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Viewing cable 09DILI284, GOTL DEFENDS BERE RELEASE IN PARLIAMENT DEBATE, SURVIVE

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Reference ID	Created	Released	Classification
09DILI284	2009-10-16 05:50	2011-08-24 01:00	UNCLASSIFIED//FOR OFFICIAL USE ONLY

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UNCLAS SECTION 01 OF 02 DILI 000284

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: PGOV PREL KAWC ID TT
SUBJECT: GOTL DEFENDS BERE RELEASE IN PARLIAMENT DEBATE, SURVIVES
NO-CONFIDENCE VOTE

REF: DILI 231, DILI 233, DILI 254

DILI 00000284 001.2 OF 002

¶1. (SBU) Summary: The decision to release indicted war criminal Martenus Bere on August 30 continues to roil Timorese politics. Under pressure from the opposition parties in parliament, the governing coalition acceded to demands for a parliamentary debate and no-confidence vote on October 12. Prime Minister Xanana Gusmao and his senior ministers made an extended appearance in the parliament and responded to aggressive questioning from the opposition parliamentarians in a session that lasted more than twelve hours and was broadcast live across the country. Although the governing coalition defeated the no-confidence measure, the opposition scored political points in forcing the PM to account for his actions and by successfully highlighting the potential illegality of the August 30 decision. Nevertheless, the debate signaled the growing maturity of Timor-Leste's democratic institutions. Instead of spilling out into the streets, the greatest constitutional challenge since 2006 was deliberated with great thoroughness by the national parliament. End Summary.

¶2. (U) After stalling on an opposition request until after the October 9 local elections, the governing Alliance Majority Party (AMP) agreed to an October 12 parliamentary debate and a no-confidence vote on the August 30 decision to release indicted war criminal Martenus Bere under Indonesian pressure (see refuels). Prime Minister Xanana Gusmao and his senior ministers made a rare appearance in the parliament to defend their decision. The debate and subsequent no-confidence vote lasted the entire day and well into the night, and was broadcast on national television and radio.

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¶3. (U) After the initial interventions by the representatives of the two opposition parties, PM Gusmao gave a long, impassioned defense of his decision to release Bere, ignoring the protests when he exceeded his allotted time. PM Gusmao defended the decision on the grounds of national interest, arguing that Indonesia is a critical partner and neighbor which accounts for 75 percent of Timorese trade, hosts eight thousand Timorese university students, strongly supports Timor-Leste's accession to ASEAN, and with which Timor-Leste has major unresolved border disputes. On the question of justice, PM Gusmao denied suggestions that the governing coalition had abandoned the principle of justice and categorically declared that it would not present a general amnesty bill to the parliament. None of the parties in the governing coalition, he stated, were involved in the atrocities dating back to 1974, implying instead that it is the opposition Fretilin party itself that stands to gain from an amnesty. (Note: By focusing on the political parties, PM Gusmao sidestepped the question of individual responsibility, a difficult issue that he has highlighted privately.)

¶4. (U) In recounting the events that led to Bere's release, PM Gusmao suggested that his detention and arrest by the Suai district court may have violated a 2000 United Nations rule that established courts with special jurisdiction for serious crimes (Note: Opposition MPs challenged this interpretation, however, in the subsequent debate). PM Gusmao also revealed that the Indonesian request that the GOTL release Bere was initiated on August 26 and not on the morning of August 30 as had been widely believed. When no legal solution could be found, however, and Indonesia ratcheted up the pressure on August 30, PM Gusmao admitted that he ordered the Minister of Justice to have Bere released.

¶5. (SBU) After a long and sometimes heated debate, the AMP coalition defeated the no-confidence measure by a vote of 39 to 25. Despite surviving the vote, however, the GOTL did not emerge unscathed. The debate left no opening for a final solution to the unresolved Bere case with the major opposition party Fretilin insisting that any solution be in accordance with Timorese laws and announcing their intention to appeal the case to the Court of Appeals. The mere fact, moreover, that the Prime Minister - who remains a national hero and symbol of the Timorese resistance - was forced to publicly defend his decision and respond to vocal criticism from the opposition can probably be considered a minor victory for the opposition.

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¶6. (SBU) More broadly, however, the debate in parliament can be seen as a major step forward for Timor-Leste's democratic institutions, particularly the parliament itself. Instead of spilling out into the streets, arguably the most serious challenge to constitutional order since 2006 was deliberated by the people's representatives in full accordance with parliamentary procedure. President Ramos-Horta described the debate as a victory for Timorese democracy.

¶7. (SBU) Meanwhile, Bere remains holed up in the Indonesian Embassy in Dili. Bilateral negotiations to formulate a transfer to Indonesia remain bogged down. Next steps include a possible investigation into Bere's release by the Timorese Court of Appeals and a possible appeal to the Court by Fretilin regarding the constitutionality of the PM's August 30 decision to release Bere.
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