

**Forum:** International Court of Justice

**Issue:** Application of the Convention on the Prevention and Punishment of the Crime of Genocide

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## Introduction

The pernicious targeting of subjugated groups is an issue continuing to plague the global community. It is the responsibility of the International Court of Justice to adjudicate violations of the laws surrounding and governing the international community. Most aptly, the Convention on the Prevention and Punishment of the Crime of Genocide delineates the reprisal that this body should take when such atrocities have been committed.

## Definition of Key Terms

### Genocide

Deliberate mass murdering of either specific ethnic groups or nations as a whole.

### Genocide Denial

This refers to the rejection of mass murder or of the scale and level of intensity of the mass murder by individuals and governments. Its presence stems from attempts to avoid capital punishment and to clear the individual's name in history.

### Historical Revisionism

This is the reconsideration of established knowledge on historical events. Most revisions are categorized into two sub-sections; either genuine retrospection of events based on newly acquired knowledge or illicit distortion of events and the thought process behind it, thereby making an the general consensus slightly in favor of the revisionist's bias.

### International Court of Justice

Located in the Peace Palace at The Hague, Netherlands, the International Court of Justice is a factor of the United Nations that aims to settle all disputes put forward by the General Assembly between international bodies.

### International Criminal Court

Located at The Hague, Netherlands, the international Criminal Court is a factor of the United Nations that aims to prosecute individuals and organizations behind any sort of crimes against humanity; this includes genocide.

### **Final Solution**

This was the plan and execution of the systematic mass murder of Jews in Europe administered by the Nazi Germans. The plan encompassed what is now known as the Holocaust.

### **Anti-Semitism**

This is the assumed hatred towards Jews, both as individuals and as a group, based on their heritage, culture and ethnicity. The Holocaust was believed to be a result of the anti-Semitism that the Nazi Germans are universally acknowledged to have.

### **Rules of Evidence**

These are a set of rules that describe the basis on which a legal case can be put forward for consideration in front of the law. The Rules of Evidence have been developed over several centuries dating back to the early settlers, the Anglo-Americans. The rules have been designed to minimize the ability of both parties to influence the judging panel's view. During several of the genocide denials, involved parties tend to ignore many of the Rules of Evidence thereby swerving the perception of many historical events.

### **Holocaust**

This was the mass murder of Jews in Europe by the German Nazis. The genocide was sponsored by the state and was administered by Adolf Hitler. It resulted in the death of over six million Jews.

### **Genocide Convention**

Adopted by the United Nations General Assembly as Resolution 260 on 9<sup>th</sup> December 1948, the resolution encourages all countries to severely censure all actions in relation to genocide.

### **Holodomor**

This is a deliberately caused famine during the period 1932-1933 in Ukraine administered by Stalin through the Red Army. The event was considered genocide due to its execution during peacetime and the unparalleled nature. The Holodomor resulted in a death toll of close to six million Ukrainians.

## **Dekulakization**

This was a set of Soviet run raids that culminated in the arrest, torture and executions of over a million Ukrainians during the period 1929-1932. The purpose was to minimize the opposition to the government thereby successfully incorporating the aims of industrialization and collectivization.

## **Gayssot Law**

Proposed by the Communist deputy Jean-Claude Gayssot, the law was enacted on July 13, 1990 and made it illegal for an individual to question the authenticity or the degree and nature of a crime against humanity.

## **History**

### **The Holocaust**

During World War II, Adolf Hitler administered the Final Solution that culminated in the death of six million Jews across Europe.

#### **Removal of Jewish bodies from gas chambers during The Holocaust**

From as early as 1933, after Adolf Hitler was granted Emergency Power preceding the Reichstag Fire, European Jews had their rights revoked; Jews were not allowed to own businesses, work in a myriad of industries, own property etc. Compounded by the rise of the Gespo, the Jews were no longer able to exercise any forms of retaliation and were weakened tremendously.

