

Two "spy" trials provoke different media responses

Mike Head
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Two "spy" trials drew contrasting media coverage last week. The first occurred in Belgrade; the other in Washington.

In the first, three employees of the aid agency CARE Australia, Steve Pratt, Peter Wallace and Branko Jelen, a Yugoslavian colleague, were acquitted by a five-member military court of espionage but convicted on charges of collecting or providing secret information to foreign agencies or countries. Pratt was sentenced to 12 years' imprisonment, Jelen to six years and Wallace to four years.

In the second, a former Australian intelligence officer, Jean-Phillipe Wispelaere, was detained without bail on charges of espionage, for allegedly seeking to sell US intelligence secrets to another country. Under US law, Wispelaere could be sentenced to death or life imprisonment.

Both legal proceedings were the occasion for expressions of outrage in the Australian media, but for opposite reasons.

The Yugoslav trial was immediately denounced as a sham. Without even waiting for the court's written reasons—due later this week—an editorial in Monday's *Australian*, for example, declared the trial to be a "farce" and "pre-ordained". The editorialist did not seem troubled by the apparent contradiction that a "pre-ordained" trial actually cleared the accused of the original, far more serious, charges laid against them by the Yugoslav regime.

By contrast, the charges laid in the Washington hearing were presented as if they had already been proven, without so much as waiting for a trial. The outrage was directed against Wispelaere and the agency he once worked for, the Defence Intelligence Organisation, for threatening Australia's intimate intelligence ties to the US.

Wispelaere is yet to enter a plea but he is already guilty according to the *Australian*, and every other media outlet. Lurid details of Wispelaere's activities, as alleged by the FBI, have been splashed all over the airwaves. By these accounts, no one should entertain a doubt that the 28-year-old, who was only employed by the DIO for six months, attempted to sell more than 900 secret and top-secret US defence documents, maps and photos. The material could cause "serious and exceptionally grave damage to US national security interests if disclosed to unauthorised entities," declared the FBI's affidavit, an untested claim that was given prominent coverage.

The *World Socialist Web Site* is not in a position to judge the evidence in either case, but a number of double standards have emerged.

Every media commentator and the entire political establishment condemned the Belgrade trial before it began because the evidence was heard behind closed doors. Media and consular representatives were permitted to attend the opening session—where they reported the accused to be in seeming good health and spirits—but the judges then excluded everyone except the defendants, their lawyers and the prosecution.

One would have thought the reason obvious: Yugoslavia is in a state of war. It is being bombed mercilessly by the NATO powers, the very powers that it alleges sought to obtain vital targeting information from the CARE operatives. Any open trial would have to divulge the material that the CARE workers had in their possession when they tried to cross the border into Croatia on March 31. It would also have to reveal the methods by which the Yugoslav intelligence agencies discovered CARE's activities.

As for the Washington trial, its evidence is highly likely to be given in camera as well, on the grounds of national security. Already, according to the media, US and Australian officials have "thrown a cloak of secrecy" around the "sting operation" that netted Wispelaere. The initial charge hearing was open, but no evidence was offered. The trial itself is set to be delayed for at least six months because one of Wispelaere's lawyers has to be subjected to a months-long security clearance procedure to even view the FBI files on his client.

In the meantime, Wispelaere could face months of solitary confinement, a plight experienced by others convicted of espionage in the US, including Aldrich Ames and Christopher Boyce. (Boyce was jailed for 70 years in 1977 for passing secrets to the Soviet Union after discovering evidence that the CIA was trying to engineer the removal of the Whitlam government in Australia).

The media and politicians have railed against the "sheer audacity" (the *Australian*) of the Yugoslav court in finding the CARE workers not guilty of spying but guilty of the lesser charge of passing on military secrets. This finding only proves that the "facts were irrelevant" to the verdict, the argument goes.

A more sober conclusion might be that the court actually considered the evidence, and decided that the initial charge was not proven, but that military secrets were nonetheless involved. Moreover, such a decision seems to be in line with what Pratt's own family told the media on the weekend. Alongside its thundering editorial, the *Australian* happened to quote Pratt's brother Stuart conceding there was some "overlap" into military

matters reported back to CARE by his brother.

