

URGE THE PM and A-G TO DROP THE CASE AGAINST "WITNESS K" AND BERNARD COLLAERY



WRITING RINGS FOR RIGHTING WRONGS

July 2019

Background

The Australian government spied on its regional neighbour Timor-Leste in 2004 during Treaty negotiations about the sharing of the resources of the Timor Sea. The Foreign Minister at the time was Alexander Downer, and the Secretary of the Department of Foreign Affairs and Trade was Ashton Calvert.

The spy now known as "Witness K" found out that those who ordered the spying were lobbying for Woodside, the oil company involved. He complained to the spy agency and was advised to get a lawyer. He chose Bernard Collaery.

When the Timorese government was advised of the spying, they withdrew from the Treaty and began negotiations for an internationally recognised border. The consequent Timor Sea Treaty was signed at the UN in March 2018.

Two months later, Witness K and Collaery were charged with making known state secrets. They face two years' jail.

Call for:

An inquiry into the illegal espionage against Timor-Leste in 2004.

An inquiry into the relationship between ASIS activities in 2004 in Timor-Leste and the ongoing investigation into the Bali bombings at the same time.

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Conduct of the Case

The prosecution is using national security legislation in the case without demonstrating how revealing Australian spying on a poor neighbour threatens national security.

The prosecution of Witness K and Bernard Collaery has not met the minimum standards required for a fair trial:

- They have not been informed completely or promptly of the charges and evidence being used against them.
- Undue secrecy and delay has surrounded the case and the hearings.
- The A-G requires that all proceedings be closed and that no media covers the trial.

Other serious matters:

- Those who ordered the illegal spying have not faced charges, yet those who told the truth are being treated as criminals.
- This prosecution is a warning to intelligence personnel that reporting the abuse of law by government will threaten their reputation and livelihood.
- The prosecution exposes Australia to international condemnation.
- It erodes the Australian image as a fair, law-abiding and honest regional power.

Josephite Justice Network

Recent Developments

After comments on 5 July 2019 by the former President of Timor-Leste, Xanana Gusmão that the prosecution was unjust, the Australian Prime Minister indicated that he was not ruling out dropping the charges.

**Now is the time for all
Australians to
CALL FOR THE
IMMEDIATE
DISCONTINUANCE
OF THE CASE**

Contact the Prime Minister

Phone: 6277 7700

Email: [click here for Contact Form](#)

Post:

The Hon Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Contact the Attorney-General

Phone: 6277 7300

Email: [Click here for Contact Form](#)

Post: The Hon Christian Porter MP
PO Box 6022
Parliament House
CANBERRA ACT 2600

**Call for:
The immediate
discontinuance of the
prosecution of
Witness K and
Bernard Collaery.**

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