

# Australian ex-intelligence officer pleads guilty to disclosing spy operation

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An Australian former intelligence officer will plead guilty to revealing an Australian spy operation against the impoverished nation of East Timor, which prompted international outcry and damaged Canberra's reputation. *IntelNews* has covered the case of the former intelligence officer, known only as "Witness K." since 2013 (<https://intelnews.org/2013/12/05/01-1382/>), when it was first revealed. It is believed that Witness K. served as director of technical operations in the Australian Secret Intelligence Service (ASIS), Australia's foreign-intelligence agency. In 2013, he publicly objected to an intelligence-collection operation that targeted the impoverished Pacific island nation of Timor-Leste, also known as East Timor.

According to Witness K., a group of ASIS officers disguised themselves as members of a renovation crew and planted several electronic surveillance devices in an East Timorese government complex. The inside information gathered from those devices allegedly allowed the Australian government to gain the upper hand in a series of complex negotiations that led to the 2004 Certain Maritime Arrangements in the Timor Sea (CMATS) treaty. The treaty awards Australia a share from profits from oil exploration in the Greater Sunrise oil and gas field, which is claimed by both Australia and East Timor. But in 2013, the East Timorese government took Australia to the Permanent Court of Arbitration in The Hague, claiming that the CMATS treaty should be scrapped. The East Timorese argued that during the sensitive negotiations that preceded the CMATS treaty, the Australian government was in possession of intelligence acquired through illegal bugging.

The claim of the East Timorese government was supported by Witness K., who argued that ASIS' espionage operation was both "immoral and wrong" because it was designed to benefit the interests of large energy conglomerates and had nothing to do with Australian national security. It is worth noting that Witness K. said he decided to reveal the ASIS bugging operation in 2012, after he learned that Australia's former Minister of Foreign Affairs, Alexander Downer, had been hired as an adviser to Woodside Petroleum, an energy company that was directly benefiting from the CMATS treaty.

However, as soon as the East Timorese told the Permanent Court of Arbitration that they would be questioning a witness from ASIS, officers from the Australian Security Intelligence Organisation (ASIO), the country's domestic intelligence agency, raided the Canberra law offices of Bernard Collaery, East Timor's lawyer in the case. The raiders took away documents that revealed the identity of Witness K., and then proceeded to detain him for questioning. They also confiscated his passport, which prevented him from traveling to the Netherlands to testify in the case. In the following months, an embarrassed Australian government quietly conceded to East Timor's claims and agreed to renegotiate the CMATS treaty. A new treaty was officially ratified by the Australian government last week. In the meantime, however, the Australian government has refused to allow the whistleblower to leave the country and [continues \(https://intelnews.org/2018/03/09/01-2284/\)](https://intelnews.org/2018/03/09/01-2284/) to describe him as a security threat.

Witness K. and Mr. Collaery have each been charged with a single count of conspiring to share information that is protected by Section 39 of Australia's Intelligence Services Act, which forbids the unauthorized release of classified information. His hearing was supposed to start this week behind closed doors, because it involves topics that relate to Australian national security. On Tuesday morning, however, Mr. Collaery [announced \(https://www.abc.net.au/news/2019-08-06/witness-k-to-plead-guilty-lawyer-bernard-collaery-face-trial/11387046\)](https://www.abc.net.au/news/2019-08-06/witness-k-to-plead-guilty-lawyer-bernard-collaery-face-trial/11387046) his client's decision to plead guilty to the charges of revealing the spy operation against East Timor. He added, however, that he would continue to contest the charge leveled against him. The lawyer's announcement was the first time that the case of the East Timor bugging and the detention of Witness K. have been officially connected in public.

Witness K's lawyers said on Tuesday that they were still negotiating with the prosecution about the full ramifications of their client's guilty plea. Witness K. and Mr. Collaery are expected to return to court in late August. Meanwhile, the judge has accepted the prosecution's argument that it is illegal to discuss in public any information relating to the East Timor bugging case, or reveal the identity of Witness K.

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