta described Collaery as a “good man” and a “fair man”, who displayed “the best [in] Australia’s national culture of fairness”.

The sentiment was shared by Xanana Gusmão, Timor-Leste’s first president, who has personally written to Albanese to express his thanks.

In a statement, Gusmão described the bugging operation as “illegal and unconscionable” and said Collaery and Witness K were “greatly respected in Timor-Leste” for their enormous contribution to the nation.

“The decision of the Australian government to discontinue the prosecution is just and fair,” he said. “It is the right decision for the relationship between Timor-Leste and Australia. The decision allows our countries to move forward in a positive way to strengthen our relationship of friendship and co-operation.”

The decision, announced by the attorney general, Mark Dreyfus, on Thursday afternoon, prompted widespread relief among human rights advocates, lawyers and supporters of Collaery, who have fought for an end to the prosecution since it began in 2018.

The case against him had been bogged down in fights over the degree to which secrecy would hide parts of his trial. The former government, using the National Security Information (NSI) Act, intervened to ensure key parts of the trial were held behind closed doors, arguing some of the evidence would compromise Australia’s national security.

In some instances, Collaery and his own lawyers were unable to see the evidence being used to argue for such extensive secrecy.

Collaery’s lawyers, Gilbert and Tobin, said the case had “raised important issues about the degree of secrecy permitted by our courts under current legislation”.

“The approach threatens the capacity of a defendant to receive a fair trial,” the Gilbert and Tobin partner Dr Kate Harrison said.

The Law Council of Australia said the case highlighted the need for a review of the NSI Act.

“The Law Council considers the NSI Act currently tilts the balance too far in favour of the interests of protecting national security at the expense of the rights of the accused and maintains that it is not a proportionate response to addressing the risk that information prejudicial to national security may be released,” the council said in a statement.

The laws governing Australia’s intelligence agencies give little to no protection for whistleblowers to disclose sensitive information. The Law Council said secrecy offences should be reviewed to “ensure there are adequate protections for whistleblowers and their legal advisers who are concerned about potential matters of illegality”.



José Ramos-Horta ✓

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Thank you Bernard
Thank you PM Albany

An injustice has been corrected as Australia dropped the case against Bernard Collaery, a loyal, tireless campaigner for justice. Finally wisdom and fairness have prevailed.

Foreign Minister Penny Wong called me over the phone to inform me in advance of the news of Australian government decision to "discontinue" the case.

Former President Xanana who is the Senior Special Envoy of the inter-governmental group g7plus of fragile States and Timor-Leste International boundaries Chief Negotiator also expressed happiness and relief at this outcome of a saga which he did cause him much anguish and was a thorn in his heart.

I wholeheartedly commend the Government of PM Anthony Albanese for this wise and fair act which closes another sad chapter in Australia-TL relationship. Let's move on, looking forward on expanding TL-AUSTRALIA relationship.