Post 1940, the German Nazis began capturing European Jews, sealing them in concentration camps, and after slow torture, killing them.

### **Armenian Genocide**

Spanning from the 1860's to the early twentieth century, the Turkish people spearheaded the destruction of the Armenian population in the Ottoman Empire. The massacres and deportations design to lead to the slow torture and final death of the Armenian people took place sporadically over the sixty-year period and culminated in a death toll of close to one and a half million people.

Universally, the 24<sup>th</sup> of April 1915 is acknowledged to be the commencement of one of the greatest genocides the world has seen wherein two hundred and fifty Armenian

scholars were captured and subsequently murdered. This sparked off a series of mass murders in which Armenian villages were uprooted, businesses burned, rights revoked and civilians captured.

### The Holodomor

Through the years 1932-1933, several parts of the Soviet Union suffered from the man-made famine, The Holodomor. Its degree of destruction resulting in estimated deaths of approximately four million deaths compounded by the prospect of being prevented reckoned the event genocide in modern history.

Prior to this period, the Soviet Union was under the rule of the Stalin regime. Ukrainian territories in particular were on the verges of major nationalism by the Soviet Union as Stalin deemed it necessary that the land consequently the agricultural product were to be used not only to feed the industrial workers, but also to bring in funding for his industrialization plans. The policy to convert all private land to state owned factors of production was not taken well with majority of the farmers. As a result, Stalin ordered for the over a million Ukrainian civilians to be captured and deported to Siberia where majority of them starved to death.

Stalin continued to pressurize farmers by deploying a secret police that ensured the government collected all agricultural products and that villagers do not escape labor. Over time, through starvation and misuse of the farmland for capital gain, the people of Ukraine slowly perished.

### Key Issues

#### Question of Religion and Racism

Seeing that genocide is the mass murder of a certain ethnicity or group, although in the short term punishment can be brought about, how does this affect the long term impact on cultural and ethnic distribution. How does this affect perceptions of these cultures? Will this induce fear in people with religious or cultural choices?

#### Genocide Denial

Through the use of communication mediums such as television, websites, posters and social networking, social activist groups have begun to convey bias interpretations of historical evidence. Although majority of the educated population may be immune to such

forms of influence, a vast number of people, especially the youth of today, are easily swayed in their beliefs.

## Major Parties Involved and Their Views

### International Criminal Court

The International Criminal Court is directly associated with all forms of breaches against humanity. In particular, it deals with the prosecution of individuals that commit any sort of crime against humanity. However, since it came into being in July 2002, it is unable to prosecute individuals associated with genocides preceding that date.

### Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
1857-1867	Russian soldiers systematically remove Circassians and Caucasians from villages. During the removal process and the Caucasian War, more than 400,000 Circassians are killed or starve to death. Another 400,000 are forced to flee to Turkey, leaving approximately 80,000 Circassians alive in their native land. In the mid-1990s, scholars call this event a "Circassian ethnic cleansing." It is later considered a genocide.
1944	Raphael Lemkin introduced the term "genocide"
1904-1907	German General Lothar von Trotha leads a brutal campaign against the Herero and Namaqua people of South-West Africa (present-day Namibia). More than 80 percent of the total Herero population and 50 percent of the total Nama population are killed. It is the first state-organized genocide of the 20th century.
1914-1920	The Assyrian population of northern Mesopotamia (modern-day Turkey and Iran) is forcibly relocated and massacred by Ottoman (Turkish and Kurdish) forces under the regime of the Young Turks.

