

# FROM OUR CORRESPONDENT

Bernard Lagan – *The Times* - 16 August 2021

*Australia is exacting retribution after a shabby act of spying against a fledgling nation was exposed by a whistleblower*

<https://www.thetimes.co.uk/article/australia-seeking-revenge-on-whistle-blower-who-exposed-east-timor-espionage-zkhksvhhg6>

As bugging operations go, it was crude but effective. Listening devices buried in the walls of Timor-Leste's Palacio do Governo the grand white waterfront edifice that houses ministers beamed intelligence across the island's dusty capital, Dili, to an old Russian ship.

But it wasn't Russians listening in aboard the vessel, converted into a floating hotel; instead they were agents from the Australian Secret Intelligence Service the government's foreign spy agency.

Nor were the bugs, placed by the Australians masquerading as aid workers, intended to gain military intelligence about the fledgling, impoverished island state, 450 miles across the Timor Sea from Australia's tropical capital, Darwin. Instead, the 2004 Australian spying operation was to learn the Timorese government's bottom line in its forthcoming high-stakes negotiations with Australia on sharing the billions to be made tapping vast oil and gas reserves under the Timor Sea.

Beneath the waves, between East Timor and Australia, lay a bounty worth A\$50 billion that East Timor, then two years independent after a bloody struggle with its former ruler, Indonesia, which had left tens of thousands dead, sorely needed.

But Australia was making a grab and in 2006 it was a beaming Australian foreign minister, Alexander Downer, who paraded the lop-sided deal that Timor-Leste signed. The Timorese never that knew the Australian government had used its agents to outwit them.

It was a rigged deal.

Australia's spying would have stayed buried had it not been for the festering discomfort of one of the key intelligence officers involved.

Known only as "Witness K" he resigned and approached Australia's intelligence watchdog, the Inspector General of Intelligence and Security, obtaining permission to talk to an approved lawyer, Bernard Collaery, a Canberra barrister who had a long history with the Timorese.

Xavier Gusmoa, the revered Timorese rebel leader, who became his country's first president after independence, learnt in 2012 of the bugging operation

he has never said how and within months Timor-Leste acted; it went to the Permanent Court of Arbitration in the Hague, asserting that the 2006 revenue deal was invalid because of Australia's espionage.

The reaction in Canberra was swift and severe. Secret Intelligence Service Agents the same agency that ran the Dili operation swooped on Witness K's home in Canberra, seizing his passport and rendering him unable to travel to the Hague to give evidence about the bugging.

Collaery, by then aiding Timor-Leste, was already in the Hague when ten agents burst into his Canberra home office, brandished a mostly blacked-out warrant at his young law clerk and rifled through his papers for six hours.

Australia, massively embarrassed by disclosures of the bugging operation to which it has never formally admitted capitulated and in March 2018 signed a new deal much more favourable to Timor-Leste in which the smaller nation gets up to 80 per cent of the oil and gas billions.

But Australia's retribution was not over; three months later, Witness K and Collaery were charged with conspiring to reveal information about the Dili bugging, a charge carrying a ten-year prison term. While lawyers across the country expressed outrage, the Australian government was unmoved and eight weeks ago Witness K, ground down and in a fragile state, pleaded guilty.

The evidence against him included affidavits he had prepared in support of Timor-Leste's case against Australia.

A magistrate spared the former spy a prison term, handing him instead a three-month suspended sentence.

Collaery is fighting on, eight years after the raid on his home. "I've had to withdraw from jury trial work, which is seriously affected by my income," Collaery told The Times. "It's had a devastating effect on our family. I've got seven grandchildren, and children, many of them bear our family name and that creates a difficulty for them. It has been an immensely destructive period in my life."

The Australian government is pushing to have Collaery tried in secret, thus avoiding revelations around the 2004 spying escapade. The lawyer has appealed and a decision on whether his trial will be largely open or closed is expected within two weeks.

Some in legal circles expect, however, that the Australian government will not want to continue the fight in open court, fearing what more might be revealed about a grubby episode it has spent years and millions of dollars doing its best to hide.