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FM PRETORIA 240935Z SEPT 1984

TO IMMEDIATE FCO

TELNO. 404 OF 24TH SEPT 1984

YOUR TEL NO 217: DURBAN INCIDENT AND ARMS EMBARGO VIOLATIONS

SUMMARY

1. GRATEFUL FOR INSTRUCTIONS TO SPEAK TO THE STATE PRESIDENT'S CHIEF LAW ADVISER ABOUT THE ARMS EMBARGO VIOLATIONS CASE.

DETAIL

2. THE ALACRITY WITH WHICH THE SOUTH AFRICANS SEIZED ON THE DURBAN INCIDENT IN AN ATTEMPT TO ESCAPE THEIR UNDERTAKING TO ENSURE THE RETURN OF THE FOUR TO FACE COMMITAL PROCEEDINGS ON 22 OCTOBER ILLUSTRATES THE EXTENT TO WHICH THE ARMS CASE HAS RANKED WITH THE SOUTH AFRICANS AND HELPS TO EXPLAIN THE STRENGTH OF FEELING SHOWN BY PIK BOTHA WHEN HE SPOKE TO ME ON 28 AUGUST (MY TEL NO 299).

3. WE KNOW LITTLE ABOUT THE FOUR MEN WHO HAVE BEEN CHARGED. IT IS LIKELY THAT THEY ARE QUITE SENIOR OFFICIALS IN ARMSCOR. NO DOUBT THE ARMSCOR ADMINISTRATION AND STAFF ASSOCIATIONS HAVE BEEN PUTTING PRESSURE ON THE SOUTH AFRICAN GOVERNMENT TO ENSURE THAT THE FOUR DO NOT HAVE TO RETURN TO THE UK TO STAND TRIAL. ARMSCOR IS AN INFLUENTIAL PARA-STATAL BODY, WELL PLACED TO EXERT SUCH PRESSURE. THE FOUR HAVE NO DOUBT BEEN ARGUING THAT, AS CIVIL SERVANTS, THEY HAVE SIMPLY BEEN EXECUTING GOVERNMENT INSTRUCTIONS AND OUGHT NOT TO HAVE TO SUBMIT TO AN EXTENDED TRIAL IN THE UK WITH THE THREAT OF A POSSIBLE PRISON SENTENCE AT THE END.

4. THERE SEEMS LITTLE DOUBT THAT P W BOTHA IS BEHIND THE 'DECISION' NOT TO ALLOW THE FOUR TO RETURN TO BRITAIN. THE DURBAN INCIDENT PROVIDED A HEAVEN-SENT EXCUSE, HOWEVER ILLOGICAL AND UNREASONABLE THE LINKEAGE, TO ESCAPE THEIR COMMITMENT. A DISPLAY OF 'KRACDADICHEID' (TOUGHNESS) AGAINST THE BRITISH IS LIKELY TO GO DOWN WELL WITH A BROAD SECTION OF THE WHITE ELECTORATE, SHOULD THE SOUTH AFRICANS DECIDE TO MAINTAIN THEIR REFUSAL TO ALLOW THE UR TO RETURN.

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5. IN HIS PRESENT EXCITABLE MOOD, THERE MAY BE LITTLE TO BE GAINED FROM SPEAKING TO PIK BOTHA. BUT I WOULD SEE ADVANTAGE IN MY PUTTING THE POINTS IN YOUR TEL NO 199 TO JAN HEUNIS AS SOON AS POSSIBLE. I WOULD HOPE AT LEAST TO BE ABLE TO CONVICT HIM OF THE IMPARTIALITY OF OUR PROCEDURES AND HE MIGHT IN TURN BE DISPOSED TO SUBMIT (IN HIS NEW CAPACITY AS CHIEF LAW ADVISER TO THE STATE PRESIDENT) A BALANCED REPORT TO P W AND PIK WHICH MIGHT IN SOME MEASURE INDUCE THEM TO BE MORE REASONABLE. I SHOULD BE GRATEFUL FOR EARLY CLEARANCE TO ACT WITH HEUNIS, MAKING IT CLEAR THAT I WAS SPEAKING ON INSTRUCTIONS PRIOR TO THE LATEST EXCHANGES ON THE DURBAN SIX.

6. A POINT OF DETAIL: STRICTLY FOR MY INFORMATION ONLY, COULD CUSTOMS AND EXCISE YET BE MORE PRECISE ABOUT THE NATURE OF ANY ADDITIONAL CHARGES WHICH MAY BE BROUGHT (FCO TEL NO 170 TO CAPE TOWN SAID THAT ADDITIONAL CHARGES WERE CERTAIN) AND WHETHER THESE ARE LIKELY TO BE PRESENTED AT THE COMMITAL PROCEEDINGS ON 22 OCTOBER ?

TONKIN

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