1915	The concept of crimes against humanity is introduced to international relations during World War I. The term refers to an act of persecution or a large-scale atrocity against a group of people, including genocide. It is the highest level of criminal offense in international law.
1915-1917	Turks eliminate Two million Armenians living in Turkey from their historic homeland through massacres, death marches and forced deportations. The Turkish government does not recognize these events as genocide and refuses to admit that there was ever an organized campaign to eliminate the Armenians from Turkey.
1932-1933	Through a forced collective farm system, Joseph Stalin, leader of the Soviet Union, causes a famine which results in an estimated 7,000,000 Ukrainians starving to death. The peasants who perish are deprived of the food that they have grown through the work of their own hands, as Stalin's policy holds that no family can consume grains raised from a collective farm until the government's procurement quota is met.
1937-1938	The Japanese Imperial Army marches into China's capital city of Nanking and murders 300,000 of the 600,000 people in the city. The horrific murder, mutilation, torture and rape of Chinese civilians and soldiers continues for six weeks and becomes known as the Rape of Nanking. It is during this period that the "comfort women" system is introduced, as girls and women are forced into slavery/prostitution and exist only for the pleasure of the Japanese soldiers.
1938-1945	Nazi Germany implements its state-sponsored program of killing six million Jewish men, women and children who, according to Adolf Hitler, are of an "inferior" race. Hitler calls this program his "Final Solution to the Jewish Question." During the Holocaust, nearly two out of every three Jews living in Europe are murdered, as well as Roma (gypsies), mentally

	<p>or physically disabled people, Soviet prisoners of war, homosexuals, and political and religious dissidents. Through the Nazi system of segregation and discrimination beginning in 1933, European Jews are isolated by forced relocation to ghettos, then murdered by mobile killing units or sent to concentration camps and death camps where they suffocate in gas chambers at a rate of nearly 6,000 people per day. Estimates for the total number of people killed in the Holocaust range from 16 million to 26 million.</p>
1944	<p>Lawyer Raphael Lemkin introduces the term "genocide" created from the Greek root word <i>geno</i> meaning "family" or "tribe" and <i>cide</i> meaning "to kill."</p>
1945-1946	<p>Allied forces codified the general principle of "crimes against humanity" into enforceable law and prosecuted Nazi war criminals for atrocities they committed against both their own and other nation's citizens. However, the law was limited in scope, applying only to crimes committed during an international conflict.</p>
1945	<p>The Charter of the International Military Tribunal (1945) defined crimes against humanity as "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."</p>
1948	<p>United Nations Convention on the Prevention and Punishment of Genocide makes genocide a crime punishable by international law, and defines genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group." The Convention comes into force as international law on January 12, 1951.</p>

1998	The definition of crimes against humanity was further refined during the process of drafting the Rome Statute (1998), which created the International Criminal Court.
1948	Due in no small part to the efforts of Raphael Lemkin, the UN Convention on the Prevention and Punishment of the Crime of Genocide was unanimously adopted on December 9, 1948. The Convention entered into force on January 12, 1951, after more than 20 countries from around the world ratified it.
1950-1987	Massive crimes against civilian populations are committed throughout the Cold War in places such as Romania and Guatemala. Many scholars still debate whether these actions constitute genocide.
1972	A Hutu-led coup attempt results in the murder of 100,000 to 200,000 Hutus and Tutsis in Burundi, Central Africa.
1975-1979	<p>Khmer Rouge leader Pol Pot attempts to form a Communist peasant farming society in Cambodia which results in approximately 1.7 million deaths from starvation, executions and overwork.</p> <p>The Indonesian military uses starvation--along with napalm and chemical weapons--to exterminate the people of East Timor. The death toll is reported at 150,000.</p>
1982	Lebanese militias massacre Palestinians at the Sabra and Shatila refugee camps in Beirut. The number of victims range from 700-3,500. In December, the United Nations condemns the massacre as an act of genocide.
1987-1989	Saddam Hussein's regime in Iraq conducts the al-Anfal Campaign, a genocidal campaign against the Kurdish population in northern Iraq. Led by Saddam's cousin, Ali Hassan al-Majid, known as "Chemical Ali" for his use of chemical weapons on civilians, the operation results in 2,000



