

‘Scapegoating’: protesters to gather at Australian parliament before Witness K sentencing

Former NSW DPP says ‘the wrong parties are being prosecuted’ in case that exposed government’s bugging of Timor-Leste during oil and gas negotiations in 2004

Christopher Knause – *The Guardian*- 18 June 2021

<https://www.theguardian.com/australia-news/2021/jun/17/scapegoating-protesters-to-gather-at-australian-parliament-before-witness-k-sentencing>

Protesters supporting Witness K will gather at federal parliament to decry his treatment as he faces possible sentencing and “a very real prospect” of being jailed for speaking out about Australia’s misconduct abroad.

Witness K is scheduled to face court again on Thursday for his role in exposing the Australian government’s [bugging of Timor-Leste](#), an impoverished ally, during lucrative oil and gas negotiations in 2004.

The former Australian Secret Intelligence Service officer and his lawyer, Bernard Collaery, are considered heroes by Timor-Leste leaders, including José Ramos-Horta, who has previously [told the Guardian](#) Witness K was a hero whose honesty and courage should be praised.

[Secrecy challenge by Witness K lawyer Bernard Collaery will itself be held in secret](#)

Witness K’s case has been slow to wind its way through the ACT magistrates court since it began in 2018.

Almost [two years have passed](#) since he indicated he would plead guilty to a summary offence – one breach of section 39 of the Intelligence Services Act for communicating secret information obtained in the course of his duties as an ASIS officer. Sentencing proceedings were initially listed for earlier this month but were delayed at the last minute.

This week’s sentencing hearing is, barring any further dispute over the facts of the case, expected to take place over two days.

Labor MP Andrew Leigh is among a handful of federal opposition MPs who have spoken out about the case in recent weeks and will address protesters outside Parliament House on Thursday morning.

He told the Guardian the way the case had been dragged out was “unjust”.

“The government’s unexplained decision to spend millions of dollars and many years on the prosecutions of Witness K and Mr Collaery, and the Morrison government’s attempts to have the trials conducted in secret, are part of a broader shift towards more secrecy and less

accountability in government,” he said. “That shift began with the election of the Abbott government over seven years ago and has escalated rapidly under prime minister Morrison, who, despite multiple scandals on his watch, has never held any of his ministers to account. The double standards are breathtaking.”

Sister Susan Connelly, a nun who has worked extensively in [Timor-Leste](#), has been a fierce supporter of Witness K and Collaery for many years.

Connelly will tell the protesters the pair have falsely been made scapegoats by the Australian government.

“That’s why we’re here today. We see through the scapegoating of these two men, and today we stand up for that hero, that man of integrity, Witness K,” she will say, according to a draft speech.

The prosecutions of Collaery and Witness K have been criticised by leading legal figures and a growing chorus of MPs from across party lines. In April, the former New South Wales director of public prosecutions Nicholas Cowdery, said the case undermines confidence in the justice system, and commonwealth prosecutors were wrong to deem it in the public interest.

“The wrong parties are being prosecuted,” he said.

Last month, [the Canberra Times](#) reported that all four of the ACT’s federal MPs had condemned the prosecutions of Collaery and Witness K.

[Whistleblowers are being scared into silence, hampering efforts to expose corruption in Australia, research finds](#)

At the same time, federal Labor senator Kim Carr said he was “particularly concerned” before he and crossbench senator Rex Patrick [grilled the commonwealth director of public prosecutions](#) about the public interest rationale for the prosecutions.

Human Rights Law Centre senior lawyer Kieran Pender said in a statement on Wednesday there was “no public interest in prosecuting whistleblowers”.

“There is no public interest in prosecuting Witness K, or his lawyer Bernard Collaery,” he said.

“As the Witness K prosecution edges closer towards sentencing, we face the very real prospect that this courageous individual will be imprisoned for revealing Australia’s misconduct in Timor-Leste.”

Pender said the case reinforced the need for reforms of Australia’s whistleblowing laws, to make members of the public feel safe and supported when they call out wrongdoing.

“The commonwealth director of public prosecutions should reconsider the prosecution of Witness K before it’s too late, along with Collaery, defence whistleblower David McBride and Australian Taxation Office whistleblower Richard Boyle,” he said.