

## IN THE CASE OF “WITNESS K’ AND BERNARD COLLAERY

# WE ACCUSE

1. We accuse **Alexander Downer** of ordering the illegal bugging of the Timor-Leste cabinet. We honour “**Witness K**” and **Bernard Collaery** for telling the truth.
2. We accuse **Alexander Downer** of taking intelligence personnel and resources away from the fight against terrorism in Indonesia in order to spy on Timor-Leste. We applaud “**Witness K**” and **Bernard Collaery** for serving Australia by telling the truth.
3. We accuse **Alexander Downer** of serious conflicts of interest by lobbying for Woodside, the main oil company benefitting from the Timor Sea, after involvement as Foreign Minister in the spying. We honour “**Witness K**” and **Bernard Collaery** for placing integrity before personal gain.
4. We believe **Alexander Downer** should face a Royal Commission into the *Espionage against Timor-Leste, the Prosecution of “Witness K” and Bernard Collaery, and ASIS*. We denounce the misuse of Australian legal procedures in the persecution of “**Witness K**” and **Bernard Collaery**.
5. We accuse **John Howard** of ultimate responsibility for the decision to use Australian intelligence services spy on Timor-Leste. We recognise the courage of “**Witness K**” and **Bernard Collaery** in taking the responsibility of confronting this underhandedness.
6. We accuse **John Howard** of placing Woodside’s commercial interest before acting in good faith with a trading partner. We applaud the strength of character of “**Witness K**” and **Bernard Collaery** in putting the nation’s interests before their own.
7. We accuse **John Howard** of allowing resource companies (such as Woodside) to develop into being determining factors in Australia’s foreign and security policies. We applaud the opposition of “**Witness K**” and **Bernard Collaery** to the erosion of Australian values.
8. We accuse the **Howard** government of bullying the Timor-Leste government and individual ministers. We respect “**Witness K**” and **Bernard Collaery** for being honourable, truthful and decent.
9. We believe **John Howard** should face a *Royal Commission into the Espionage against Timor-Leste, the Prosecution of “Witness K” and Bernard Collaery, and ASIS*. We denounce the misuse of Australian legal procedures in the persecution of “**Witness K**” and **Bernard Collaery**.

10. We accuse **Julia Gillard** of refusing to cooperate with Prime Minister Xanana Gusmão's attempt to resolve the issue confidentially in 2012. We recognise the difficulties "**Witness K**" and **Bernard Collaery** faced in their efforts to have the spying dealt with confidentially and according to proper protocols.
11. We accuse **Julia Gillard** of beginning the pursuit of "Witness K" and Bernard Collaery. We grieve for the great burden this prosecution places on the shoulders of "**Witness K**" and **Bernard Collaery**.
12. We believe **Julia Gillard** should face a *Royal Commission into the Espionage against Timor-Leste, the Prosecution of "Witness K" and Bernard Collaery, and ASIS*. We denounce the misuse of Australian legal procedures in the persecution of "**Witness K**" and **Bernard Collaery**.
13. We accuse **Bob Carr** of jointly making known the bugging allegations through a Ministerial media release when Foreign Minister. We acknowledge the efforts of "**Witness K**" to deal with the spying confidentially and according to ASIS regulations.
14. We accuse **Mark Dreyfus** when Attorney-General of approving the bugging of premises of "Witness K" and Bernard Collaery. We are angry that the premises of **Bernard Collaery** were unnecessarily invaded and searched when he was overseas.
15. We accuse **Mark Dreyfus** of jointly making known the bugging allegations through a Ministerial media release when Deputy Foreign Minister. We acknowledge the efforts of "**Witness K**" to deal with the spying confidentially and according to ASIS regulations.
16. We believe **Mark Dreyfus** should face a *Royal Commission into the Espionage against Timor-Leste, the Prosecution of "Witness K" and Bernard Collaery, and ASIS*. We denounce the misuse of Australian legal procedures in the persecution of "**Witness K**" and **Bernard Collaery**.
17. We believe **David Irvine** as the former head of ASIS at the time of the bugging should face a *Royal Commission into the Espionage against Timor-Leste, the Prosecution of "Witness K" and Bernard Collaery, and ASIS*. We denounce the misuse of Australian legal procedures in the persecution of "**Witness K**" and **Bernard Collaery**.
18. We accuse **Nick Warner**, Director-General of National Intelligence, of vetoing the return of "Witness K's" passport despite ASIO indicating no national security concerns about its return. We are angry that "**Witness K's**" passport has not been returned.

