

Rally for Whistleblowers
Parliament House Canberra
12:30 p.m. Thursday 24 October 2019

The Prime Minister says “No one is above the law”. In one sense, he is correct. Law is a tool, invented to enable humans to live together securely, in peace, and with some harmony. All should abide by the law.

But law is not an end in itself – it must serve justice, and must be seen to serve justice.

There have been over 80 new pieces of Australian legislation since the attacks on America in 2001. These laws are said to be designed keep Australians safe. National security laws.

In the case of Witness K and Bernard Collaery, there are two challenges to law, and to Mr Morrison’s mantra:

- Laws have been broken by politicians and other officials
- Laws are being misused to conceal government wrongdoing.

What laws have been broken?

It is common knowledge now that in 2004 Australian spies impersonated AusAid personnel in East Timor and placed listening devices in the walls of the Timorese Prime Minister’s cabinet rooms. This enabled Australia to listen in to the Timorese officials negotiating with Australia on the sharing of the resources of the Timor Sea. On the basis of the negotiations, in which Australia had the upper hand because of the spying, a Treaty was signed. One of the spies, Witness K, blew the whistle, through all the right channels. He was told to get a lawyer, which he did – Mr Bernard Collaery.

When the Timorese found out about the spying, they withdrew from the Treaty, demanded a border, and after years of intrigue, finally brought an uncooperative Australia to the drawing board and both nations agreed on an internationally accepted border.

Two months after the border was signed, the spy and his lawyer were charged under the Crimes Act and National Security legislation.

But what other laws are involved, and who is implicated?

The espionage against Timor-Leste in 2004:

- breached the Vienna Convention on the Law of Treaties,
- breached the Vienna Convention on Diplomatic Relations.
- was a criminal conspiracy to break into another nation’s sovereign territory and spy on their secret processes

In the ASIO raids and subsequent treatment of Witness K and Bernard Collaery, Australia:

- broke international law through the raids on their offices and the confiscation of documents that were the property of the government of Timor-Leste.
- stole Bernard Collaery’s legal advice to the Timorese government and to Witness K. This is contempt of court.
- transgressed the law underpinning the confidentiality of lawyer-client communications.
- Is not ensuring them fair trials, through undue delay and absurd secrecy.

See Spencer Zifcak <https://johnmenadue.com/spencer-zifcak-the-attorney-general-the-asis-officer-and-his-lawyer-the-story-of-the-shameful-timor-prosecution/>

So who did all this? Who broke these laws?

Alexander Downer ordered ASIS to illegally bug the Timor-Leste cabinet, taking resources away from the fight against terrorism in Indonesia to do so. He later took a job with the company set to get the most money - Woodside.

John Howard

approved Downer's decision to take resources from the fight against terrorism to looking after Woodside's commercial interest.

Julia Gillard refused to cooperate when Timor's then prime minister Xanana Gusmão attempted to resolve the issue confidentially in 2012. She then commenced the pursuit of K and Collaery.

Bob Carr. As foreign minister, he and his deputy Mark Dreyfus put out the press release announcing the alleged bugging two weeks before the first media coverage. As attorney-general, **Mark Dreyfus** approved the bugging of Witness K and Bernard Collaery

David Irvine

Was head of ASIS when the bugging took place, and head of ASIO when Witness K and Collaery were raided.

Nick Warner

Director-General of National Intelligence. He was head of ASIS when the Witness K scandal broke and prevented the return of K's passport despite ASIO indicating no national security concerns about its return.

Woodside

The greatest beneficiary of the whole outrage. Woodside has employed DFAT officials as well as Alexander Downer and had the late DFAT secretary during the bugging, Ashton Calvert, on its board.

Sarah McNaughton

Director of Public Prosecutions. The charges are issued under her name.

Christian Porter

The current Attorney-General who approved prosecution. He has the power to discontinue the case, but will not. He passes the buck to the DPP.

George Brandis

The former attorney-general who signed off on the raids on Witness K.

See Bernard Keane: Meet the Timor-Leste 12 who could benefit from the Witness K cover-up" 29 October 2018
<https://www.crikey.com.au/2018/10/29/timor-leste-witness-k-trial/?ins=QlNWdUJyRVBWyNk4MGx2UWJyaE5rQT09>

So yes, Mr Morrison, no one is above the law. So what are you going to do about these people?

In a real sense, these people **are** above the law. Law is bring used to conceal, deflect, exonerate.

What is happening to Witness K and Bernard Collaery is gross injustice.

And friends, we know very well that "When injustice becomes law, resistance becomes duty".

Let us resolve to do our duty.

Susan Connelly
24.10.2019