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Australia, bugging and East Timor

The Australian Government has turned a patriotic ASIS agent – and his lawyer – into political prisoners, writes [Dr Binoy Kampmark](#).

It took the protective grace of parliamentary privilege to encourage independent Australian MP Andrew Wilkie to reveal that a former Australian Secret Intelligence Service (ASIS) officer, known as Witness K, and his lawyer, former ACT Attorney-General [Bernard Collaery](#), had been charged by the Commonwealth Department of Public Prosecutions.

The seminal breaches alleged by the DPP centre on the [Intelligence Services Act 2001](#) and the provisions on conspiracy to communicate ASIS information in connection with an ASIS operation that took place in 2004.

Australia's not so noble mission then entailed bugging the cabinet room of Timor-Leste as the new state was seeking to negotiate the maritime boundary with the Howard Government. This very act itself suggested suspicion, a sneaky act of bullying to gain an advantage over the new State's attempts to draw earnings from the [Greater Sunrise oil and gas field](#). In a matter that could be described as perversely sneering, the operation was executed under the guise of [an aid project](#).

The result, as Wilkie explained, was that Australia:

"... one of the richest countries in the world, forced East Timor, the poorest country in Asia, to sign a treaty which stopped them obtaining their fair share of oil and gas revenue."

When the facts of the bugging incident surfaced in 2012, the Gillard Government showed a nose-turning contempt that has become standard fare on the part of Canberra to Dili, sending an official to placate the East Timorese who had been *directly* connected with the operation.

East Timor's Prime Minister [Rui Maria de Araújo](#) was convinced that ASIS had committed a grievous [ethical breach](#):

"Having that as an advantage for you to negotiate something that is a matter of death and life for a small country, I think it's – at least morally – it's a crime."

Former East Timorese President [Xanana Gusmão](#) deemed it a more conventional criminal act, one in severe violation of State sovereignty:

"Australia would not allow it. Under the Security Act it will be a criminal act. No? For us we believe it should be considered like this."

Given the moral sanctimony suffusing politics in Canberra at the moment, notably on the issue of [foreign interference laws](#) and the fears that Australian democracy is somehow under threat from shady external agents, such incidents provide fodder for the hypocrite. What is obviously good for Australian security does not, it seems, extend to matters of theft and marauding when it comes to impoverished neighbour states. The bully will have his way.

Nor does it extend to protecting intelligence officers who complain about operational irregularities and breaches themselves. Witness K had decided to take the bugging operation to the Inspector-General of Intelligence and Security, retaining Collaery, who advised that the operation had breached the *Intelligence Services Act*. The actions against the two men provides yet another example of a psychology of decline and terror – complaints are to be quashed and those asking them, be held accountable. Information, notably disclosing the corruptions of power, is to be strangulated.

Collaery has been ribbing the Australian political establishment for some time, some of it at the behest of his client, Witness K, and with involvement from such East Timor representatives as

Gusmão.

It was Collaery who helped [draft a letter](#) delivered by Gusmão to Prime Minister Julia Gillard 'in confidence about the bugging and asking that the matter be dealt with in confidence.'

The response from Gillard was swift and intrusive: to authorise the installation of listening devices in Collaery's Canberra office. The Abbott Government, giddy with notions of the national interest, duly [authorised raids](#) by the Australian Secret Intelligence Organisation on Collaery's office and Witness K's home. This entailed a seizure of East Timor's legal documents — another act of contempt to add to the cabinet of curiosities that is Australian regional diplomacy.

Collaery has claimed over the years, in no uncertain terms, that there is a general bipartisan consensus attempting [to cover-up](#) the entire matter.

[Wilkie agrees](#) with resounding conviction:

"The bottom line is that the spying on East Timor was indeed illegal and unscrupulous."

While it had been initiated by the Howard government,

"... the crime has subsequently been covered up by all governments ever since."

Witness K was subsequently frustrated in his bids to travel to The Hague in person to give evidence on the operation in proceedings initiated by East Timor against Australia in the Permanent Court of Arbitration. In what seemed to resemble an act leafed from the Theatre of the Absurd, [ASIS](#) supplied a view claiming that Witness K should be refused a passport, as he might be '*cultivated by a foreign power*'.

Foreign Minister Julie Bishop, in following the ASIS brief with unquestioning insensibility, [suggested](#) the possibility that this decorated officer might "*be likely to engage in conduct that might prejudice the security of Australia*".

The potential penalty here is two years' imprisonment for the pair. (This savage penalty would be more severe if the events alleged had occurred now.)

Wilkie's summation of this outcome, should it transpire, is most prescient.

The Government, said Wilkie, is wanting to effectively

"... turn the former ASIS officer, and his lawyer, into political prisoners."

The proto-police state just got an aggressive nudge into a darker, more sinister world.

[Dr Binoy Kampmark](#) was a Commonwealth Scholar at [Selwyn College, Cambridge](#). He lectures at [RMIT University, Melbourne](#). You can follow Binoy on Twitter [@bkampmark](#). bkampmark@gmail.com