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Viewing cable 09DILI254, MILITIA LEADER CASE ROILS DOMESTIC POLITICS

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Reference ID	Created	Released	Classification	Origin
09DILI254	2009-09-22 01:47	2011-08-30 01:44	CONFIDENTIAL	Emb

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C O N F I D E N T I A L SECTION 01 OF 02 DILI 000254

SIPDIS

E.O. 12958: DECL: 9/22/2019
TAGS: PGOV PREL PHUM TT
SUBJECT: MILITIA LEADER CASE ROILS DOMESTIC POLITICS

REF: DILI 233

CLASSIFIED BY: Hans Klemm, Ambassador.
REASON: 1.4 (b), (d)
¶1. (C) SUMMARY: The National Parliament could vote as early as this week on a no-confidence motion against the government related to Prime Minister Gusmao's release of an indicted Indonesian militia leader on August 30. The no-confidence motion is not expected to pass but opposition leaders have threatened to boycott parliament in protest, potentially causing a constitutional crisis. Relations among Timor-Leste's senior-most political leaders (Gusmao, President Ramos-Horta and former PM Mari Alkatiri) have soured noticeably, rekindling the same elite-level rivalries that have sparked violent conflict in the past. On the militia leader's case itself, Timor-Leste has reached out to Indonesia at senior levels to find a resolution, perhaps including some form of extradition to Indonesia. Post has engaged senior leaders from across the political spectrum to emphasize the need for stability and national unity as the domestic political process moves forward. END SUMMARY.

No-Confidence Vote Next Week

¶2. (U) The National Parliament is expected to debate a no-confidence motion against the government the week of September 21. The opposition Fretilin party proposed the no-confidence motion in response to Prime Minister Xanana Gusmao's release of indicted Indonesian military leader Martenus Bere on August 30. (NOTE: Under Sections 111 and 112 of the Timorese constitution, one-quarter of the parliament's members can force the consideration of a no-confidence motion -- sometimes translated from Portuguese as "censure motion"; an absolute majority of all members must vote in favor of a non-confidence motion for it to pass; if a no-confidence motion passes, the President shall dismiss the Prime Minister and the Government. END NOTE.)

¶3. (C) Fretilin leader and former Prime Minister Mari Alkatiri told the Ambassador that he had "no choice" but to introduce the non-confidence motion since Gusmao had "admitted he committed a

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crime" in ordering the release of Bere. Alkatiri does not expect the motion to pass but threatens to lead a mass boycott by opposition MPs in protest, so as not to condone Gusmao's "unconstitutional acts." The government could still produce a legal quorum of MPs if a mass boycott occurs but if Alkatiri decides to attempt to lead a walk-out, he hopes the pressure would force Gusmao to call early elections. Alkatiri claimed, however, that he would not take the dispute to the streets. He also told the Ambassador that he would support any constitutional act that would resolve the situation, including an extradition. As time passes, however, he predicted the odds of finding such a solution would decline. Nevertheless, he agreed that maintaining stability in Timor-Leste was the overriding concern.

Relations Between Big Three Take a Hit

¶4. (C) Long-standing personal animosities between Gusmao, Alkatiri and Ramos-Horta have flared up again because of the Bere case. Alkatiri claims not to have been consulted before the decision to release Bere was taken, although Vice Prime Minister Jose Luis Guterres insists Gusmao did inform Alkatiri. Ramos-Horta usually plays the role of peacemaker but his central role in the decision and his subsequent anger at being lectured by domestic critics and the international community have left him silent this time. (He will also leave the country on September 19 for three weeks of international travel, including to the UN General Assembly.) Gusmao resents the pressure he received from Indonesia but defends what he sees as his legitimate right as prime minister to determine what is in Timor-Leste's best interests. (Gusmao says if he is found to have acted illegally, he will accept full responsibility and that he "knows the way to Becora prison," the jail where he was held briefly during the Indonesian occupation.) The Chief Justice of the Court of Appeal, considered to be an ally of Fretilin, worsened the situation by releasing on September 11 a statement condemning Bere's release, an intervention the Prosecutor General described as unfortunate and "inappropriate."

What to Do with Bere?

DILI 00000254 002 OF 002

¶5. (C) Martenus Bere remains in the safe-keeping of the Indonesian embassy in Dili. Gusmao has telephoned a senior advisor to Indonesian President Yudhoyono and dispatched senior Timorese officials to Jakarta to discuss ways to resolve the case. These efforts are complicated by the fact that Timor-Leste and Indonesia do not have an extradition treaty, which may necessitate a one-time case-specific action by National Parliament. Certain aspects of the case continue to receive legal scrutiny, such as the validity of the detention order issued by a district judge for Bere. As such, the possibility remains, although small, that a technicality may alter the situation and release the enormous political and institutional strains the Bere case has generated.

COMMENT

¶6. (C) The Bere case is now operating on two distinct levels. The first is Timorese domestic politics. Gusmao's decision to authorize the release of Bere has permitted Alkatiri and Fretilin to take political advantage by accusing him of illegal acts and of weakly defending Timor-Leste in the face of Indonesian pressure. Alkatiri was forced to resign as Prime Minister in 2006 in large part because of pressure from then-President Gusmao, and Alkatiri seems to be relishing the

potential role reversal this time around. Regardless of whether the no-confidence motion passes or Fretilin MPs all walk out of parliament, the in-fighting of political elites over the Bere case has disrupted the relative calm and grudging cooperation that had prevailed since the violent attacks on Ramos-Horta and Gusmao in February 2008. The second level is the determination of Bere's legal fate, which may now be an active matter of discussion between Timor-Leste and Indonesia. The evidence suggests that a channel at least is open, although it is unclear how accommodating Jakarta intends to be. Should Indonesia insist on Bere's unconditional release, it would further exacerbate inflamed domestic tensions in Timor-Leste by closing off the best option the government has for a face-saving exit from the situation -- a promise of prosecution in Indonesia.

¶7. (C) We are maintaining frequent contact with all the key players, offering our support and good offices, and urging all parties to act in ways to preserve domestic stability and national unity. We are also cooperating closely with the UN, whose effectiveness is somewhat constrained by the appropriately strong position it has taken on the case, and with other key partners. We have learned from our Portuguese and Australian counterparts that while they are monitoring the situation closely, neither has intervened strongly here, in Jakarta, or in their respective home capitals.

KLEMM