

Australian man detained on trumped-up “foreign interference” charges

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It took just days for serious questions to emerge about a “foreign interference” charge levelled against an Australian businessman. The information available indicates an extraordinarily flimsy prosecution aimed at furthering a hysterical anti-China campaign to justify US and Australian preparations for war.

On Friday, the Australian Federal Police (AFP) announced that they had charged a Sydney man with one count of “Reckless Foreign Interference.” That was only the second time anyone had been charged under draconian “foreign interference” legislation passed with bipartisan support in 2018.

The AFP press release contained an incredibly sketchy account of what the man was supposed to have done. But it also included, very prominently, video footage of the arrest, in a clear attempt to whip up media coverage. The papers obliged, publishing sensationalist stories the next day and naming the man as 55-year-old businessman Alexander Csergo. He lives and works in China, but also maintains a Sydney residence.

The AFP statement asserted that Csergo had met with two individuals, named “Ken” and “Evelyn.” He had provided them with reports. While they had claimed to be associated with a think-tank, the AFP alleges they were actually employees of a foreign intelligence service.

As the WSWWS noted in its initial article on the matter, the charge of “reckless” foreign interference does not indicate a deliberate attempt to damage Australian national security or to act on behalf of a foreign power. Instead, under the sweeping and catch-all legislation, it requires only that an individual was “aware of” a “substantial” and “unjustifiable” risk that their conduct would go in that direction.

The publicly available information about Csergo made him appear an improbable target for a foreign intelligence service. He had run a successful digital advisory and consultancy business which had provided services to large corporations. But there was no indication that he had access to classified national security material, or even a proximity to those who would.

The many questions raised by the charge came to the fore at the first substantive court hearing on Monday, where a magistrate ruled on Csergo’s bail application.

Most significantly, Csergo’s lawyer, Bernard Collaery, stated that all of the material furnished by the businessman to

“Evelyn” and “Ken” was based on open source information, together with his own analysis of it.

Csergo’s reports, on topics such as the state of the mining industry, had been drawn from material by such publications as the *Australian Financial Review* and the Australian Lowy Institute. The reports had also allegedly touched on AUKUS, the militarist pact between the US, Australia and Britain directed against China.

Collaery claimed that the AFP, together with the Australian Security Intelligence Organisation (ASIO), the domestic spy agency, had gone through all of Csergo’s electronics. This search, he stated, had not uncovered any classified material.

In other words, it appears that someone with a decades-long career as a business consultant is facing prosecution for consultancy work based exclusively on publicly available information.

That potentially establishes a chilling precedent that goes beyond the consultancy industry.

Much anti-war reportage, for instance, is based on critical analysis of such open-source material. Could the mere publication of an anti-war article be deemed an act of “Reckless Foreign Interference,” given that its placement on the Internet makes it accessible to foreign governments and intelligence services? Or, if such an article were emailed to someone who the intelligence agencies assert works for a foreign government, would that be a chargeable offence?

The prosecution has noted that Csergo allegedly received cash in hand payment for the reports he provided. Collaery responded: “Cash payments for consulting reports might have a colour to it in Australia but might be the way it’s done in China—it’s not necessarily sinister.” It could also be noted that cash payments are hardly unknown in Australia. Their most common purpose is to evade government taxation.

The prosecution has also reportedly claimed that during interrogations, Csergo allegedly acknowledged suspicions that “Ken” and “Evelyn” could have been connected to the Chinese government and even its intelligence services. As Collaery noted, China is an authoritarian state. “Business people such as our client know all roads lead to the state,” he said.

The point could be added that not only in China is it the case that the line between “think-tanks” and intelligence agencies is

vanishingly thin. The largest Australian think-tanks are funded by the US and Australian governments and the major arms manufacturers. They are generally staffed by people who have a government, defence or intelligence background and aggressively promote the line of the military-intelligence apparatus.

Csergo was denied bail, even though Collaery argued that his client was not a flight risk and had not conducted anything approaching espionage, even based on the prosecution claims.

The court ruled that he was a flight risk. But extraordinarily, it was also stated that a consideration was Csergo's own safety. Murdoch-owned outlets and Nine Media television reported the magistrate as stating: "No doubt when this hits the fan there will be people very interested in him not giving evidence against the Republic of China."

The citation is unusual, given that the "Republic of China" is one of the names sometimes used to describe Taiwan. The Beijing regime has been known, since its establishment in 1949, as the "People's Republic of China."

That aside, there would seem to be other ways of protecting the safety of someone than detaining them in a maximum-security prison under conditions of near-total isolation.

It is also not clear what motive the Chinese government or its supporters would have for harming Csergo. There is no indication that he has at any time had access to sensitive government information in China, Australia or anywhere else in the world.

More generally, there is no documented instance of serious violence having been perpetrated in Australia on behalf of the Chinese government, at any time. If the authorities are now claiming that such a threat exists and that it takes a concrete form, the obvious question is: Why have the individuals posing this threat never been brought before a court?

Collaery's statement outside court pointed to the broader context in which the prosecution has been launched.

"We're going to see more of these cases, there will be more people," he warned. "(They won't be) providing consultancy services in the United States or Britain, Canada, Brazil, Israel or in the Middle East. It will mostly be China and it will be about the drums of war echoing out of Canberra."

The prosecution occurs amid a dramatic escalation of the US war drive against China. Even as it wages a proxy war against Russia in Ukraine, American imperialism is stepping-up the confrontation with China which is viewed as its chief economic threat. As top US military figures predict a war with China within three years, the Albanese Labor government has completed Australia's transformation into a frontline state in the looming conflict.

The \$368 billion AUKUS deal for Australia to acquire nuclear-powered submarines is preparation for aggressive operations directly targeting China. Meanwhile, Labor is presiding over a vast expansion of US basing arrangements and an unprecedented build-up of Australian strike capabilities.

In 2018, when they were introduced, the Socialist Equality Party and the WSWS warned that the "foreign interference" laws were a sweeping attack on democratic rights which could be used, above all, to crack down on anti-war opposition. Another purpose of the laws was to send a message to sections of the ruling elite that had done business with China, that there had been a shift and activities tolerated in the past would no longer be accepted.

The prosecution of Csergo follows a protracted campaign by the political establishment and the media alleging pervasive "Chinese interference" in virtually every corner of Australian society.

But in the five years since they were passed, the "foreign interference" laws have been deployed against two individuals. In addition to Csergo, Di Sanh Duong, a Vietnamese-Chinese member of the Liberal Party was accused in November, 2020 of "preparing" an act of foreign interference.

Duong had purportedly made a \$37,000 donation to the Royal Melbourne Hospital to help with coronavirus research. This was supposedly aimed at currying favour with then Liberal Party minister Alan Tudge, so that the government could be influenced in the interests of China.

The "foreign interference" campaign has frequently reached a fever pitch of hysteria. Politicians, intelligence officials and the media have presented a picture of Australia under siege, with Chinese spies and agents lurking in every corner. But if that were true, couldn't they have come up with more than business consultancy based on newspaper reports and a donation to a hospital?



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