

Ref: B06519

PRIME MINISTER

c Sir Robert Armstrong

Falklands: OD(SA) on 4th JuneMilitary Issues

Your meeting at 9.15 tomorrow should begin with the usual military briefing from the Chief of the Defence Staff.

2. The Defence Secretary should then be asked to comment on the new paper (OD(SA)(82) 60) produced primarily by Ministry of Defence officials on Argentine prisoners of war. This complements their earlier paper on securing a surrender (OD(SA)(82) 59). It is somewhat inconclusive and it fails to grapple with the prospects for using prisoners as a lever to obtain a mainland ceasefire. But its conclusions seem satisfactory so far as they go: viz that we should repatriate most prisoners collected prior to a general surrender, since they merely get in the way of operations; but that we should hold on to those who surrender when Port Stanley falls until it is clear that we have achieved a complete cessation of hostilities. You should establish whether the Foreign and Commonwealth Secretary and the Attorney General agree. The Sub-Committee ought also to give at least preliminary consideration to what we do if the leverage fails to produce a mainland ceasefire. Do we hold on to the prisoners indefinitely? Where do we keep them? Have we any other levers?

3. The Attorney General is due to report on the particular problem of Commander Astiz. He is currently considering with the Foreign and Commonwealth Office Legal advisers whether it would be legally permissible for us to allow the French to interview Astiz while he is in our custody. The answer is likely to be that this would be legally dubious and therefore open to both legal and political criticism, since it would be dangerously close to coercion even if we assume that Astiz would refuse to answer the French interviewers' questions; but that the legal situation is not 100 per cent clear and no doubt we could mount some kind of defence of our



conduct if we do decide to let the French have access. In the light of this unwelcome advice the Sub-Committee will need to consider

- a. whether to allow French access and do our best to justify it legally;
- b. if so, whether he can thereafter be repatriated;
- c. if there is not to be French access, whether he can simply be repatriated as soon as arrangements can be made after his arrival here on 6th June.

The Foreign and Commonwealth Secretary should be asked for his views on whether it is more important for us to be helpful to the French or to stick to the letter of the Geneva Convention. The Defence Secretary should also comment; his main concern is to be rid of Astiz quickly.

Political Issues

4. The Foreign and Commonwealth Secretary should report on overnight developments in the Security Council. He may also have views on how far, following suggestions at the Cabinet this morning, we are in a position to put pressure on Spain to adopt at least a neutral stance.

5. The Foreign and Commonwealth Secretary is not likely to be ready before Monday to make proposals about the administration of the Islands, including the possible return of the Governor and/or the appointment of a high-level Special Commissioner; nor to report on ways of restoring our position in Latin America.

Next Meeting

6. Monday morning, after Versailles. Time not yet fixed but probably 9.30.

3rd June 1982

R L WADE-GERY