“In his routine job, my brother had to send routine situation reports back to Canberra, and of course these were shared with CARE organisations from other countries,” Stuart Pratt said. “That included some NATO countries, and that's what [the Yugoslav government] are on about. Of course there were [military references] in the reports, the refugees were coming from military operations, so naturally there was some overlap between CARE's duties.”

In other words, Stuart Pratt acknowledged that the charges against the CARE personnel were not fabricated. Their reports contained military information that was passed onto NATO countries.

This is the second time that a member of Steve Pratt's family has revealed that his activities gave reason for suspicion. On April 11, his mother Mavis told a Sydney Sunday newspaper that her son had previously been forced to leave Kurdistan in northern Iraq after being observed passing Iraqi secrets to the UN during the Gulf War.

Adding weight to these admissions is the reality that Pratt, like many leading figures in CARE, is a veteran ex-military officer with a long record of activity in sensitive intelligence arenas. While still in the Australian army, Pratt rose to the rank of major by serving in Singapore and Papua New Guinea, as well as at army headquarters in Canberra. After leaving the military he arrived in Yemen in 1992 as a “logistics consultant”. According to one media report, Pratt was personally recruited to CARE by Malcolm Fraser, a former defence minister and prime minister who heads CARE Australia. Pratt worked for CARE in northern Iraq, Rwanda, Zaire and Kenya, before turning up in Kosovo.

Moreover, the Australian military and intelligence agencies are well-known for collaborating closely with their larger American counterparts around the world, notably in areas, such as Yugoslavia and Iraq, where US agents have difficulty operating.

The media has charged the Belgrade court with conducting a “Stalinist-style show trial” on behalf of the Milosevic regime. The facts speak otherwise here as well. It seems that the trial barely rated a mention in the Yugoslav media. It attracted far less publicity than the release of the three captured US soldiers and several German journalists, who were also suspected of spying. If the CARE case were a “show trial” one would expect a propaganda barrage.

The label “show trial” sits oddly with the court's first decision once the hearing began. In accordance with Yugoslav law, which is a variant of European civil law, the court ruled that the video-taped confession made by Steve Pratt on April 11 was inadmissible as evidence. The military judges upheld a submission by the defence that pre-investigation evidence should not be accepted.

By contrast, in the Washington case the US government will seek to rely upon Wispelaere's alleged “admissions” made to FBI agents shortly after his arrest at Dulles International Airport, Washington. Wispelaere's lawyers have said they will argue that the confession was coerced and unrecorded. Without the confession, it seems that the US case could collapse because the FBI has no other direct evidence. Just to make sure that

Wispelaere is not allowed to go free, the Howard government in Australia is being advised to prepare its own case against Wispelaere.

In another double standard, the Yugoslav authorities are accused of having a “political agenda” in pursuing the charges against the CARE workers. Yet the Howard government and CARE International have applied intense political pressure on Belgrade to force it to abort the trial, including personal phone calls by South African President Nelson Mandela to Milosevic and Russian President Yeltsin.

Now that these efforts have failed, the media and official spokesmen have demanded political and military retribution against the Milosevic regime for not intervening to halt the legal case. CARE chairman Malcolm Fraser on Sunday proposed that the NATO powers specifically add the release of the CARE workers to their list of demands against Yugoslavia.

Not to be outdone, the Sydney *Daily Telegraph* (one of Rupert Murdoch's tabloid stablemates to the *Australian*) yesterday claimed the trial as retrospective justification for the war against Yugoslavia. “The conduct of the trial illustrates why the world is united in its efforts to overcome Yugoslavian president Slobodan Milosevic, who has again shown himself to be a totalitarian administrator, who will ignore human rights and human dignity to pursue his goals.”

CARE itself argues that the conviction of Pratt, Wallace and Jelen sets a precedent that endangers the activities of aid agencies in Yugoslavia and worldwide. Yet nine United Nations relief agencies and Save the Children recently sent a 12-day mission to Kosovo, with assurances by Belgrade of unimpeded access, as a first step toward resuming full-scale operations. The International Red Cross has re-commenced some relief work.

Despite its “humanitarian” pretensions, NATO pointedly refused to guarantee to protect these aid operations from the constant bombing raids in Kosovo. NATO officials also condemned as “political” a joint relief operation organised by Greece, Russia and Switzerland to distribute urgently-needed medical supplies and food to hospitals in the Kosovo capital of Pristina.



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