

Susan Connelly: Secret trial a cover up of Australia's swindling of Timor-Leste

Paul Oboohov Green Left Weekly May 26, 2020

The Australian government is pursuing criminal prosecutions against a former Australian secret agent "Witness K" and his lawyer Bernard Collaery, who revealed that Australia had bugged East Timor cabinet meetings in 2004 during negotiations over the Timor Sea boundary and its oil and gas reserves.

On May 25, the ACT Supreme Court held another preliminary hearing to determine whether some evidence may only be made available to the judge in the case against Collaery. It could mean that Collaery will not have full access to the evidence which will be used against him. It could mean that when the trial occurs, even the jury will not be allowed to hear all the evidence.

Collaery has been charged with alleged breaches of the *Commonwealth Criminal Code* and the *Intelligence Services Act*, but the offences remain cloaked behind assertions of "national security", which has not been proved.

Green Left's Paul Oboohov spoke to **Sister Susan Connolly**, from the Timor Sea Justice Forum, who was a part of a 30-strong safely distanced protest outside the court. This round of hearings is expected to continue until June 3.

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How did you think the protest went this morning and what is the state of the court case?

I thought there were more people at the protest and I'm also glad that there would have been people in Sydney and in South Australia. The more people get to know about this, the more horrified they will become.

This is Australia: we've got rule of law; we supposedly have the separation of powers—the executive separated from the judiciary—but I'm starting to really wonder. Why is it that the Attorney General's lawyers are taking the front running in these hearings against Bernard Collaery and Witness K?

The last time I got into the courtroom (I didn't get in this morning) there was the Attorney General's lawyers, the defence and, up by video link, was supposed to be the Commonwealth Department of Public Prosecutions, but they didn't say anything!

What's all this about? This is the politicisation of the legal process to conceal government wrongdoing. That wrongdoing was the illegal, fraudulent attempt to swindle the Timorese people over the Timor Sea. This was back in 2004. I'm not talking about Greater Sunrise; we're talking about the deal that was made in 2002 and 2004. That's the one that was spied on.

The money's nearly all gone... our commercial interests got a lot of that money and we swindled the Timorese.

I'm amazed at the capacity of the Timorese people to keep forgiving, and forgiving, of course, is the hardest thing in the world. Anybody can stand up and, you know, pull down fire and brimstone on people. It takes a magnanimous human being to say, "Look, you know, we're going to be geographically here for eternity, we may as well try to get on with these people."

Imagine the outcry in Australia if anybody had done to Australia, what Australia has done to Timor Leste? We'd be screaming blue murder! But no, we do it to the little brown people. There's so much racism tied up in this.

How did it go in court today?

Those who went in reported that the judge, after an introduction, asked people to leave. It wasn't done in any peremptory way; he asked if anybody had any objection and nobody did. We knew this was coming: I mean this is a secret trial and any objection wouldn't have worked. It would only have prolonged the business.

For the life of me, I defy anybody to tell me what is the link between national security and what is being done to Bernard Collaery. Because that's the principle on which he is being subjected to these interminable hearings. We are up to about number 33, and we haven't even got to the trial yet.

Talking about the trial, we don't know whether Collaery will be able to see all the evidence in his trial. He wants a jury trial, and that is his right as an Australian citizen. If it comes to that, the jury may not even be allowed to see all the evidence.

This is Australia, friends, and in the 21 century. The jury may not be allowed to see all the evidence! I don't know whether that will happen but it is a possibility.

The government is going to extraordinary lengths to demonise Collaery and Witness K.

It is the most abysmal act of — pardon the French — bastardry in Australian history. That we would try to swindle people, who had just come out of a 24-year occupation [by Indonesia], their infrastructure was decimated, and Australia goes in there with its Interfet troops (they were great), but then we turn around and do this underhanded, nasty, fraudulent swindle. That's what it is. Now they are trying to cover it up.

For God's sake, come clean. Say, we got it wrong. [The government] did get it wrong.

We're not stupid. It's a tremendous insult to think that we don't know what they're up to. National security has not been proved to be at stake. It has only been claimed, and it has been claimed by the very body—the Australian government— whose deceitful fraud is the cause of the whole debacle.

The prosecution of Bernard Collaery represents the denial of just and accepted legal norms to serve political and commercial agendas. It is further evidence that secret trials are already a feature of the increasingly fragile democracy. We are watching, and we will continue to watch.