

FORMER AUSSIE SPY COULD FACE CRIMINAL CHARGES

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Young boy running in front of Un 4WD with toy gun. Photo by Ted McDonnell

By Ted McDonnell

Australian-based Correspondent

Tempo Semanal

A FORMER AUSTRALIAN spy and star witness in the maritime dispute between Timor-Leste and Australia could face criminal charges if he has broken national security laws, according to Australia's Attorney General Senator George Brandis.

In an extraordinary 24 hours, Australian Security & Intelligence Organisation (ASIO) officers late Tuesday raided the Canberra offices of Bernard Collaery, the lawyer representing Timor-Leste in a landmark court case in The Hague.

The raids were approved by the Australian Attorney General Senator George Brandis on advice from ASIO.

ASIO seized bundles of documents and electronic data from Collaery's office.

ASIO also detained and continues to interview a former senior Australian Secret Intelligence Service (ASIS) agent, who is a key witness for Timor-Leste in the Maritime case. ASIO has cancelled his passport. The former spy was expected to give evidence at The Hague later this week.

Australia's Attorney General Senator Brandis indicated in the Australian Senate on Wednesday afternoon that if the former spy had broken Australian National security laws he could face "criminal charges".

On Thursday, Timor-Leste launches its case against Australia in the Permanent Court of Arbitration in The Hague in an attempt

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to tear up a multi-billion-dollar oil and gas revenue-sharing treaty with Australia.

Lawyers for Timor-Leste allege in 2004 during crucial negotiations over Australia spied on the Timor-Leste government giving them an unfair advantage in the resources deal that 'favoured' mining giant Woodside.

On ABC Radio today the lawyer representing Timor-Leste Bernard Collaery said: "The director-general of the Australian Secret Intelligence Service and his deputy instructed a team of ASIS technicians to travel to Timor-Leste in an elaborate plan, using Australian aid programs relating to the renovation and construction of the cabinet offices in Dili, Timor-Leste, to insert listening devices into the wall, of walls to be constructed under an Australian aid program."

Collaery said his 'star witness' was "not some disaffected spy" as it has been widely rumoured in Australian political circles.

The unnamed former spy says the reason he quit ASIS and blew the whistle on the alleged spying was because former Foreign Minister Alexander Downer became an advisor to Woodside after leaving politics.

Both the Australian Greens and the ALP Opposition today called on Federal government and Attorney General Brandis to give more details on the raid. Opposition leader Bill Shorten has asked for a private briefing.

Senator Brandis said that whilst he approved the warrants for Canberra the raids the documents seized would not be "aimed at impeding" Timor-Leste's case at The Hague.

In response to questions on the raid, Prime Minister Tony Abbott said Wednesday that the government was committed to protecting national security.

"We don't interfere in (court) cases, but we always act to ensure that our national security is being properly upheld - that's what we're doing," he said.

"One of the important things that government does is protect national security."

Timor-Leste Prime Minister Xanana Gusmao said late yesterday he deeply regrets the actions by the Australian government.

"The actions taken by the Australian government are counterproductive and uncooperative," he claimed. "Raiding the premises of a legal representative of Timor-Leste and taking such aggressive action against a key witness is unconscionable and unacceptable conduct. It is behaviour not worthy of a close friend and neighbour or of a great national like Australia."

Prime Minister Gusmao said Timor-Leste highly values its relationship with Australia and the Australian people.

"Australia has stood by Timor-Leste through difficult times in our nation's history. We find these actions to be disappointing and contrary to a trustworthy, honest and transparent neighbouring relationship."

The Timor-Leste Prime Minister called upon Australian PM Tony Abbott to explain his government's actions and ensure the safety of the former ASIS spy.

A Greens motion in the Senate on Wednesday morning called for Senator Brandis to explain the raids, however, the motion failed after a short debate

Former Foreign Minister Alexander Downer has dismissed the spying claims by both Timor-Leste and the former spy saying: "the allegations are old".

He dismissed the claims by Timor-Leste as "opportunistic".

Downer added that the allegations are tied up with Timor-Leste's desire to abrogate the 2006 treaty "in order to get the gas flowing to Timor-Leste rather than have the gas flowing to Australia".

"The East Timorese made this claim months ago, if not years ago, and they've just come out and repeated the claim... in order to gain themselves publicity because the Indonesia crisis," Downer said earlier this week.

"Their ambition is to have all the gas from the Timor Sea pumped to Timor-Leste."

Two years after the alleged spying by Australia, in 2006, Australia and Timor-Leste signed the 'Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS).

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