

GRS 400

UNCLASSIFIED

FM WARSAW 241610Z DEC

TO IMMEDIATE FCO

TELNO 1043 OF 24TH DECEMBER 1981

FROM MELHUI SH.

MYTEL NO 998 : MISKIW.

1. WE RECEIVED NOTIFICATION FROM THE MFA YESTERDAY EVENING THAT APPROVAL HAS BEEN GIVEN FOR CONSULAR ACCESS TO MISKIW. WE WERE ASKED TO ARRANGE THE VISIT THROUGH THE PROCURATOR-GENERAL'S OFFICE. DESPITE INTENSIVE EFFORTS THIS MORNING TO SET UP A VISIT FOR TODAY, WE HAVE BEEN UNABLE TO DO SO. THE REASON GIVEN BY THE PROCURATOR GENERAL'S OFFICE IS THAT IT IS TOO NEAR THE CHRISTMAS BREAK TO MAKE IT ADMINISTRATIVELY POSSIBLE. WE HAVE BEEN PROMISED THAT A VISIT WILL BE ARRANGED FOR HM CONSUL TO SEE MISKIW ON MONDAY MORNING, 28 DECEMBER.

2. IN RESPONSE TO QUESTIONING FROM HM CONSUL, THE PROCURATOR GAVE THE FOLLOWING ADDITIONAL INFORMATION :-

A) THE PROSECUTION'S CASE IS NOW ALMOST COMPLETE AND THEY HOPE TO BRING MISKIW TO TRIAL ABOUT THE MIDDLE OF JANUARY (THIS IS VERY QUICK IN CURRENT CIRCUMSTANCES AND IS A MEASURE OF THE POLISH AUTHORITIES DESIRE TO GET SUCH CASES INVOLVING FOREIGNERS OUT OF THE WAY AS SPEEDILY AS POSSIBLE).

B) A DECISION ON WHETHER TO PROCEED UNDER MARTIAL OR CIVIL LAW WILL BE TAKEN BY THE COURT (NOT THE PROCURATOR - GENERAL).

C) IF MISKIW IS DEALT WITH UNDER MARTIAL LAW HE FACES A MINIMUM SENTENCE OF 3 YEARS WITH NO APPEAL AGAINST SENTENCE (HE COULD HOWEVER ENTER AN APPEAL FOR CLEMENCY).

D) IF HE IS DEALT WITH UNDER CIVIL LAW, ANY PENALTIES IMPOSED WOULD BE LESS SEVERE, PERHAPS INVOLVING A SUSPENDED SENTENCE ONLY.

E) HE IS ENTITLED TO LEGAL REPRESENTATION AND HAS BEEN ADVISED OF HIS RIGHTS IN THIS RESPECT (HM CONSUL WILL DISCUSS THIS WITH HIM ON MONDAY).

3. I SPOKE ALSO TO NOWONYTA, HEAD OF DEPARTMENT IV IN THE MFA THIS MORNING SEEKING HIS HELP AND STRESSING THE URGENCY OF CONSULAR ACCESS. HE WAS COOPERATING BUT OFFERED NO HOPE OF A MEETING EARLIER THAN MONDAY.

JAMES
LIMITED
EESD
NEWSD
CONSD
PS

PS/LPS
PS/PUS
MR BULLARD
MR FERUSON
MR ADAMS