

No public interest in prosecutions

<https://www.smh.com.au/national/nsw/religious-freedom-more-important-issues-should-be-on-national-agenda-20190830-p52mbl.html>

Nicholas Cowdery – *The Sydney Morning Herald* – 31 August 2019

While the Prime Minister presses the flesh in Timor Leste, he must be conscious that East Timoreans would like him to discontinue the prosecutions of Witness K and Bernard Collaery (“[Timorese press PM to drop Witness K charges](#)”, August 29). But he should remain powerless to do so.

Of course, East Timor’s interests have been served by their conduct and that makes their stance understandable; but so too have Australia’s. Pressure from East Timor to stop the proceedings is not relevant, but pressure from Australia is. Australians are the victims of any crimes charged here and victims have a say in what should be prosecuted.

As DPP for NSW for over 16 years, I decided in thousands of cases whether or not the public interest would be served by a prosecution. I struggle to see the public interest in criminally punishing people for disclosing to the Australian people the “mendacity, duplicity, fraud and criminal misbehaviour with which the Australian Government and its intelligence agencies have treated our near neighbour Timor-Leste” (to quote Stephen Charles AO QC in his recent Fitzgerald Oration).

The public interest of Australians requires that the prosecutions be discontinued. The Attorney-General can make that decision. - **Nicholas Cowdery, Sydney**