



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org

Press Release

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Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)

Conclusion of the public hearings on the Request for the indication of provisional measures submitted by Timor-Leste

THE HAGUE, 22 January 2014. The public hearings on the Request for the indication of provisional measures submitted by the Democratic Republic of Timor-Leste to the International Court of Justice in the case concerning Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia) were concluded today. The Court will now begin its deliberation.

Two rounds of oral observations on the request were held from Monday 20 to Wednesday 22 January 2014 at the Peace Palace in The Hague, seat of the Court. During the hearings, the delegation of Timor-Leste was led by H.E. Mr. Joaquim A.M.L. da Fonseca, Ambassador of the Democratic Republic of Timor-Leste to the United Kingdom, as Agent. The delegation of Australia was led by Mr. John Reid, First Assistant Secretary, International Law and Human Rights Division, Attorney-General's Department, as Agent.

The Court's decision on the Request for the indication of provisional measures will be delivered at a public sitting, the date of which will be announced in due course.

Requests of the Parties

At the end of the second round of oral observations, the Parties presented the following submissions to the Court:

For Timor-Leste:

“Timor-Leste respectfully requests that the Court indicate the following provisional measures:

- (a) That all of the documents and data seized by Australia from 5 Brockman Street, Narrabundah, in the Australian Capital Territory on 3 December 2013 be immediately sealed and delivered into the custody of the International Court of Justice.

- (b) That Australia immediately deliver to Timor-Leste and to the International Court of Justice (i) a list of any and all documents and data that it has disclosed or transmitted, or the information contained in which it has disclosed or transmitted to any person, whether or not such person is employed by or holds office in any organ of the Australian State or of any third State, and (ii) a list of the identities or descriptions of and current positions held by such persons.
- (c) That Australia deliver within five days to Timor-Leste and to the International Court of Justice a list of any and all copies that it has made of any of the seized documents and data.
- (d) That Australia (i) destroy beyond recovery any and all copies of the documents and data seized by Australia on 3 December 2013, and use every effort to secure the destruction beyond recovery of all copies that it has transmitted to any third party, and (ii) inform Timor-Leste and the International Court of Justice of all steps taken in pursuance of that order for destruction, whether or not successful.
- (e) That Australia give an assurance that it will not intercept or cause or request the interception of communications between Timor-Leste and its legal advisers, whether within or outside Australia or Timor-Leste.”

For Australia:

- “1. Australia requests the Court to refuse the Request for the indication of provisional measures submitted by the Democratic Republic of Timor-Leste.
2. Australia further requests the Court stay the proceedings until the Arbitral Tribunal has rendered its judgment in the Arbitration under the Timor Sea Treaty.”

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The verbatim records of the hearings held from 20 to 22 January 2014 are available on the Court’s website (www.icj-cij.org).

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Mr. Boris Heim, Information Officer (+31 (0)70 302 2337)

Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)