

Australia's secret service raids homes of lawyer and ex-spy set to testify at The Hague

Australia bugged East Timorese cabinet before oil and gas revenue-sharing negotiations, pair prepare to claim

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Australia's attorney general, George Brandis, has confirmed that the warrants targeted lawyer Bernard Collaery. Photograph: Daniel Munoz/AAP

Australia's secret service has raided the Canberra homes of a lawyer and a former spy who intend to testify at The Hague that Australia bugged the East Timorese cabinet before sensitive oil and gas revenue-sharing negotiations.

The spying allegations come a month after revelations from Edward Snowden that Australia attempted to tap the phones of senior Indonesian officials in 2009 brought Australian-Indonesian relations to their lowest point in more than a decade.

East Timor will go before the permanent court of arbitration on Thursday and use the alleged espionage to challenge the validity of a bilateral agreement struck with Australia in 2006 over sharing seabed oil and gas reserves worth billions of dollars.

The Australian attorney general, George Brandis, confirmed that he had authorised search

warrants that were executed by the Australian Security Intelligence Organisation (ASIO) in Canberra on Tuesday. Documents were seized.

Brandis told the senate on Wednesday that the warrants targeted lawyer Bernard Collaery, who will represent East Timor in The Hague, and a former Australian secret intelligence service officer.

ASIO spies operate out of Australian embassies around the world. It is illegal to name serving or former spies.

Brandis's office would not confirm media reports that the former spy's passport had been confiscated, preventing him from giving evidence in The Hague.

Brandis told the senate that serving and former ASIO spies faced criminal charges if they revealed their organisation's functions. He said the raids were not conducted to help Australia fight the court case.

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

Collaery said the case would proceed without the spy witness.

"This is an attempt to intimidate our witness and to prevent the evidence going forward at The Hague," Collaery told Australian Broadcasting Corporation from Amsterdam. "I can't think of anything more crass than what has occurred," he added.

Collaery said the former spy alleged a team of ASIO technicians inserted listening devices into walls of cabinet offices that were constructed and renovated in the East Timorese capital, Dili, under an Australian aid programme in 2004.

East Timor's ambassador to Australia, Abel Guterres, said he was awaiting a statement from the prime minister, Xanana Gusmao, before commenting.

Gusmao was in Sudan on Wednesday on an official visit. The East Timorese vice prime minister, Fernando Lasama, and the vice foreign minister, Constancio Pinto, both declined to comment.

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