

## **Australia East Timor Friendship Association South Australia Inc**

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**Affiliated to the Timor Sea Justice Alliance (TSJA)**

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### **TRUTH TELLERS FACE PROSECUTION & IMPRISONMENT BECAUSE OF AN ETHICALLY DUBIOUS AUSTRALIAN GOVERNMENT**

A former Australian intelligence officer known as Witness K, and his lawyer, Bernard Collaery, face prosecution and possible imprisonment because they believed Australia's shameful use of its national security services (ASIS) to gain a huge commercial advantage over its impoverished war-torn neighbour, Timor-Leste, was illegal.

They are now being prosecuted for allegedly conspiring to disclose information about Australia's national security.

Between 2004 and 2006, during the negotiations between Australia and the newly independent Timor-Leste over the official maritime border between the two nations and the sharing of the oil and gas resources in the Timor Sea, the East Timorese parliamentary offices were being refurbished with the help of AusAid. The Australian Secret Intelligence Service (ASIS), was ordered by the Howard Government to install listening devices to spy on the Timorese negotiation team to give Australia a great advantage during the negotiations.

It should also be added that there was a lot of undue pressure by Australia to force the leaders of the newly independent nation of Timor-Leste to accept a maritime border that did not conform to the UN Convention of the Law of the Sea (UNCLOS) and to accept a very unfair deal in relation to the sharing of the resources in the Timor Sea. Another important fact is that while he was still foreign minister, Alexander Downer officially withdrew Australia from UNCLOS.

One of those involved in the operation, Witness K, complained to his superiors about the espionage on discovering that one of the oil companies involved, Woodside, employed the services of retired political figures who had been connected to the negotiations. These included Alexander Downer, a previous Foreign Minister, and Ashton Calvert, a Secretary of the Department of Foreign Affairs and Trade. Witness K engaged the services of Bernard Collaery, a Canberra lawyer with extensive experience in Timorese matters.

Upon learning of the ASIS action, the Timor-Leste Government took Australia to the International Permanent Court of Arbitration at The Hague, over the espionage.

In 2013, as the case was about to be heard in The Hague, ASIO was ordered by the then attorney general, George Brandis, to raid Collaery's Canberra offices and seize important documents related to the case and to confiscate Witness K's passport. In an obvious ploy to prevent key evidence from being heard. The legal profession refers to this behaviour as attempting to pervert the course of justice.

In 2017 negotiations were recommenced at the International Permanent Court of Arbitration to establish a maritime border between Australia and Timor-Leste under international law. The signing of a new border agreement - one that conformed to the principles of UNCLOS - was signed in March, 2018. The mid line between the two nations is now the recognised maritime boundary.

This was a great moral victory for Timor-Leste and a cause of great shame for Australia. Not only had the Australian Government sought to defraud the poorest nation in the region which had endured 24 years of brutal occupation by the Indonesian military which all Australian governments had supported, it did this to a nation that sacrifice greatly to support Australian troops in the WW2 struggle against Japanese fascism.

In May 2018, a few months after the border treaty was signed, the current Australian Attorney General, Christian Porter, endorsed charges being made against Witness K and Bernard Collaery under the Criminal Code and the Intelligence Services Act 2001. The charges claim that between May 2008 and March 2014 they made known information about ASIS operations. The penalty could be two years jail.

This prosecution raises more implications about the behaviour of the Australian Government than it does about Witness K and Bernard Collaery. Most decent and fair-minded Australians would say that these men have acted honourably to ensure that the East Timorese received justice and were not cheated by Australia's leaders.

These same Australians would not want their leaders to attempt to take badly needed resources from a nation that had proved itself to be a true ally and suffered terribly during WW2 because of its support and then later during the 24 year long Indonesian occupation.

The actions by Australia's leaders had nothing whatsoever to do with the "national interest" as some dishonestly have tried to claim. Supporting corporations to make profits at the expense of poorer nations cannot be described as being in "the national interest".

At the same time, it must be acknowledged that Witness K and Bernard Collaery did nothing to adversely affect our national security and it is a serious misuse of our justice system for it to be used vent revenge on them.

The case should never have proceeded to this point and should be abandoned immediately.

The initial hearing is set for **4:00 p.m. on Wednesday, 12 September 2018 at the Magistrates' Court, 4 Knowles Place, Canberra, ACT**. Some concerned Australians will gather as witness to their disapproval of this prosecution and will be supported by thousands of others around the nation.

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**AETFSA SA – 43 YEARS OF SOLIDARITY WITH TIMOR-LESTE FOR INDEPENDENCE & JUSTICE**  
(AETFSA SA was originally the Campaign for an Independent East Timor SA until Timor-Leste's independence in 2002)  
*affiliated with the national Timor Sea Justice Campaign*

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