



## SPOKESPERSON SIXTH CONSTITUTIONAL GOVERNMENT



## MEDIA RELEASE

12 May, 2015  
Dili, Timor-Leste

### Documents and Data Returned

This afternoon at 2:00pm Australian officials returned all documents and data seized from the office of one of Timor-Leste's legal representatives on 3 December 2013. The material was returned to the office of lawyer Bernard Collaery in Canberra under the supervision of Timor-Leste's Ambassador to Australia H.E. Abel Guterres.

Australia wrote to the International Court of Justice [ICJ] in March to advise that "it wished to return the materials" and on 22 April the Court issued an order authorizing "the return, still sealed, to Collaery Lawyers of all the documents and data ... under the supervision of a representative of Timor-Leste appointed for that purpose."

Material seized by Australian intelligence agents in December 2013 included documents concerning Australia's spying on Timor-Leste during the negotiation of the CMATS Treaty in 2004, conduct which is the subject of a dispute between Timor-Leste and Australia registered with the Permanent Court of Arbitration [PCA] in the Hague.

Other privileged legal material taken in December 2013 and returned today outlined Timor-Leste's legal strategy for those proceedings.

Timor-Leste responded to the seizure by filing a complaint with the ICJ. The return of the documents and data was one of a number of outcomes sought on 17 December 2013.

As expressed earlier in May, the Government of Timor-Leste appreciates Australia's decision to return the documents and data. This change of position comes after Australia has vigorously defended its right to seize and hold the material over the past 16 months.

The return of the documents was a unilateral decision by Australia, with no objection by Timor-Leste and has been approved by the court. The case remains open, with the ICJ noting that two of the three provisional measures ordered by the court in March 2014 remain in place, including that "Australia shall not interfere in any way in communications between Timor-Leste and its legal advisers in connection with the pending Arbitration under the Timor Sea Treaty of 20 May 2002 between Timor-Leste and Australia, with any future bilateral negotiations concerning maritime delimitation, or with any other related procedure



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between the two States, including the present case before the Court.”

In September 2014, just prior to the scheduled full hearing of the matter before the ICJ, Timor-Leste agreed to a request from Australia to adjourn both the arbitration registered with the PCA and the document seizure proceedings before the ICJ for a period of six months to allow for substantive dialogue. That six-month period elapsed in March.

Timor-Leste’s expectation that the dialogue would produce a road map for structured talks on the delimitation of permanent maritime boundaries has not been met.

There is no permanent maritime boundary between the two neighboring countries and Timor-Leste seeks to complete the delimitation of her sovereign territories through the drawing of permanent maritime boundaries with Australia under the principles of international law.

Currently Timor-Leste is reserving its rights regarding both cases, seeking further legal advice and considering next steps.

Spokesperson for the Government of Timor-Leste, Minister of State Agio Pereira noted “Australia’s decision, implemented today in Canberra is a welcome development and in keeping with the mutually respectful relationship we aspire to have with our close neighbor.” **ENDS**

*An earlier Media Release [“Timor-Leste appreciates Australian change of position regarding the return of seized documents”](#) is available online ([timor-leste.gov.tl](http://timor-leste.gov.tl)).*