

Former Australian intelligence officer faces jail over Bali bombing documents

Mike Head
5 May 2009

A former Australian intelligence official and his co-tenant face up to two years jail after being convicted last month of leaking classified documents relating to the October 2002 terrorist bomb blasts on the Indonesian resort island of Bali.

The outcome of the little-reported trial raises critical questions about the former Howard government's failure to warn Australian tourists that Bali was a terrorist target and about the current Rudd government's prosecution of the two alleged whistleblowers.

On the night of October 12, 2002, thousands of holiday-makers from Australia and other countries were in Bali's Kuta nightclub district when the bombings killed 200 innocent people, including 88 Australians and 40 Indonesians, mostly nightclub workers and taxi drivers. Travel advisories issued by the Howard government had assured the Australian public that Bali was "calm" and tourist services "normal," despite a heightened terrorist risk produced by Australia's participation in the US-led invasion of Afghanistan.

After a two-week trial in the ACT Supreme Court last week, ex-Australian Security Intelligence Organisation (ASIO) officer James Sievers was found guilty of communicating information he had obtained as an ASIO employee, and his former housemate Francis O'Ryan was convicted of aiding and abetting him.

Sievers and O'Ryan were convicted of sending to the *Australian* newspaper in October 2004 three ASIO documents showing that Australian authorities were warned by their US intelligence partners two weeks before the Bali bombings that an Al Qaeda-linked group was planning attacks on "sin spots" and "nightclubs".

The two men are currently on bail, awaiting sentence on June 3. The Commonwealth Director of Public Prosecutions (DPP) has argued that both men must be jailed. Section 18(2) of the ASIO Act specifies punishment of imprisonment for two years.

Sievers is the first ASIO officer to be charged under the section, which is designed to help shield the domestic spy agency from public scrutiny. The Rudd Labor government, through the DPP, sought and obtained a re-trial after a jury last May failed to reach a verdict despite 13 hours of deliberations.

Prosecutors alleged that Sievers, who had access to the documents during a 2004 Senate inquiry into the bombings, passed them to O'Ryan, who posted them to the *Australian's* Sydney offices. O'Ryan was said to have written on two of the documents, "please see details of prior intelligence through which a tragedy might have been prevented" and "sin spots-nightclubs".

According to the documents, US intelligence agencies told their Australian counterparts that Jemaah Islamiah (JI) spiritual leader Abu Bakar Bashir headed a group called Majeklis Mujahedden Indonesia that was preparing large-scale bombings.

Right up until the bombing, the Howard government insisted it was safe to visit Bali, despite receiving explicit warnings from US intelligence agencies, as well as its own Office of National Assessments (ONA), which had identified Bali as a potential terrorist target at least three times, including in a briefing to then Foreign Minister Alexander Downer.

ASIO itself advised Qantas, the main airline servicing Bali from Australia, that given the JI presence in Indonesia, Bali could not be "considered exempt from attack". On the basis of reports by ASIO and the Defence Intelligence Organisation (DIO), the Defence Security Agency issued a "high" threat assessment to all military personnel traveling to Indonesia. As a result of these warnings, Qantas crew members and diplomats were instructed to avoid well-known hotels, bars and nightclubs in Bali.

When the documents were published, they re-ignited public anger over the failure of the Howard government and the intelligence agencies to alert travellers and try to prevent the bombings. In the days after the atrocity, then Prime Minister Howard initially denied receiving any prior warning of the likelihood of such an attack. But when the *Washington Post* reported that the CIA had identified threats to attack a tourist site in Indonesia, mentioning Bali, Howard was forced to change his story on the floor of parliament, while still claiming that the CIA's information was only of a "general" character.

The leaked documents also threw into doubt the findings of an inquiry that Howard was hastily forced to organise, by the Inspector General of Intelligence and Security (IGIS), as well as a

subsequent report by a Senate committee—both of which denied that the government and the agencies had received any specific warnings about attacks being prepared in Bali.

In an attempt to deflect attention from the serious questions raised by the classified documents about his own government's role, the Howard government instigated a police operation to find the "leakers". Australian Federal Police raided the *Australian's* offices and eventually produced evidence that O'Ryan's credit card had been used to purchase the post office envelope that contained the damning documents.

During the second trial, O'Ryan admitted sending the material, saying he was motivated by anger over the government's failure to act on the Bali warnings. The Labor government, however, was just as determined as Howard to secure convictions. Crown prosecutor Stephen Hall SC told the jury to disregard any thoughts about whether there was a "noble reason" for the documents being leaked. Sievers was also convicted, although both men denied that he was involved and there was no direct evidence of any such involvement.

A number of questions remain unanswered. Why did the Howard government pursue the case so relentlessly? What was so sensitive about the Bali documents? Why did Howard want them suppressed? And why has the Labor government fought for convictions in the case as well?

The leaked documents demonstrated that the Howard governments and its intelligence advisers were well aware that Australia's participation in the war on Afghanistan had made Australians, and Bali, targets for Islamic extremists. Did the government deliberately choose to ignore the warnings of some kind of terrorist attack in Bali in order to politically exploit the outcome?

Howard certainly seized upon the Bali events, which he dubbed Australia's own "September 11," to intensify the phoney "war on terror" both at home and abroad.

Together with the fabrications about "weapons of mass destruction," the Bali tragedy was repeatedly cited by Howard as a reason for his government's participation in the 2003 US-led invasion of Iraq, which was soon followed by the deployment of troops to Solomon Islands. The real goal of these interventions, including the war in Afghanistan, was not to combat terrorism or protect ordinary people from violent attacks. It was to secure US domination of the resource-rich Middle East and Central Asia, against its rivals, particularly in Europe and China, with Australia acting as a junior partner in exchange for US support for Canberra's own neo-colonial activities in the Pacific.

Domestically, the Bali tragedy was utilised to overcome popular opposition to the introduction of unprecedented "anti-terrorism" legislation that dismantled basic legal and democratic rights. The first wave of laws, passed in 2002, defined terrorism so broadly

that it could cover political dissent, make terrorist offences punishable by life imprisonment and give the government power to outlaw organisations.

Another provision, giving ASIO powers to secretly interrogate and detain people without charge or trial, foundered, due to widespread opposition. Largely as a result of the Bali bombing, however, this provision, along with other draconian measures was pushed through by mid-2003, with Labor's support. More legislation followed over the next three years, establishing three other forms of detention without trial, creating executive powers to proscribe groups, and allowing for semi-secret trials.

The Rudd government's pursuit of Sievers and O'Ryan—whose only "offence" was to try to alert the public about what the political and security establishment knew in advance about the Bali bombings—serves to highlight Labor's bipartisan support for both the Bali cover-up, and Howard's anti-terror laws.

Labor is determined to protect Howard and his ministers from any accountability over Bali because the affair raises too many questions about the lies and cover-ups that have dominated every aspect of the "war on terror", including the invasions of Afghanistan and Iraq. The Labor leadership backed all the fabrications and bears equal responsibility with the Howard government for the crimes committed, and the lives lost, as a result.

Any re-opening of the Bali issue raises the danger that it will expose Labor's complicity in the political exploitation of the bombings, and poses the question of whether the Labor leadership, including Rudd himself (who was Labor's foreign affairs spokesman in 2002), was given any forewarning of a possible Bali attack.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact