

Court documents claim Alexander Downer called Timor-Leste an 'open book' in 2000 – years before bugging scandal

By foreign affairs reporter [Stephen Dziedzic](#) Posted Wed 9 Feb 2022 at 5:40am



Comments allegedly made by Alexander Downer (pictured here with former Indonesian president BJ Habibie), if true, could indicate Australia was monitoring communications in Timor-Leste well before 2004. (Reuters: Enny Nuraheni)

Documents filed in court claim that Australia may have been monitoring the phone calls of political leaders in Timor-Leste in 2000, four years before Australian intelligence agents [allegedly bugged the tiny nation's Cabinet offices ahead of crucial negotiations over lucrative oil and gas reserves](#).

The documents include allegations that then-foreign minister Alexander Downer told a Labor staffer in 2000 that Timor-Leste was an "open book" to Australia.

There are also claims by Timor-Leste's first president, Xanana Gusmao, that a senior UN diplomat warned him of Australian spying.

The claims are contained in documents filed with the Administrative Appeals Tribunal (ATT) by independent senator Rex Patrick.

Senator Patrick has launched a court battle to access archived cabinet documents laying out Australia's approach to the negotiations with Timor-Leste's leaders while the nascent country was making the transition to full independence.

The documents include a sworn affidavit from Mr Gusmao and another from Philip Dorling, an academic who has also worked as a journalist, foreign affairs official and political adviser.

Key points:

- Rex Patrick believes Mr Downer's alleged comments "basically confirmed" Australia had been monitoring communications in Timor-Leste before 2004
- The documents claim Timorese leaders also voiced concerns that they were being subject to extensive electronic surveillance
- Senator Patrick is seeking access to secret documents on Australia's dealings with the country following its 1999 independence vote

Dr Dorling is currently working as an adviser to Senator Patrick, but his affidavit recounts events from 2000, when he worked for former shadow foreign affairs minister Laurie Brereton.

On August 10 that year, Dr Dorling and Mr Brereton met several Timorese politicians, including Jose Ramos-Horta and Joao Carrascalao.

Dr Dorling's affidavit says both men "privately expressed concern that they believed that the Australian government was engaged in extensive electronic surveillance directed against East Timor's leaders".

"They referred to the role of Telstra in providing communications services in East Timor and expressed the view that the Australian officials appeared to have knowledge of East Timorese political matters that could only have been obtained through telephone interception," the statement reads.

"This caused them to worry about the conduct of future negotiations with the Australian government on matters relating to the Timor Gap."

Mr Downer said he did not remember the conversation with Dr Dorling 22 years ago.

He said it was "particularly thick" for people to think Australia would send peacekeepers into Timor-Leste without first finding out as much as possible about the environment there.

"What I do recall is we had thousands of troops in East Timor at that time and obviously we did our best to understand the environment in that country," he said.



Xanana Gusmao has thrown his weight behind Senator Patrick's legal campaign to access all cabinet documents. *(AFP: Valentino De Sousa)*

Timorese politicians back push for document declassification

Both Mr Ramos Horta and Mr Carrascalao went public with that accusation in 2001, telling the ABC that they believed the Australian government was monitoring their conversations.

The court documents also lay out Dr Dorling's account of a private discussion he had with Alexander Downer on a flight later that month, on August 31.

The two men — along with Mr Brereton — were returning from another visit to Timor-Leste and were discussing the role of intelligence in diplomacy while Mr Brereton took a nap on the plane.

"[Mr Downer] remarked to me that as a DFAT officer I would know Australia's intelligence capabilities, and went on to say, according to a note of the conversation I made: 'You know. There's not much back there [in Dili] we don't know. We know what they're saying about Laurie. They're an open book to us,'" Dr Dorling's statement says.

"I interpreted Mr Downer's remarks, in the context of a discussion of the value of signals intelligence to diplomatic operations, as a measure of confirmation of the concerns expressed by Mr Ramos-Horta and Mr Carrascalao."



Senator Rex Patrick has vowed to continue his fight to access secret cabinet documents about Australia's dealings with Timor-Leste. (AAP: Lukas Coch/File)

Dr Dorling's affidavit includes a hand-written account of that conversation which he says he made shortly after.

The documents also include a statement from Xanana Gusmao, who has thrown his weight behind Senator Patrick's legal campaign to access all Cabinet documents concerning the negotiations over national boundaries and the carve-up of the Timor Sea gas reserves.

Most cabinet records are released after 20 years, but Senator Patrick says several documents about the negotiations have been withheld because the National Archives argues the information might damage Australia's relationship with Timor-Leste.

Last week, the National Archives handed Senator Patrick some of the documents it initially withheld, but several remain classified.

The National Archives said it could not comment on this story because Senator Patrick's matter is still before the AAT.

Call to 'simply be open and transparent'

Australia's ties with Timor-Leste have been deeply strained by the accusations that it bugged Timor-Leste's cabinet offices in 2004 in order to gain an advantage during negotiations over the Timor Sea.

The operation was revealed by a former intelligence officer known as Witness K, [who last year was given a three-month suspended sentence](#) for conspiring to reveal classified information.

The Australian government has always refused to confirm or deny whether the bugging took place.

But Mr Gusmao's statement to the Administrative Appeals Tribunal says he's convinced the Cabinet rooms were bugged, partly because the Australian government has never denied it, and partly because of his own experiences.

Mr Gusmao also suggests that Australia may have been monitoring his conversations well before 2004, recounting a conversation he had with top UN diplomat Sergio Di Mello around 2000.

His statement reads: "for instance, I recall that, in around 1999 or 2000 ... the late, widely respected senior UN diplomat Sergio Di Mello, who would call me from time to time to discuss the developments in Timor-Leste, on one occasion said words to me to the effect: "whisper what you have to say, otherwise Australia will hear our conversation."

The former president's affidavit also says releasing all cabinet documents about the negotiations "cannot reasonably be considered to damage bilateral relations" because knowledge of the spying was already so widespread in Timor-Leste.

"Any continued secrecy relating to those events only serves to create a further sense of suspicion and impropriety between neighbours," his statement says.

Senator Patrick believes that Mr Downer's alleged comments in 2000 "basically confirmed" that Australia had been monitoring communications in Timor-Leste well before 2004, saying the effort was very likely focused on gathering information for negotiations over gas and oil contracts.

"The Australians appear to have been spying on the Timorese right from the very start of commercial negotiations," he said.

"Timor was a young, fragile, inexperienced and absolutely desperate country needing revenue from oil and gas to reconstruct their country, and Australia sought to steal it from them."

That account is contested by some. One former Australian senior public servant told the ABC that it was wrong to assume that all intelligence gathering attempts in Timor-Leste at the time were focused on the boundary negotiations.

Australia sent more than 5,000 troops to Timor-Leste in 1999 as part of a United Nations peace-keeping force that restored order and stabilised the fledgling country after pro-Indonesia militias slaughtered hundreds of civilians.

Senator Patrick has vowed to continue his legal fight to access more government records about the saga.

"Our secrecy around this event undermines people's trust and confidence in our nation," he said.

"The best thing we can do is simply be open and transparent about what happened so everyone can move on."