	villages being completely destroyed and 50,000-100,000 people killed. In 2007, Ali and 4 others receive sentences ranging from death to life imprisonment for their role in the killings.
1988	Despite facing strong opposition by those who believed it would diminish U.S. sovereignty, President Ronald Reagan signed the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide on November 4, 1988. Among the Convention's most vocal advocates was Wisconsin Senator William Proxmire, who delivered more than 3,000 speeches before Congress arguing for its passage.
1992-1995	Conflict between Serb, Croat and Muslim ethnic groups in the Republic of Bosnia-Herzegovina leads to genocide committed by the Serbs in which 200,000 Bosnian Muslims are killed. In just one small town, Srebrenica, 7,800 Bosniak men and boys are murdered. The events in Bosnia are labeled "ethnic cleansing."
1993	In response to the atrocities occurring in Bosnia, the United Nations Security Council issued resolution 827, establishing the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. It was the first international criminal tribunal since Nuremberg. Crimes the ICTY can prosecute and try are: grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, genocide, and crimes against humanity. Its jurisdiction is limited to crimes committed on the territory of the former Yugoslavia.
1994	After the genocide ends, the world creates a tribunal for Rwanda
1998	On September 2, 1998, the International Criminal Tribunal for Rwanda issued the first conviction for genocide after a trial, declaring Jean-Paul Akayesu guilty for acts he engaged in and

	oversaw as mayor of the Rwandan town of Taba.
2001	The International Criminal Tribunal for the Former Yugoslavia (ICTY) at The Hague charges former Yugoslav President Slobodan Milosevic with genocide and complicity to commit genocide for crimes committed during the war in Bosnia from 1992 to 1995. It establishes a precedent, once unthinkable, of having a former head of state face a criminal trial before an international court.
2003	Government-sponsored Arab militias known as the Janjaweed or Jingaweit systematically murder, rape, torture and wipe out entire villages of black Africans in the Darfur region of Sudan. Ongoing violence, displacement and disease continue to kill thousands of Darfurians.
2004	U.S. Secretary of State Colin Powell refers to the ongoing crisis in Darfur as "genocide." The significance of the use of the word genocide is two-fold: This is the first time in U.S. government history that the word genocide is used to refer to an <i>ongoing</i> crisis; and since discussions regarding intervention hinge on the determination of genocide, this is an integral step to end the genocide in Darfur.
March 11, 2006	Former Yugoslav President Slobodan Milosevic dies in his cell of a heart attack just months before a verdict was due in his trial at the International Criminal Tribunal for the Former Yugoslavia.
December 12, 2006	Former Ethiopian dictator Mengistu Haile Mariam is found guilty of genocide and other offenses for his role in the mass killings during the Red Terror. Ethiopia defines genocide as intent to wipe out political as well as ethnic groups. During the Red Terror of 1977 and 1978, up to 500,000 people died, many of them political opponents of Mengistu.

February 26, 2007	The International Court of Justice (ICJ), upholds the ICTY's earlier finding that the Srebrenica massacre constituted genocide, but finds that there had been no wider genocide in Bosnia and Herzegovina during the war, as the Bosnian government had claimed.
June 24, 2007	Ali Hassan al-Majid, dubbed "Chemical Ali" for his role in the gassing of tens of thousands of Kurds in Saddam Hussein's al-Anfal military campaign in 1988, is convicted of genocide and sentenced to death by hanging.
September 19, 2007	Nuon Chea becomes the senior-most surviving leader of the Khmer Rouge regime to be arrested and charged for his role in war crimes and crimes against humanity by the U.N.- backed tribunal, the Extraordinary Chambers in the Courts of Cambodia. He joins Kaing Guek Eav, aka Duch, who was transferred to tribunal custody in July after being charged with crimes against humanity for his role in overseeing the notorious S-21 torture prison

### **Evaluation of Previous Attempts to Resolve the Issue**

Despite the introduction and enforcement of the Convention on the Prevention and Punishment of the Crime of Genocide, the UN response to the Rwandan Genocide displayed lack of preparation as no attempt was made to resolve or stop the issue at hand during the time it took place. However, upon the termination of the genocide, the UN intervened thus prosecuting the perpetrators. As a result, the policy is believed to be inadequate in terms of prevention of genocide.

