

THE AUSTRALIAN

Australia reverses espionage accusations at The Hague

PAUL CLEARY THE AUSTRALIAN JANUARY 24, 2014 12:00AM

THE government of East Timor had potentially put Australian "lives at risk" by obtaining the names of the secret service agents it alleges were involved in the 2004 bugging of the Timorese prime minister's office, Australia's Solicitor-General, Justin Gleeson SC, told the International Court of Justice yesterday.

Mr Gleeson cited a series of public comments by an East Timor minister to allege that Australia had "reasonable apprehension" that East Timor's actions threatened Australia's security interests and therefore justified the seizing by ASIO of documents held in the Canberra office of East Timor's lawyer, Bernard Collaery.

This week, East Timor sought provisional measures by the ICJ to protect the seized documents. In a related action in The Hague, it is seeking to have a 2006 treaty declared void because it alleges that Australia bugged the office of the prime minister.

The seized documents include the affidavit of a former Australian Security Intelligence Service agent who was responsible for the bugging operation.

Mr Gleeson said while he had not seen the seized documents, as they were sealed within ASIO, there was real concern that East Timor had used the agent's disclosures as a "springboard" to make further inquiries.

This resulted in East Timor identifying four men whom it claims carried out the bugging operation in 2004, while a fifth agent, a woman, was also involved. Mr Gleeson said there was a serious risk these names could be released into the public domain, putting these agents at risk.

"There is an apprehension that the Timorese government has used the information as a springboard to ascertain the identity of Australian officers, potentially putting their lives at risk," he said.

The East Timor government has gone further than Mr Gleeson alleged yesterday, with Natural Resources Minister Alfredo Pires telling SBS last month that the agents' lives were at risk.

He said identities were held on government computers but it was always possible such information could make its way into the public domain. If they were still working overseas on an Australian project, "it could be dangerous for them; their life is at risk".

In an impassioned conclusion to East Timor's case, the country's agent in the proceedings, Joaquim da Fonseca, made clear it was the unfairness of the settlement over the Timor Sea's resources that was at issue. East Timor says the alleged espionage gave Australia an unfair advantage in the 2004 negotiations, leading to an unfair result.

Mr Fonseca told the court that under a permanent maritime boundary - which Australia has strenuously resisted -- East Timor would be entitled to a much greater share of the oil resources that lie under the Timor Sea.

"Under no conceivable maritime delimitation would the Greater Sunrise fields lie within Australia's territory," he said. "They are located within 200 nautical miles from the coastlines of Timor-Leste, far closer to Timor-Leste than they are to Australia."

In summing up the Australian case, John Reid took issue with Mr Fonseca's attempt to "litigate the maritime boundary between the two countries".

"The treaties ought to be respected," he added.