

Australian government and Labor Party back prosecution of whistleblower who revealed Timor bugging

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Confident of the opposition Labor Party's support, recently-installed Prime Minister Scott Morrison this week reinforced his government's determination to proceed with the extraordinary trial of an intelligence officer and his lawyer for exposing an Australian espionage operation against the tiny state of East Timor.

Morrison told reporters he believes "justice will be served" by the prosecution, which began with a preliminary hearing in a Canberra court on Wednesday. Labor's shadow attorney general, Mark Dreyfus, declared his party's backing, telling the *Guardian*: "The charges are serious and it is important to let the judicial process take its course."

Despite protests in East Timor and Australia demanding that the charges be dropped, and criticism by lawyers and human rights groups, the government is prosecuting a former senior Australian Secret Intelligence Service (ASIS) official, identified only as Witness K, and his lawyer Bernard Collaery.

The pair face up to two years' jail each for revealing that ASIS surreptitiously bugged East Timor's cabinet meeting room in 2004, under the cover of an aid operation. The spying was part of a campaign of intimidation by the Howard Liberal-National government to secure Australian imperialism's hold over the lucrative oil and gas reserves in the Timor Sea.

Morrison's intervention, and Labor's backing, underscore how much is at stake in this case for the entire Australian political establishment and military-intelligence apparatus. There is a bipartisan attempt to cover up and protect the operations of ASIS and the rest of the Australian intelligence agencies.

The Timor incident is not just a damning exposure of the filthy, anti-democratic activities of the agencies and successive Australian governments on behalf of the

corporate ruling class, especially throughout the Asia-Pacific region, as well as domestically. The Australian spy services are an integral component of the US-led "Five Eyes" global network that conducts mass surveillance on the world's population and monitors other governments whose interests could potentially conflict with those of Washington.

East Timor, a half island in the sprawling Indonesian archipelago, is of vital concern to the Australian capitalist elite, particularly because of the large Timor Sea oil and gas fields. It is also a key strategic location in the intensifying US economic and military drive to combat the rise of China and reassert the hegemony over the region that Washington established via its victory in World War II.

There were protests outside Wednesday's hearing, addressed by independent MP Andrew Wilkie, a former intelligence officer himself, Greens senator Nick McKim and Centre Alliance MP Rebekah Sharkie. Both Wilkie and McKim argued that Attorney General Christian Porter, a senior Morrison government minister, could stop the case at any time, using powers that exists in section 71 of the federal Judiciary Act.

The speakers also called on Labor to pledge to drop the charges if it took office, but Dreyfus flatly rebuked that plea.

Inside the court, the government's lawyers confirmed that they were seeking to have most of the trial conducted behind closed doors, supposedly to prevent the disclosure of "national security information."

Barristers for Witness K and Collaery told the judge they wanted the case conducted as much in open court as possible, but were still negotiating with the prosecutors to reach an agreement on the handling of secret material. The hearing was adjourned until October 29.

A veil of secrecy has been imposed on the case. Porter has refused to explain to parliament why the prosecution was launched in June, nearly four years after the Australian Security Intelligence Organisation (ASIO) and the Australian Federal Police raided the homes and offices of Witness K and his lawyer to seize material relating to the 2004 bugging operation.

In early July, Centre Alliance Senator Rex Patrick asked a series of questions on notice in the Senate. He asked, among other things, when prosecutors began preparing the case, and on whose instructions, and whether senior intelligence and defence figures were informed of the plan.

Porter's response, two months later, was contemptuous of any right of the public to examine, let alone challenge, the machinations of the political and security apparatus. "As the matter is before the court, it would not be appropriate to comment further," he said, adding "it is the long-standing practice of the Australian government not to comment on the operation of our intelligence agencies."

Witness K and his lawyer are also prohibited from speaking publicly about the case. Two weeks before the prosecution began, government lawyers wrote a warning letter to Collaery about the pending publication of his book on Australia's covert spy operation against East Timor. The letter also said Collaery had agreed to a "secrecy undertaking" so he could legally represent Witness K.

According to earlier comments by Collaery, he and his client do not consider themselves whistleblowers. The lawyer, a former Liberal Party attorney-general in the Australian Capital Territory, has described Witness K as a "patriot" who raised criticisms of the ASIS bugging mission through the proper channels.

Collaery's comments indicate that his concerns, and those of the members of parliament opposing the prosecution, is to repair the damage done to ASIS's credibility by the Howard government's use of it against East Timor. Among other things, the illegal bugging operation further exposed the fraud of Canberra's claims to have intervened militarily in East Timor in 1999 for the benefit of the long-impooverished Timorese people.

Whatever the motivations of Witness K and his lawyer, however, there is no doubt that the working class must demand the dropping of the charges. The people who should be on trial are members of the Howard government, such as its foreign minister, Alexander Downer, who was in charge of ASIS in 2004.

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Alongside them should be members of the subsequent Labor government, which authorised the raids on Witness K and Collaery in 2013. Labor also refused to renegotiate the 2006 treaty with East Timor, which was secured with the help of ASIS's spying and retained the lion's share of the oil and gas revenues for Australian imperialism and the conglomerates it favoured, including Shell, Woodside and ConocoPhillips.

Earlier this year, the treaty covering the underwater boundary between Australia and East Timor was revised to give the appearance of allocating a fairer share of the energy reserves to the poor statelet. However, a new Timorese government, with former President Xanana Gusmao playing a leading role, is demanding that the oil and gas be piped to Timor for processing, not the northern Australian port of Darwin.

Gusmao, who made a processing facility on Timor's south coast a key plank in his election program, is reportedly exploring a bid to use \$US5 billion of the country's rapidly diminishing Petroleum Fund to buy ConocoPhillips' stake in the Greater Sunrise gas and oil field in order to get a pipeline built to East Timor.

Gusmao is also in talks with Chinese banks to fund such a processing facility, and made several trips to Beijing last year. These developments will only intensify the insistence of the security authorities in Washington and Canberra that the prosecution of Witness K and his lawyer continues, in order to shield the escalating activities of the Five Eyes network.

The trial underway in Canberra is in keeping with the Morrison government's anti-democratic ban on US intelligence whistleblower Chelsea Manning entering the country, its refusal to come to the aid of WikiLeaks editor Julian Assange, an Australian citizen, and the recent passage of repressive "foreign interference" laws. These laws include sweeping provisions that will allow any intelligence agency whistleblowers, together with those who assist their disclosures, to be prosecuted on even more serious charges.



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