



news



Aus to keep docs but not spy on Timor: ICJ



BY AMELIA ROMANOS
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East Timor has failed in its court bid to force Australia to return oil and gas treaty documents.

East Timor has failed in its bid to force Australia to return sensitive documents relating to a \$40 billion oil and gas treaty.

But the UN's top court has ruled that Australia can't use the documents either and must keep them under lock and key until further notice.

The International Court of Justice (ICJ) on Monday further banned Canberra from spying on any communications between Dili and its lawyers regarding the on-going dispute.

The documents in question were seized last December when agents from Australia's domestic spy organisation ASIO raided the office of Canberra lawyer Bernard Collaery.

He is part of the East Timorese legal team challenging the bilateral Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS).

Dili took Canberra to the ICJ in The Hague seeking the return of the documents, which it argued would cause "irreparable harm" if examined by Australia.

It wanted the court to rule that all the seized documents be immediately handed over to the ICJ, and to have a list of which documents have been passed to which people.

In Monday's ruling the court accepted Australia's assurances that the documents would not be used other than for national security purposes, but said there was "still a risk of release of the material which would be highly prejudicial".

It ordered Australia to keep the documents and electronic data sealed until a further decision from the court - and to ensure the material was not used to the disadvantage of East Timor.

The court also noted East Timor's right to have confidential legal discussions and ordered that "Australia shall not interfere in any way in communications" between the country and its legal advisers.

The CMATS was signed in 2006, and sets out an even split of proceeds from the energy fields between the two countries, estimated to be worth more than \$40 billion.

Dili has accused Australia of bugging its cabinet office during 2004 negotiations on the treaty, and has taken the case to the Permanent Court of Arbitration, also at The Hague, to have the agreement scrapped.

Speaking afterwards, East Timor's ambassador to Britain, Joaquim da Fonseca, told reporters he was "very satisfied with the result of the hearing today".

The court "appreciated the seriousness of the harm that could be caused by the seizure and the detention of the documents which belong to Timor-Leste".

Australia's representative, Neil Mules, said Canberra would "closely review the terms of the decision."

"The government remains of the view that it has a very strong case that we will continue to defend strongly" in the arbitration case, he said.