### **Possible Solutions**

Create a system whereby countries offer to intervene or contribute towards an intervention in the case of a mass murder. In the case that such a thing should happen, each country would send a given number of people to the affected area to help bring an end to the genocide.

In terms of genocide denial, improve education in terms of world history and the United Nations. This can be done through the governments' subsidizing of education in their country and similarly contributing to the education of children in third world nations.

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## **Appendix or Appendices**

- i. Evolution of Genocide  
<http://www.ushmm.org/genocide/pdf/timeline.pdf>
- ii. Genocide Timeline  
<http://timelinesdb.com/listevents.php?subjid=440&title=Genocide>
- iii. Genocide Convention  
<http://www.hrweb.org/legal/genocide.html>

**Forum:** International Court of Justice  
**Issue:** The Seizure and Detention of Digitally Secured Documents  
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## Introduction

The end of the Cold War saw the advent of many new, independent nations. The formation of these countries were at times peaceful matters, though were more often violent political upheavals or dramatic party disputes resulting in a coup. At times, foreign powers were involved with the formation of such countries, creating complex relationships between countries old and new. This case disputes the right of a large, foreign nation (Australia) to seize and detain data in a small, new nation (Timor Leste). The matter is complicated by the history between these countries, as well as by the uncertainty of who has the right to data.

## Definition of Key Terms

### Coup

The overthrow of a government, generally by a rebellious party/parties, often bringing about significant political change.

### Massacre

A mass, violent killing of many people

### Paramilitary

An unofficial or crudely constructed military force.

### Seizure

Forcibly taking possession of, by legal or illegal means.

## History

## **Pre-Indonesian Timor**

After

consisting primarily of Portuguese colonists since the 1500s and being officially under Portuguese rule since 1702, the country currently known as East Timor (or Timor-Leste) faced much unrest in the 20th century. During the Second World War, Timor-Leste was occupied by Japan, resulting in the deaths of between 40,000 and 70,000 heroic, native Timoreans. After returning to the control of Portugal after the war, Timor-Leste was given little attention by both the Portuguese (its ruler) and the Indonesians (its neighbor). This neglect from any large government authority fostered the formation of political parties within Timor-Leste. These parties vied for power in an election of 1975. Portugal, decreasingly concerned with this colony due to concerns with colonies in Africa, paid little attention. In August of 1975 one such political party, the Timorese Democratic Union (UDT) staged a coup, overthrowing Portuguese rule. The Revolutionary Front of Independent East Timor (also called Fretelin), a competing political party, announced that it had control over Portuguese Timor, declaring independence and establishing a new President, Xanana Gusmão.

## **Under Indonesian Domain**

In December of 1975, Indonesian forces moved into Timor-Leste and took control, a move for which Indonesia had been planning for a long time, even before the coup in Timor-Leste. Australians opposed this action, claiming to be supporters of Timor-Leste. They cited the country's bravery in WWII as a reason for action against Indonesia, but the Australian government did nothing substantive to defend the small country. The fact that there were oil prospects in the land between East Timor and Australia may have had something to do with that decision.

Under the rule of the Indonesian troops, tens of thousands of Timoreans were raped or murdered. Supported monetarily by many major Western governments, the Indonesians had the power to control and oppress the citizens of Timor-Leste.

