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EISENSTADT - GRAZ - INNSBRUCK - KLAGENFURT - LINZ - SALZBURG - VIENNA



VIENNA INTERNATIONAL MODEL UNITED NATIONS
03 - 07 August 2014

Abstract:

International Court of Justice (ICJ)

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

The Committee

The International Court of Justice (ICJ) was established in 1945 as the principle judicial body of the United Nations and mainly serves to settle state-to-state disputes. In addition, the ICJ gives advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The ICJ has not only served as an increasingly important means to settle disputes between states, but also proves to be a driving force in the development of international law.

As a participant in this committee you will find yourself sitting in the deliberation room of the ICJ, located in the historical Peace Palace in The Hague.

Contrary to other MUN committees you will not represent a country, but form your own opinion as an impartial judge. Your role is to interpret and apply international law in conformity with the principles of the ICJ Statute in order to solve a legal dispute at hand. At the end of the sessions, the committee will deliver a judgment.

The committee consists of 15 permanent judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council, as well as two ad hoc judges, who are appointed by each party to a proceeding before the Court.

Chairing Team: Peter Tomka (Slovakia, President / Chair), Bernardo Sepúlveda-Amor (Mexico, Vice-President / Co-Chair), Philippe Couvreur (Belgium, Registrar / Committee Assistant)

Delegates: Hisashi Owada (Japan), Ronny Abraham (France), Kenneth Keith (New Zealand), Mohamed Bennouna (Morocco), Leonid Skotnikov (Russian Federation), Antônio Augusto Cançado Trindade (Brazil), Abdulqawi Ahmed Yusuf (Somalia), Christopher Greenwood (United Kingdom), Xue Hanqin (China), Joan E. Donoghue (United States), Giorgio Gaja (Italy), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Ian Callinan (Australia, ad hoc), Jean-Pierre Cot (France, ad hoc)

The Case

On 3 December 2013 agents of Australia's national security service, the ASIO (Australian Security Intelligence Organization), entered and searched the law offices of Mr. Bernard Collaery in Canberra, Australia. In the course of the raid, the agents seized various documents and electronic devices. Mr. Collaery is a legal advisor of Timor-Leste.

Timor-Leste alleges that those documents are its property and contain information vital to pending legal proceedings between the countries before an arbitral tribunal, which concern a treaty governing oil and gas deposits in the Timor Sea worth around \$40 billion. In particular, they supposedly contain a witness statement proving that Australia has spied on Timor-Leste during the treaty negotiations. Australia argues that the raids were due to national security concerns around the alleged leak of classified intelligence information, and not related to the legal proceedings.

As Timor-Leste's requests to hand over the documents have been denied, the country instituted proceedings against Australia before the ICJ. Timor-Leste seeks a judgment declaring Australia's raid unlawful and obliging it to hand over the documents and destroy all possible copies.