

REX PATRICK

Witness K's Plight Raised With United Nations Delegates

26 SEPTEMBER 2018

As Australia's Foreign Minister, Senator Marise Payne, makes her first visit to the United Nations General Assembly, Senator Rex Patrick has written to all 193 country delegations to inform them of the prosecution of Witness K and his lawyer for blowing the whistle on the unconscionable and unlawful conduct by Australia's international spying agency. In 2004 the Australian Secret Intelligence Service spied on East Timor cabinet rooms during purportedly 'good faith' negotiations over oil and gas revenue in the Timor Sea.

"As Australia's Foreign Minister addresses the United Nations General Assembly, delegates need to understand that her government has permitted the persecution of the people who have revealed an illegal operation by one of the world's richest countries to rip off one of the poorest," said Senator Patrick.

"At the time of the bugging operation, designed to gain advantage in the negotiations, 55 out of every thousand children born in East Timor died before they reached one years of age."

In 2002, in contrast to the rules-based order that Australia often advocates, Australia's then Foreign Minister, Alexander Downer, withdrew Australia from the maritime boundary jurisdiction of the International Court of Justice and the International Tribunal for the Law of the Sea. The effect of this was that East Timor was rendered unable to claim its rights under international law to the maritime boundary halfway across between the two countries' coastline.

Pressure was put on the then new nation state to agree to a lesser share of the undersea revenue than was its right under international law. The Australian government engaged in a conspiracy to defraud East Timor by spying on their negotiating team.

"The whole thing was a carefully concocted and executed plan, approved by Foreign Minister Downer," said Rex. "I find the whole thing very disturbing."

"I note that senior adviser to Minister Downer when Australia withdrew itself from any international maritime boundary jurisdiction was Mr Josh Frydenberg, now Deputy Leader of Senator Payne's party. Mr Frydenberg also served as a senior adviser to Prime Minister John Howard when the spying operation occurred back in 2004."

"I further note that when Australia was taken to an arbitral tribunal in The Hague after East Timor became aware of the illegal bugging, the Australian Government sought to fetter the international arbitration by revoking Witness K's passport immediately prior to his planned appearance at a closed hearing. In essence, Australia thumbed its nose at international law."

"As so often happens in these matters, the heroes of the story are the ones that get prosecuted while the perpetrators get promoted. Delegates at the General Assembly need to understand the duplicity of the Australian Government as it listens to Senator Payne speak."

Senator Patrick is calling for the charges to be dropped. "The laying of these charges are, quite simply, not in the public interest and are profoundly at odds with any sense of justice."