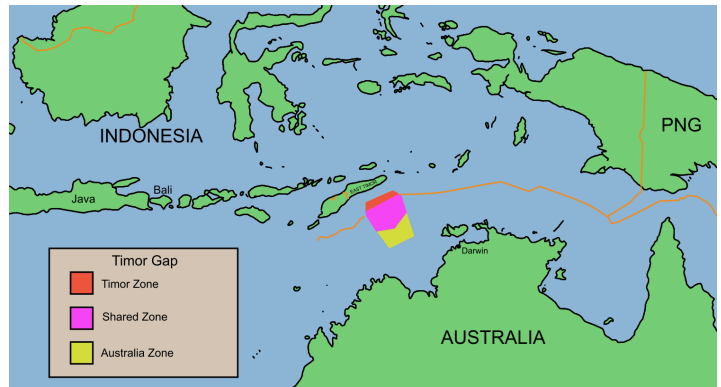
Oppression continued for decades, culminating in the Dili Massacre of 1991, in which over 250 Timorese children were killed by Indonesian forces. This changed much of the world's view of the situation from relative apathy to outrage. In Australia, many citizens were appalled that their government would ignore or downplay the plight of the Timorese. With

massive pressure from foreign powers, Indonesia called for a referendum of independence, which, to their dismay, resulted in an overwhelming majority in favor of independence. In response, the Indonesian forces murdered and raped thousands, and destroyed everything they could. In late 1999, a large international military forces of about ten thousand troops (half of which came from Australia) came to Indonesia and seized power, handing it over to the United Nations. The UN created a Constitution for Timor-Leste, which has been recognized as an independent nation since 2002.

### **Relations between Australia and an Independent Timor-Leste**

Australia had had a treaty with Indonesia regarding the divvying of oil resources along the maritime border between the two countries.

Now that Timor-Leste had become an independent nation, the old treaty (the Timor Gap Treaty) was no longer valid, and Australia needed to create a new treaty with the newly-independent Timor-Leste. This new treaty (called the Timor Sea Treaty) called for similar divisions along the maritime border, but authorized more



revenue from the middle area for Timor-Leste. The treaty was signed the day that Timor-Leste gained its independence in 2002, and further arbitrated within the next few years.

### **Key Issues**

In 2004, the Australian Secret Intelligence Service (ASIS) was purported to have planted electronic spying devices (bugs) in a government building in Dili (the capital of Timor-Leste) for the purpose of gaining an upper hand in dealing with arbitrations involving a treaty determining the division of petroleum and gas revenues in the sea between Australia and Timor Leste (the Timor Sea Treaty).

Furthermore, in 2013, Bernard Collaery, an Australian lawyer who defended Timor-Leste in disputes before and during its fight for independence and who also was bringing a case against Australia for the spying scandal of 2004, claimed that members of the Australian Security Intelligence Organisation (ASIO) went into his office and seized digital and paper documents, many of which pertained to Australian-Timorese relations and the spying scandal of 2004. In addition to this seizure of documents, the ASIO detained the man in charge of the bugging operation of 2004, as he had become a whistleblower and was providing testimony for the case.

Australian authorities claim that both incidents were for the purpose of protecting Australian safety. George Brandis, the attorney general of Australia, called for the raid, and defends it by saying that it was a matter of Australian security. Opponents claim that these incidents were for the benefit of gaining money in the arbitrations of the treaty.

### Major Parties Involved and Their Views

**Timor-Leste:** A small independent nation formed in 2002 after decades of oppressive rule under the reign of Indonesia. Approximately 57% of the revenue of Timor-Leste comes from the sale of petroleum and natural gas, much of which is obtained from the region involved in the Timor Sea Treaty.

**Australia:** Involved in the independence movement of Timor-Leste as it broke away from Indonesia. General supporters of Timor-Leste throughout its inception. The ASIS allegedly spied on the cabinet offices of Timor-Leste in Dili in 2004. They allegedly tried to obscure the evidence by raiding the office of Bernard Collaery and seizing documents.

**Indonesia:** The country that seized control of Timor-Leste after it broke away from Portugal. It spent decades oppressing the people of Timor-Leste, only until foreign intervention came to the aid of the Timorese.

