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FM FCO 171225Z SEP 84
TO IMMEDIATE PRETORIA
TELEGRAM NUMBER 200 OF 17 SEPTEMBER

YOUR TELNO 345: DETAINEES

1. YACOOB, ACCOMPANIED BY KOOVADIA AND MOROBI, CALLED ON JOHNSON AT 11.30 THIS MORNING.
2. YACOOB SPOKE FOR FORTY-FIVE MINUTES. HE COVERED THREE MAIN AREAS: WHY THE UK SHOULD PROVIDE SUPPORT TO THE SIX: WAYS IN WHICH THIS COULD BE DONE: AND WHY A MEETING WITH MINISTERS WAS NECESSARY.
3. YACOOB ARGUED THAT WE SHARED A COMMON VIEW THAT THE NEW SOUTH AFRICAN CONSTITUTION WAS SERIOUSLY FLAWED. MOREOVER, THE UK ALWAYS MAINTAINED THE NEED FOR CONTACT AND DIALOGUE WITH SOUTH AFRICA IN ORDER TO INFLUENCE EVENTS THERE. THERE WERE MORAL AND HISTORICAL ARGUMENTS WHY THE UK SHOULD NOW PUT THIS POLICY INTO PRACTICE. HE BELIEVED IT FOLLOWED FROM THIS THAT THE UK SHOULD PROVIDE PROTECTION AND SANCTUARY FOR THE SIX, AND SHOULD ASSIST IN THE ACHIEVEMENT OF SOME REDRESS OF THEIR GRIEVANCES. WE SHOULD ALSO BE PROVIDING BETTER FACILITIES, INCLUDING USE OF TELEPHONE AND TELEX, ACCESS TO RADIO, BETTER FAMILY VISITS AND BETTER HYGIENE FACILITIES. YACOOB STATED THE DEMANDS OF THE SIX ON THE SOUTH AFRICAN GOVERNMENT AS BEING THE RELEASE OF ALL THOSE DETAINED UNDER SECTION 28 OF THE INTERNAL SECURITY ACT, AGREEMENT TO A SHORTER PERIOD OF DETENTION, AND CONCESSIONS OVER THE CONDITIONS OF DETENTION. HE MADE CLEAR THAT IF THE PRESENT APPLICATION TO THE COURT SEEKING THE ANNULMENT OF THE DETENTION ORDERS WERE SUCCESSFUL, THIS WOULD NOT NECESSARILY BE THE END OF

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THE AFFAIR AND IT WAS IMPORTANT THAT SOME WAY WAS FOUND TO 'ACCORD DIGNITY' TO THE SIX. YACOOB EMPHASISED THE DELEGATION'S ANXIETY TO SEE A MINISTER: THIS WAS A POLITICAL MATTER AND THEY WISHED TO DISCUSS NOT ONLY THE QUESTION OF THE SIX BUT ALSO BROADER ISSUES, FOR EXAMPLE THE NEW CONSTITUTION.

4. JOHNSON SAID HE HAD LISTENED CAREFULLY AND WOULD REPORT YACOOB'S PRESENTATION TO MINISTERS. HE STRESSED THAT HIS ONLY CONCERN WAS TO DISCUSS THE RESOLUTION OF THE PROBLEMS CAUSED FOR US BY THE PRESENCE OF THE SIX IN THE CONSULATE. MR RIFKIND HAD STATED OUR POSITION CLEARLY: IN THE PRESENT CIRCUMSTANCES WE WOULD NOT REQUIRE THE MEN TO LEAVE AGAINST THEIR WILL, BUT THEY COULD NOT STAY INDEFINITELY. THE UK WOULD NOT NEGOTIATE OR BECOME AN INTERMEDIARY: THAT WAS FOR YACOOB AND THE LAWYERS REPRESENTING THE SIX, WHO MUST SEEK A RESOLUTION OF THE DIFFERENCES WITH THE SOUTH AFRICAN GOVERNMENT DIRECTLY. THE SIX COULD NOT LIVE IN THE CONSULATE: IT WAS A PLACE OF BUSINESS AND WE COULD NOT ACCEPT PROLONGED DISRUPTION OF ITS WORK. THE SIX SHOULD THEREFORE LEAVE VOLUNTARILY. THEIR CONTINUED PRESENCE IN THE CONSULATE WAS NOT HELPFUL TO THEIR OWN CASE.

5. ON FACILITIES, JOHNSON MADE CLEAR WE HAD DONE OUR BEST IN DIFFICULT CIRCUMSTANCES TO PROVIDE REASONABLE LIVING CONDITIONS ON A TEMPORARY BASIS. THE SIX HAD BEEN PERMITTED ACCESS TO THEIR LAWYERS WHO WERE IN TOUCH WITH THE SOUTH AFRICAN GOVERNMENT. THEY HAD HAD ACCESS TO NEWSPAPERS. TOILET FACILITIES WERE ADEQUATE CONSIDERING THE CIRCUMSTANCES. FOOD AND DRINK WERE ALLOWED IN AND FAMILY VISITS HAD ALSO BEEN PERMITTED. IT COULD NOT BE SAID WE WERE BEING UNFRIENDLY. IN RESPONSE TO YACOOB'S QUESTION WHETHER FURTHER FAMILY VISITS WOULD BE PERMITTED, JOHNSON SAID THAT DAVEY HAD DISCRETION TO PERMIT FAMILY VISITS, BUT WE COULD GIVE NO ASSURANCES AND THIS MUST BE DECIDED ON THE GROUND. IN CONCLUSION, JOHNSON EMPHASISED THAT THIS SITUATION WAS NOT OF OUR CHOICE: WE COULD NOT CHALLENGE THE LEGAL PROCESSES OF ANOTHER COUNTRY AND WE BELIEVED IT WAS FOR THE SIX

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TO NEGOTIATE WITH THE SAG. WE THEREFORE VERY MUCH HOPED THE SITUATION COULD BE RESOLVED SOON. PRESSED BY YACOOB OVER THE POSSIBILITY OF A MEETING WITH MINISTERS JOHNSON SAID WE COULD GIVE NO COMMITMENTS.

6. COMMENT: YACOOB AND HIS COLLEAGUES WERE CLEARLY DISAPPOINTED. WE PRESUME THEY WILL CONTINUE TO PRESS FOR ACCESS TO MINISTERS. THEY WILL ALSO PROBABLY MISREPRESENT JOHNSON'S DISCUSSION WITH THEM, BOTH TO INCREASE CRITICISM OF OUR POSITION HERE, AND TO TRY TO OPEN UP SOME ROOM FOR MANOEUVRE. WE INTEND TO SIT TIGHT.

7. THERE MAY BE SOME ADVANTAGE IN GIVING THE SIX A FRANK ACCOUNT OF THIS MEETING, RATHER THAN PERMITTING YACOOB'S VERSION TO GO UNCHALLENGED. GRATEFUL IF YOU WOULD INSTRUCT DAVEY OR FALL TO DO THIS.

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