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FCS/82/78

SECRETARY OF STATE FOR DEFENCE

Lt Cmdr Astiz

1. Thank you for your minute of 28 May. I am grateful for all the trouble that your Department has taken over this man since his capture in South Georgia last month. I agree that the arrangements you have made to hold him at Chichester after his arrival from Ascension Island should prove satisfactory insofar as continued custody is required.

2. As you will know, we informed the French and the Swedes that neither the Argentine Government nor Astiz personally was prepared to have questions put to him about his earlier alleged misdeeds. There has now been a strong reaction from Paris and Stockholm. Both governments have urged us to reconsider the possibility of putting their questions to Astiz, arguing that the Geneva Convention does not explicitly prevent this. The Swedish Foreign Minister has appealed personally to me through our Ambassador and has undertaken to give me in writing the Swedish legal interpretation of the Geneva Convention on this score. French representations have been equally forceful and may be renewed in Versailles (we are providing separate briefing for the Prime Minister).

3. I nevertheless recognise that our own legal advice points to early repatriation and that the Attorney General recommended this in the event that Astiz did not wish to answer further questions, as has proved to be the case. We need to bear in mind, particularly at a time when the Argentine Junta may increasingly see defeat staring them in the face, that the continued detention of Astiz may encourage, or be used as an excuse for, retaliation against British prisoners-of-war and other British subjects. I am very aware of their continued

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detention of our Harrier pilot, Flt Lt Glover. There have been other reports of possible Argentine action against British subjects in Argentina.

4. Moreover, as the numbers of Argentine POWs in our hands may rise still more sharply in the immediate future, we shall need to retain the goodwill and cooperation of the ICRC. The ICRC have told us that they lost credibility with the Argentines when we held back Astiz. From recent contacts with them it is clear that if we were to question Astiz further they would feel bound to criticise us publicly. I am therefore inclined to agree that we may have now exhausted the public relations possibilities of the Astiz case; and that, since extradition of Astiz to France or Sweden is in any case excluded, it would make sense on balance to repatriate him soon after his arrival in the UK. However, clearly no decision should be taken until after Versailles. Moreover the Attorney General is now considering whether the French Embassy could be given access to him first. Finally, we need to make sure that a formal decision is not carried out before we have replied to the Swedish legal memorandum to which I have referred above. I should be grateful therefore if our people could keep in touch about the repatriation arrangements.

5. I am copying this minute to OD(SA) colleagues, Sir Robert Armstrong and Sir Michael Palliser.

A handwritten signature in black ink, appearing to be 'F. Pym', is located in the lower right quadrant of the page.

(FRANCIS PYM)

Foreign and Commonwealth Office
3 June 1982

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