

## THE AUSTRALIAN

---

# Lawyer 'raided over East Timor spying case'

STAFF WRITERS AAP DECEMBER 03, 2013 9:44PM

**A lawyer representing East Timor in its spying case against Australia has accused the Australian Security Intelligence Organisation of raiding his home and office and seizing information about the case just days before it's due to begin.**

Attorney-General George Brandis has confirmed the spy agency conducted raids in Canberra, and that agents took documents and electronic media, but denied it was with the purpose of impeding the East Timor case that starts in The Hague on Thursday.

"The warrants were issued by me on the grounds that the documents contained intelligence related to security matters," Senator Brandis said in a statement.

"I have seen reports this evening containing allegations that the warrants were issued in order to affect or impede the current arbitration between Australia and Timor-Leste at The Hague. Those allegations are wrong.

"I have instructed ASIO that the material taken into possession is not under any circumstances to be communicated to those conducting those proceedings on behalf of Australia." The statement was issued on Tuesday night after lawyer Bernard Collaery told the ABC that people identifying themselves as ASIO agents raided his office and home in Canberra, taking electronic and paper files. Speaking from The Hague, Mr Collaery said he feared a key witness, a former Australian spy turned whistleblower, also may have been arrested in Canberra.

ASIO would not comment on the claims.

Mr Collaery is working for East Timor, which has accused the Australian Secret Intelligence Service (ASIS) of secretly recording East Timorese ministers and officials during delicate oil-and-gas negotiations in Dili in 2004 for the Timor Sea resources treaty. East Timor is pursuing international arbitration in The Hague to have the 2006 treaty overturned, a process it launched last December after the Australian government failed to respond to its bugging claims.

Mr Collaery said he did not yet know the legal basis upon which the raids took place.

But he said the seized documents included evidence of Australia inserting listening devices into the wall of the East Timor government's cabinet room ahead of the negotiations.

"I left Australia just 24 hours ago. There was ample opportunity, I am sure, for the warrant to be executed and for the attempt to be made whilst I was in Australia and could handle the situation."

Mr Collaery called the raid a "blatant, disgraceful attempt" to impede justice being done for East Timor.

Father Frank Brennan, a professor of law at the Australian Catholic University, told the ABC that a retired ASIS agent, the whistleblower in East Timor's case, was detained and questioned in Canberra.

Father Brennan did not know if the former spy had been arrested. But he said the case in The Hague was to begin on Thursday with the parties determining how to deal with the witnesses, particularly the key whistleblower.

"The allegation of the Timorese being that this whistleblower is able to provide credible, direct evidence of the bugging of the cabinet room, and that that was done for commercial gain and would require the approval not only of the director-general of intelligence but of the requisite Australian minister," he told the ABC.

The 2006 Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS) equally divides spoils from the vast oil and gas assets found in waters between the two countries.