



Foreign and Commonwealth Office

London SW1A 2AH

3 June 1982

*Dear John,*Lt Commander Astiz

You will have seen a copy of Mr Pym's minute of 3 June to the Secretary of State for Defence about the repatriation of Lt Cmdr Astiz. It referred to the French Government's reaction to our informing them of the refusal of the Argentine Government and of Astiz personally to allow French (and Swedish) questions to be put to him.

The French made a further approach to us on the subject on 2 June. I attach a copy of Sir J Fretwell's reporting telegram. No new legal arguments were adduced for pursuing the French request, but the Ambassador disturbingly commented that M Gutmann came close to making a direct and overt link between the sort of help we are seeking from the French on such matters as the supply of arms to Argentina by third parties and the co-operation they are seeking from us on Astiz.

French refusal to take no for an answer is awkward. Their latest response is a rather crude attempt to pressure us (and unjustified in its accusations that we have been dilatory and not taken their request seriously). But we continue to need French assistance over the supply of arms to Argentina. Against that, the arguments for early repatriation of Astiz remain valid.

President Mitterrand may raise this with the Prime Minister at Versailles. I therefore enclose a brief in the form of Points to Make on which the Prime Minister could draw. As you will see, a Parliamentary statement is offered. If it is decided that the French Embassy could be offered access to Astiz, this would obviously help in presenting our case to them.

*Yours ever**J E Holmes*
(J E Holmes)
Private SecretaryA J Coles Esq
10 Downing Street

VERSAILLES ECONOMIC SUMMIT: FALKLANDS: LT CMDR ASTIZ

POINTS TO MAKE

1. Fully understand your need to convince French public opinion that everything possible done to pursue Astiz. An odious man; public opinion rightly enraged.

2. Have spent great deal of time on French request to put questions to Astiz. Fact is that Astiz (and Argentine Government) unwilling to answer questions. Further attempt (either by UK or France) not only unproductive but bound to lead to accusations by Argentina of coercion under Article 17 of Third Geneva Convention. Need for UK to be free to criticize Argentina for breaches of Convention.

3. Number of considerations:
 - i) no jurisdiction in UK to try Astiz. Could not be handed over to France for trial because crimes not committed there.
 - ii) need to ensure UK is scrupulously fulfilling international legal obligations. We are defending international law over Falklands: cannot abuse it over POWs.
 - iii) continued detention of Astiz - and, by extension, further attempts to get him to answer questions - could be used by Argentina as excuse for retaliation against British POWs and other British subjects. Argentines continue to hold Harrier pilot.

/iv) as numbers

- iv) as numbers of Argentine POWs rise, need to retain cooperation of ICRC. They have said further questioning of Astiz would oblige them to criticise UK publicly.
- v) UK decision to detain Astiz has already generated good deal of publicity and support for French case. This presumably helpful to French government.

4. See no point in further questioning: most unlikely he would cooperate. Could have very unwelcome repercussions for UK. How hard would this really be for French opinion to understand? Would a Parliamentary statement (discussed beforehand with the French if they wish) help?

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