19. We accuse the **Australian Parliament** of allowing the intelligence services to act without due scrutiny. We applaud the few members of Parliament who have acted and spoken in defence of “**Witness K**” and **Bernard Collaery**.
20. We accuse **Woodside Petroleum** of being a willing beneficiary of the spying scandal, accepting the advice of those who had held senior official government positions. We honour “**Witness K**” and **Bernard Collaery** for putting the Australian nation before any other consideration.
21. We believe that **Sarah McNaughton**, Director of Public Prosecutions should face a *Royal Commission on the Espionage against Timor-Leste, the Prosecution of “Witness K” and Bernard Collaery, and ASIS*. We denounce the misuse of Australian legal procedures in the persecution of “**Witness K**” and **Bernard Collaery**.
22. We believe that **Sarah McNaughton** should answer questions as to why she finally launched the prosecution five years after the events. We feel anguish that “**Witness K**” and **Bernard Collaery** have had justice denied them because of years of unnecessary delays, secrecy, and pressure.
23. **Sarah McNaughton** should explain why News Corp is mysteriously unmentioned on the charge sheet despite NewsCorp’s *The Australian* first revealing the bugging. We support those journalists and media outlets that call government to account rather than providing them with a lame-duck mouthpiece.
24. We accuse the **Coalition** of allowing a gross miscarriage of justice in regard to “**Witness K**” and **Bernard Collaery**. We call on all Coalition MPs and Senators to use the power we have given them to do what is right and just.
25. We accuse **Labor** of allowing a gross miscarriage of justice in regard to “**Witness K**” and **Bernard Collaery**. We call on all Labor MPs and Senators to use the power we have given them to do what is right and just.
26. We believe that **Margaret Twomey**, former Ambassador to Timor-Leste, should face a *Royal Commission on the Espionage against Timor-Leste, the Prosecution of “Witness K” and Bernard Collaery, and ASIS*, and make clear what she knew about the spying.
27. We believe that **George Brandis** should face a *Royal Commission on the Espionage against Timor-Leste, the Prosecution of “Witness K” and Bernard Collaery, and ASIS*, and make clear his knowledge of the spying and the cover-up.

28. We accuse **Attorney-General Christian Porter** of refusing to discontinue this deeply flawed case when he has the power to do so. We are in awe of the nobility of **“Witness K” and Bernard Collaery** in the face of such determination to crush them.
29. We accuse **Attorney-General Christian Porter** of approving the prosecution after undue delay. We esteem the advice and concern of lawyers, judges, journalists and academics who oppose the prosecution.
30. We accuse **Attorney-General Christian Porter** of being willing to prosecute **“Witness K” and Bernard Collaery** with reference to national security legislation, when no national security is under threat. We challenge all Australians to beware of the erosion of our democracy that this blatant misuse of law heralds.
31. We accuse **Attorney-General Christian Porter** of using unnecessary secrecy in the case. **We refuse to be silent.**

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People named:

<https://www.crikey.com.au/2018/10/29/timor-leste-witness-k-trial/?ins=QINWdUJyRVBWyNk4MGx2UWJyaE5rQT09>

Call for Royal Commission:

<https://unsw.adfa.edu.au/lawyer-and-witness-face-charges-under-spy-laws-raising-questions-openness-and-accountability>

## The Dreyfus Affair

IN 1894 Captain Alfred Dreyfus, a Jewish French military officer, was accused of selling French state secrets to Germany and was convicted of treason. Despite a weak prosecution case he was convicted of collusion with a foreign power, and was sentenced to life imprisonment. He was publicly stripped of his insignia of rank and transferred to Devil's Island. In subsequent years, further trials were mounted amid claims and counter-claims.

French society became increasingly divided between those who supported Dreyfus and those who condemned him. Emile Zola, an eminent Dreyfusard, penned an open letter "J'Accuse!", supporting a growing movement of pressure on government to reopen the case. Zola himself was jailed for a time for his opposition to the concerted persecution of Dreyfus. In 1906, Dreyfus was exonerated and reinstated as a major in the French Army.

The Dreyfus Affair remains a notable example of corrupt government and military actions in a complex miscarriage of justice.

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