

Australian government orders ASIO raids to suppress East Timor spying evidence

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In a blatant attack on fundamental legal and democratic rights, the Abbott government yesterday ordered Australian Security Intelligence Organisation (ASIO) and Australian Federal Police (AFP) raids on the homes and offices of a lawyer and former intelligence agency whistleblower involved in an international legal challenge to Australia's spying on the East Timor government during maritime border talks in 2004.

Bernard Collaery, the Canberra lawyer representing East Timor in its case against Australia in the Permanent Court of Arbitration at The Hague, said his office was raided just 24 hours after he left Australia to prepare the proceedings. ASIO officers spent hours searching his office, alarming two young female staff members. They seized a personal computer, USB stick, and sensitive files relating to the legal proceedings, including the affidavit of the crucial witness, a retired senior Australian Secret Intelligence Service (ASIS) official.

One of Collaery's shocked assistants told journalists: "They were filming it, explained to me that they were from ASIO and there were AFP officers there too." The women were shown a substantially blacked-out search warrant, and told they could not even keep a copy, supposedly for "security reasons."

Collaery said the key witness was also detained and questioned, along with his wife, at their home. Apparently, the ex-ASIS officer was later released, but his passport was confiscated to prevent him from appearing in The Hague.

What, if any, legal grounds exist for these raids and other measures remain entirely unclear, and unspecified. Collaery commented: "I have no way of knowing the legal basis upon which these unprecedented actions [took place]."

Collaery said he had the evidence with him, and the raid would do "very little" to hinder East Timor's case. "I can't see what the government hopes to achieve by this aggressive action," he said. "It can attempt to nullify the whistleblower's evidence, but that evidence has flown—the evidence is here."

Personally ordered by Attorney-General George Brandis, the raids are designed not only to block evidence being presented in The Hague of the illegal bugging of East Timor's government. They send a wider threatening message to the media, the legal profession and potential whistleblowers not to release any further material exposing the intensive surveillance operations conducted by the Australian intelligence apparatus throughout the Asia-Pacific region.

These operations, which include listening posts in the Australian embassies in Dili and other Asia-Pacific capitals, are integral to the global US spying network—now exposed by former National Security Agency contractor Edward Snowden—and the Obama administration's increasingly aggressive "pivot" to Asia to combat China.

Significantly, as the ASIO-AFP raids took place, Foreign Minister Julie Bishop was preparing to fly to Indonesia in a bid to mend relations after Snowden's revelations of US-backed Australian tapping of President Susilo Bambang Yudhoyono's phone in 2009.

The raids followed further damning revelations, via leaked Snowden documents, of massive surveillance by the Australian intelligence agencies, directed against ordinary people in Australia, as well as people and governments across the region, (See: "Snowden document confirms US-backed mass surveillance in Australia"). They also came amid an intensifying campaign by the Abbott government and the media

establishment to denounce the Australian Broadcasting Corporation and the *Guardian Australia* web site for publishing the incriminating documents.

Many unanswered questions exist about the raids. Last night, Brandis issued a terse statement declaring that he issued the search warrants to seize documents that “contained intelligence related to security matters.” Without offering any explanation, he simply branded as “wrong” allegations that his actions sought to impede East Timor’s litigation.

Collaery, however, said the raids sought to intimidate anyone else who wanted to come forward against the Australian government. He said the star witness was a former director of all technical operations at ASIS, who decided to blow the whistle because the “immoral and wrong” bugging of the East Timorese government served the interests of major oil and gas companies.

The illegal eavesdropping is now being raised by East Timor to challenge the outcome of the resulting pact, the Certain Maritime Arrangements in the Timor Sea (CMATS) treaty.

In 2004, during negotiations for the treaty, the Australian government, then led by Prime Minister John Howard, economically and politically bullied the East Timorese government of Prime Minister Mari Alkatiri in order to secure the lion’s share of the vast oil and gas reserves beneath the seabed. It also ordered ASIS operatives to plant listening devices in government and prime ministerial offices in Dili, enabling Canberra to snoop on the East Timorese delegates throughout the talks.

Ultimately, the Howard government forced East Timor to shelve any resolution of a maritime border in the area for 50 years, while dividing oil and gas revenues on a 50-50 basis. The largest project, Greater Sunrise, which lies entirely in East Timor’s waters according to international maritime law, will be exhausted within 50 years, starving the tiny impoverished country of critical revenues.

A major Australian company, Woodside Petroleum, which wanted to exploit the field, worked hand in glove with the Howard government and its foreign minister, Alexander Downer, who was in charge of ASIS. Collaery said the former ASIS official decided to expose the bugging upon learning that Downer, after quitting politics, became an adviser to Woodside.

Collaery said the details in the whistleblower’s

affidavit had never been made public, until now. The director-general of ASIS and his deputy “instructed a team of ASIS technicians to travel to East Timor in an elaborate plan, using Australian aid programs relating to the renovation and construction of the cabinet offices in Dili, East Timor, to insert listening devices into the wall,” he said.

The Canberra lawyer accused the government and ASIO of “muzzling the oral evidence of the prime witness.” The spying, he commented, amounted to “insider trading,” for which “people would go to jail,” if it happened in the financial markets.

Members of the former Howard government, including Downer, may have direct personal interests in suppressing this information. However, the geopolitical context, bound up with the services provided by Canberra and its spy agencies to Washington, indicates that much more is at stake.

Prime Minister Tony Abbott today vehemently defended the ASIO raids, claiming that the government does not interfere in court cases, “but we always act to ensure that our national security is being properly upheld—that’s what we’re doing.” Labor’s opposition leader Bill Shorten quickly closed ranks, lining up with the government to defeat a Senate motion asking Brandis to explain the raids.

By invading a lawyer’s office, and persecuting a former ASIS official, the authorities in Canberra are demonstrating that they will stop at nothing to protect the operations of the Australian intelligence services and their US patrons.



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