

Australia's Timor Spying Scandal. More Whistleblowers Emerge

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Global Research, December 08, 2013
[World Socialist Web Site](#)

Region: [Asia](#), [Oceania](#)
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The Australian government's moves to suppress further exposures of its surveillance operations suffered a blow yesterday when it was revealed that three more whistleblowers have given statements to the East Timorese government about the illegal installation of bugging devices in the walls of Dili's cabinet offices. The bugging involved Australian Secret Intelligence Service (ASIS) agents posing as aid workers helping renovate Timorese government buildings.

Two weeks ago a preliminary meeting was held in The Hague ahead of East Timor's legal claim at the Permanent Court of Arbitration to nullify an oil and gas revenue-sharing treaty because of the Australian spying. The Timorese representatives told the Australian delegation they intended to use the testimony of four Australian whistleblowers to support their case. This information almost certainly triggered Tuesday's Australian Security Intelligence Organisation (ASIO) raids on East Timor's Canberra-based lawyer Bernard Collaery, and the interrogation of one of the whistleblowers, a retired ASIS technical operations director.

Attorney-General George Brandis, who authorised the raids, subsequently issued an extraordinary ministerial statement to the Senate, threatening to charge the lawyer and the ex-ASIS officer with divulging official secrets, an offence that carries jail terms of up to seven years. In addition, the government seized the former ASIS official's passport, preventing him from going to The Hague to testify.

East Timor's government, which condemned the "invasion" of its lawyer's office as "inconceivable and unacceptable conduct," is seeking legal advice on whether it can demand the return of the sensitive documents seized in the raids. According to Collaery, the material includes his own correspondence with Prime Minister Xanana Gusmao, as well as a legal opinion by East Timor's international law experts Sir Elihu Lauterpacht and Professor Vaughan Lowe.

If the raids were conducted on the basis of information obtained during the arbitral procedure in The Hague, that would constitute a legal contempt of the proceedings, entitling East Timor to the return of the documents. East Timor's representatives also revealed that at a second preliminary hearing one week ago, the Australian government agreed not to arrest the whistleblowers before the case was heard.

Basic legal and democratic rights are threatened as well. In his Senate statement, Brandis declared that the centuries-old principle of lawyer-client confidentiality would not protect Collaery from being charged with serious criminal offences. Lawyer-client privilege is a

bedrock protection, preventing lawyers from being forced to pass on to the government and its security apparatus any sensitive or potentially incriminating information obtained while giving legal advice.

Prime Minister Tony Abbott's government is intensifying the drive, commenced under the previous Labor government, to shut down East Timor's legal case and prevent further public exposure of the spying operation, which began in 2004 during negotiations in Dili on the \$40 billion oil and gas treaty.

On Thursday, as East Timor and Australia held private talks at the Permanent Court of Arbitration in The Hague, Brandis made another bid to block the hearings. He insisted that the court lacked the jurisdiction to hear the case because East Timor had not "sufficiently engaged in or exhausted the prior consultation machinery" required under the treaty.

Collaery told reporters this was "arrant, misinformed nonsense." The lawyer pointed out that the previous Labor government's foreign minister, Bob Carr, and attorney-general, Mark Dreyfus, publicly disclosed East Timor's case in May. At that time, Carr refused to deny the spying allegations, citing the "convention" barring ministers from commenting on intelligence matters.

East Timor also revealed that a year ago Prime Minister Gusmao wrote to Australia's then Labor prime minister, Julia Gillard, stating that his government had reservations about the treaty and wished to re-open negotiations. However, Gusmao received no response. At a subsequent meeting arranged between the two countries in London, the Australian delegates did not turn up. At a follow-up meeting in Bangkok later in 2012, only junior members of Australia's Department of Foreign Affairs and Trade attended. These diplomatic snubs underscored the utter contempt of Australian imperialism for its tiny impoverished neighbour.

On Thursday and Friday, a small protest was held outside the Australian embassy in Dili. The demonstrators, mostly students and young political activists, carried banners stating: "Australia is a thief" and "Australia has no morals." They shouted: "Australia, imperialist, capitalist!" and "Australia is a thief of world oil."

The oil and gas treaty gave Australia a half share in the massive Greater Sunrise field—which lies just 150 kilometres south of East Timor and 450 kilometres northwest of Darwin—contravening international maritime border principles that would give East Timor sovereignty over the entire project. The main beneficiaries were Woodside Petroleum, a major Australian company, and its US consortium partners. Both Abbott's Liberal-National Coalition and the Labor Party have intimate connections with Woodside. The previous Howard government's foreign minister, Alexander Downer, who was in charge of ASIS in 2004, now runs a public relations firm that works for Woodside. The former Labor government's resources minister, Gary Gray, was employed by Woodside from 2001 to 2007.

The lengths to which the Abbott government, like its Labor predecessor, is going to block the spying revelations indicates that much more is stake than the immediate issue of energy reserves in the Timor Sea. The extensive bugging would have been invaluable as part of Canberra's violent regime change operation that was launched in 2006 against then Prime Minister Mari Alkatiri's Fretilin government. This involved the instigation of a split

within the Timorese armed forces, and a renewed Australian military intervention.

Canberra's machinations, always backed by Washington, flowed from the 1999 dispatch of Australian troops to East Timor, supposedly to secure the half island's independence from Indonesia. The territory is a highly strategic part of the Indonesian archipelago, which is now pivotal to Washington's war preparations against China. Critical sea lanes, on which China depends for its trade, pass through Indonesia, and have been identified by the Pentagon as "choke points" to be blockaded in the event of war.

It is also clear, from the documents leaked by former US National Security Agency (NSA) contractor Edward Snowden, that the strategic espionage in East Timor is part of a wider pattern. The NSA and its partners in the global US-led "Five Eyes" surveillance network—Britain, Canada, Australia and New Zealand—have spied on the populations and governments of countries around the world, including tapping the personal phones of German Chancellor Angela Merkel, and targeting the Brazilian oil company Petrobras and other international firms. Australian diplomatic missions throughout the Asia-Pacific, including in Indonesia and China, function as NSA listening posts.

Within the Australian political, media and legal establishment there has been a marked absence of opposition to the anti-democratic implications of the ASIO raids. The Labor opposition has sided with the government. The Law Council of Australia, which represents the legal profession, has raised no objection to the Abbott government's threat to prosecute Collaery. The silence is another indication that critical imperialist interests are at stake—not just those of Australia, but its powerful ally, the United States.

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