

The spy scandal we should all be angry about

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RENDEZVIEW: AUSTRALIA has done much to atone for our disgraceful East Timor behaviour, but our spying, and the treatment of the whistleblowers who exposed it, shames our country, writes Terry Sweetman.

by Terry Sweetman.

TWO young men in my family were put in harm's way in East Timor in 1999.

It was a nervous time for us but, thankfully, the Indonesian armed forces backed off and the militias melted away so our youngsters suffered little more than the discomfort of hard-lying in harsh conditions.

In the manner of youth, our men (now middle aged) were not much given to introspection but I sense they believed they did good things and that they played a small role in liberating an oppressed people.

It was a moment in their lives they could recall with pride.

I think we all felt that way, even those of us who harboured lingering shame over how Australia had sold out the Timorese when Indonesia snuffed out their infant country.

The Australian-led intervention in East Timor was a chance to atone for a fairly dark chapter in our regional history and to repay a debt we had owed since World War II when these doughty people supported our troops trapped far beyond Japanese lines.

So how saddened must our two men — and thousands of their mates — feel as they learn more about the dirty diplomacy and the carpetbaggers who came in when the danger was past.



The Darwin-based 1st Combat Engineer Regiment leads Timorese and US Navy soldiers as they work on a health clinic in East Timor. (Pic: 1CER)

Ironically, our understanding of what went on is largely the result of an equally tawdry but menacing bit of political and legal theatre being enacted in Canberra.

At test is whether our overseas spy agency, the Australian Secret Intelligence Service, acted lawfully when it planted bugs in East Timor's cabinet office in 2004. A cabinet office built with our aid funds.

The bugs were allegedly used to spy on East Timor's preparation for negotiations over maritime boundaries and exploiting resources in the Timor Sea.

The nub of the spy yarn is that an ASIS agent known only as "K" raised concerns through official channels that the bugs were not placed to protect our national interest but rather to benefit commercial interests, specifically Woodside Petroleum.

It is alleged that there was much concern in the spook world that valuable intelligence resources were being chewed up at a time when there was a real threat from Muslim fundamentalists in Indonesia.

"K" complained to the Inspector-General of Intelligence and Security about the operation and ASIS fired him.

"K" obtained permission from IGIS to speak to his ASIS-approved lawyer, Bernard Collaery, who concluded that the espionage operation in East Timor was unlawful.

In 2013, he tried to get "K" to give evidence in a confidential overseas hearing but the Australian Security and Intelligence Organisation raided the two men's homes and cancelled the passport of "K".



Lawyer Bernard Collaery, left, with Andrew Wilkie at Parliament House last month. Wilkie revealed in Parliament that Collaery and a former spy client who accused the Australian government of illegally bugging the East Timorese Cabinet have been charged with conspiring to disclose secret information. (Pic: Rod McGuirk/AP)

Despite dark mutterings, nothing happened until May this year — two months after a hopefully embarrassed Australia signed a new deal with East Timor — when "K" was charged with communicating intelligence secrets to Collaery who in turn was accused of passing them on to the media.

Of these events we would know little were it not for politician Andrew Wilkie using parliamentary privilege to blow the whistle.

There is much debate about how and why the prosecutions were launched but Professor Clinton Fernandes, writing in the University of NSW Newsroom, says it remains to be seen whether the Collaery and "K" trials will be held in secret.

Wilkie has vowed to make any such secret evidence public knowledge.

And wrote Fernandes: "One crucial question here is whether ASIS has been used in other operations to benefit well-connected corporate entities, to the detriment of Australia's real national security needs."

Former judge Anthony Whealy, now the chair of Transparency International, has said the plight of Collaery and "K" is deeply disturbing.

"By any standards, the information revealed by these two men needed to be conveyed, and indeed needed to be in the public domain," Whealy said.

"It is equally disturbing that ... the threat looms that proceedings against the pair will occur in a closed courtroom, with its doors and windows barred by a potential suppression order.

"This is Australia ... not Russia."

The prosecution has been slammed as vengeful and vindictive but any spite seems less important than the treachery of bugging a friend under the cover of foreign aid.

I watched a documentary on East Timor the other night and swelled with a little pride at a comment from a Timorese: "Thanks for Aussie Force to help my country." But then came another: "Rebirth to be colonised by ausie.economy and oil."

English obviously was not his first language but I understood what he meant. And it hurt.