

SECRET

FROM FCO 231344Z SEP 82.

TO PRIORITY PEKING

TELEGRAM NUMBER 438 OF 23 SEPTEMBER.

FOLLOWING FOR COLES FROM PRIVATE SECRETARY

SOUTH AFRICAN INTELLIGENCE ACTIVITIES IN THE UK: THE ASPINALL

CASE

1. THE HOME OFFICE BRIEFED NO 10 ORALLY ABOUT THIS CASE BEFORE THE PRIME MINISTER LEFT FOR TOKYO. TWO UK CITIZENS AND ONE SWEDEN FACE PROSECUTION FOR OFFENCES ARISING OUT OF THE BURGLARIES AT THE LONDON OFFICES OF THE AFRICAN NATIONAL CONGRESS (ANC) ON THE NIGHT OF 20/21 JULY AND OF SWAPO ON 31 AUGUST/1 SEPTEMBER. THE POLICE HAVE INCONTROVERTIBLE EVIDENCE THAT A MEMBER OF THE SOUTH AFRICAN EMBASSY WAS BEHIND THESE AND A NUMBER OF OTHER BURGLARIES.
2. ALL THREE ACCUSED (ASPINALL, CASTLETON AND WEDIN) ARE APPEARING IN COURT TODAY FOR A COMMITTAL HEARING. IT IS NOT YET CLEAR WHEN THE TRIAL WILL BE BUT A DELAY OF SOME MONTHS IS LIKELY. THE ATTORNEY-GENERAL IS BEING KEPT IN TOUCH.



ON MR PYM'S INSTRUCTIONS, THE SOUTH AFRICAN AMBASSADOR WILL BE SUMMONED ON SHORTLY TO RECEIVE A STRONG PROTEST ABOUT HIS EMBASSY'S INVOLVEMENT. HE WILL BE ASKED TO KEEP KLUE HERE AS A POSSIBLE WITNESS UNTIL LEGAL ACTION IS OVER AND THEN TO HAVE HIM REMOVED. AS A MEMBER OF THE ADMINISTRATIVE AND TECHNICAL STAFF OF THE EMBASSY, KLUE HAS COMPLETE IMMUNITY FROM UK CRIMINAL JURISDICTION AND COULD NOT BE COMPELLED TO ATTEND COURT, THOUGH HIS OWN AUTHORITIES COULD AGREE TO WAIVE HIS IMMUNITY. WE CANNOT ASK THAT KLUE BE REMOVED WHILE PROCEEDINGS CONTINUE WITHOUT FACING THE DANGER OF ACCUSATIONS OF IMPEDING THE COURSE OF JUSTICE.

4. THE PRESS HAVE NOW GOT HOLD OF THE STORY (WE DO NOT KNOW WHETHER THIS INCLUDES KLUE'S ROLE) AND THERE MAY WELL BE A POLITICAL ROW. NEWS DEPARTMENT WILL DECLINE TO COMMENT ON THE GROUNDS THAT THE CASE IS SUB JUDICE. AFTER THE AMBASSADOR HAS BEEN SEEN THEY WILL ADD IF PRESSED THAT WE HAVE BEEN IN TOUCH WITH THE SOUTH AFRICAN EMBASSY. BUT THEY WILL STICK AT THAT.

PYM

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