



SPOKESPERSON V CONSTITUTIONAL GOVERNMENT



**MEDIA
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International Court of Justice Awards Timor-Leste Provisional Measures

On the third of March the International Court of Justice handed down an interim judgment on Timor-Leste's request for provisional measures in the case "*Concerning Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v Australia)*." Despite the four separate undertakings offered by the Australian Attorney General on December 4, 2013, December 19, 2013, December 23, 2013 and January 21, 2014, the International Court of Justice utilized its judicial mandate to issue binding orders to Australia to protect Timor-Leste's rights and interests which included:

- (i) to ensure, until conclusion of the ICJ proceedings, that the documents and data seized is not, at any time or in any way, used by any person or persons to the disadvantage of Timor-Leste;
- (ii) to keep under seal the seized documents, and electronic data and any copies thereof until a further decision of the Court; and
- (iii) not to interfere in any way in communications between Timor-Leste and its legal advisors in connection with the pending arbitration proceedings, with any future bilateral negotiations concerning maritime delimitation, or any other related procedure between the two States, including the ICJ proceedings.

All of the orders were supported by significant majorities - 12 votes to 4 in favor of the first two orders and 15 votes to 1 in favor of the third order.

The Court considered the undertakings of the Australian Attorney General prior to and during the oral proceedings insufficient and made the first two orders to protect the confidentiality of the documents and the rights of Timor-Leste. The comprehensive nature of the first two provisional measures combined with the



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statement issued by Australia on March 4, 2014 that it will comply with the orders of the ICJ, provides an outcome Timor-Leste welcomes.

The third order to “not interfere in any way in communications” goes further than Timor-Leste’s request for non-interception and was appreciated by the State of Timor-Leste to ensure a fair and judicious process, not only for the immediate, but for all future State to State negotiations; most importantly those noted by the Court in “any future bilateral negotiations concerning maritime delimitation.”

Timor-Leste re-confirms the promotion of dialogue with Australia as a first line mechanism to rectify existing disputes and urges the new Australian Government to utilize good faith and conciliatory means to resolve outstanding matters including the promotion of the Timor-Leste’s sovereign right to a maritime border.

Spokesperson for the V Constitutional Government, Minister of State Agio Pereira noted “We express our gratitude to the International Court of Justice and the 16 member tribunal for their time, consideration and swift action to protect the rights and interests of Timor-Leste. These provisional orders were sought not only to protect and promote the rights of Timor-Leste but for all sovereign States in their pursuit to uphold the international laws and conventions we prescribe to. Particularly, this is a win for the people of both Timor-Leste and Australia who prefer to see their Governments work together in an honest, frank and more collegiate manner, for their collective long-term national interest.” **ENDS**



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