### Timeline of Relevant Resolutions, Treaties and Events



Date	Description of event
<b>1500s-1975</b>	The country currently known as Timor-Leste is occupied by the Portuguese. The colony wasn't put to much use economically; rather, it was a place to which political dissidents were often exiled. It officially became a colony of Portugal in 1702.
<b>1941-1945</b>	During WWII, Timor-Leste was occupied by Australian and Dutch troops, and ultimately Japanese forces. Between 40,000 and 70,000 citizens of Timor-Leste lost their lives. After the war, Portugal resumed its authority over the country, continuing to pay it little attention.
<b>1975</b>	Competing political parties within Timor-Leste muster civil unrest. The two most significant parties, the Timorese Democratic Union and the Revolutionary Front of Independent East Timor separately staged a coup and claimed independence, effectively removing them from Portuguese rule, although this wasn't actually recognized by most foreign nations.
<b>December, 1975</b>	Indonesia seizes power in Timor-Leste, beginning a decades long reign involving murder and oppression.
<b>November 12, 1991</b>	The Dili Massacre: Indonesian forces kill over 250 Timorese children, garnering loud foreign objection to Indonesian rule. This put an end to decades of foreign powers ignoring many Indonesian atrocities in Timor-Leste.

<b>May 20, 2002</b>	After a referendum in favor of Timorese independence and foreign paramilitary aid to oust Indonesian authorities, Timor-Leste gains its independence and is recognized by the United Nations. Timor-Leste signs Australia's Timor Sea Treaty.
<b>2004</b>	The Australian Secret Intelligence Service is accused of bugging a government office in Dili, Timor Leste, for the purpose of gaining inside information in arbitrations over the Timor Sea Treaty.
<b>2013</b>	Bernard Collaery, an Australian lawyer who defended Timor-Leste in its judicial dealings over the 2004 spying affair, claims that two members of the Australian Security Intelligence Organisation went into his office illegally and seized various documents in attempt to compromise his case.

### **Past Treaties and Papers**

#### **Timor Gap Treaty - December 19, 1989**

A treaty between Australia and Indonesia that split up the area of sea between Timor Leste and Australia for the sake of determining petroleum interests. In the "shared zone" between the two countries, profits were split evenly. Portugal objected to the creation of this treaty, claiming that it still retained rights over Timor that precluded Indonesia from drafting legal documents. The ICJ did not want to get involved in the dispute, not wanting to weigh in on Indonesia's annexation of the country.

#### **Timor Sea Treaty - May 20, 2002**

A treaty between Australia and East Timor that split up the area of sea between Timor Leste and Australia for the sake of determining petroleum interests. In a "shared zone"

between the two countries, Timor Leste acquires 90% of all revenue made, with the remainder going to Australia.

### **Treaty on Certain Maritime Arrangements in the Timor Sea - January 12, 2006**

A treaty between Australia and East Timor that proclaims that, despite any previous or current division of petroleum and gas interests in the Timor Gap, neither country would attempt to claim legal rights or any further jurisdiction over the maritime border there. It also gave Timor-Leste a greater share of revenue within a certain region of the Timor Gap, whose revenue previously, due to certain legal loopholes, had primarily been going to Australia.

### **Possible Solutions**

- Decide that the bugging was a matter of Australian national security, that the government was within its rights to spy on the office in Dili.
- Decide that the Australian government overstepped its bounds in spying on the office in Dili, and decide what measures could be taken to prevent this sort of behavior in the future.
- Decide that the seizure of documents in Mr. Collaery's office was a matter of Australian national security, that the government was within its rights to seize the documents and data.
- Decide that the Australian government had no right to interfere with the initial case by seizing the documents in Mr. Collaery's office, and decide what measures could be taken to prevent this sort of behavior in the future.

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## **Appendix or Appendices**

### **The Timor Sea Treaty**

<http://www.austlii.edu.au/au/other/dfat/treaties/2003/13.html><http://www.austlii.edu.au/au/other/dfat/treaties/2003/13.html>