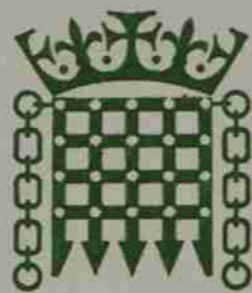


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HOUSE OF COMMONS
LONDON SW1A 0AA

The Office of the Leader of
the Opposition

September 28th 1984

Dear Prime Minister,

Thank you for your letter of 19 September.

You suggest that lives might in future be jeopardised by too full an account of the circumstances surrounding the decision to sink the General Belgrano. I must repeat that it is quite clear that any matter relating to military dispositions, intelligence sources or other matters affecting the security of our forces which are still in operation can and should be excluded from any reply you give to me or any other enquiry.

As I have repeatedly said, if, on the basis of all the information available, it was properly decided that the General Belgrano threatened the safety of our forces, then the decision to attack was necessary. That is not, and never has been the issue at stake. The issue is the detail of the conduct of your Government at the time of the attack and in response to subsequent questions. Your continuing refusal to deal with the doubts which have properly been raised about your Government's conduct can only serve to sustain those doubts.

On the question of the decision to prosecute Mr Clive Ponting, I find your reply entirely unsatisfactory because it conflicts so directly with information about the events of 10th - 16th August that has come from other sources.

I must therefore ask for clear and complete replies to the following questions :

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1. Did the Secretary of State express to Sir Ewen Broadbent his view that Mr Ponting should be prosecuted? If he did not, what treatment did he recommend for Mr Ponting's case?

2. Did the Ministry of Defence police recommend that a prosecution should be brought or did they not? Was their recommendation made known to Mr Heseltine on the 13th August?

3. Did the senior officials of the Ministry of Defence themselves endorse the MoD police recommendation, or did they not? Did they advise the Secretary of State accordingly?

4. What assessment was offered, either by the Ministry of Defence police or by the civil servants, of the possible damage which would have been caused by the leaking of the documents in question to Mr Dalyell? Was their assessment made known to the Secretary of State?

5. Did the report which was transmitted to the Director of Public Prosecutions on 16th August and, through him, to the Law Officers, make any recommendation as to prosecution and did this differ from the recommendation earlier made?

You state that 'the Law Officers did not seek the view of, or consult with, any other Minister, nor was the view of any other Minister conveyed to them'. Your account of the role of the Law Officers raises important questions. As the former Attorney-General, Sam Silkin QC, has pointed out, the Law Officers - in arriving at an independent decision - must consider whether a prosecution would serve the public interest. Your letter makes it quite clear that the Law Officers' decision to proceed with the prosecution of Mr Ponting was made only one day after the DPP received the report of the police enquiry. In such a brief period, was there really time for proper consideration of all aspects of the case by the Law Officers who were, after all, making their decision on the basis of a report completed after the meeting on 13th August?

The timing of the decision was also such that the Law Officers can scarcely have had time to study the papers with the usual thoroughness or to commission senior counsel's opinion before authorising the prosecution. It is extraordinary that they should have acted in this way, given the history of prosecutions

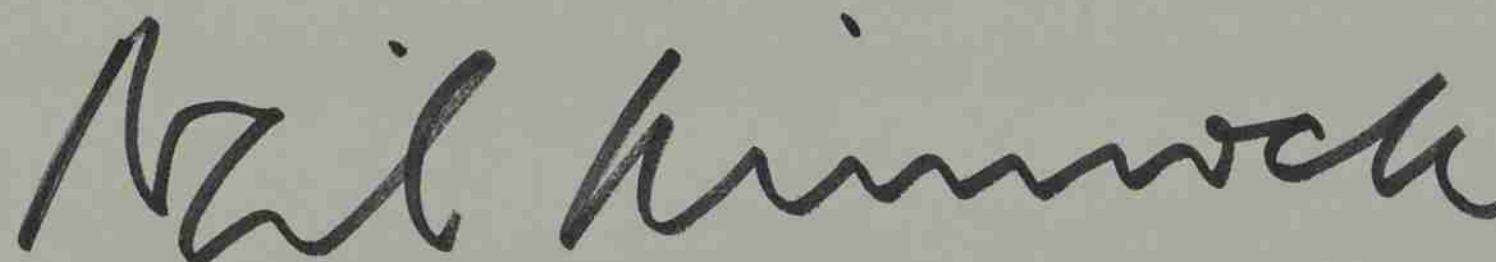
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under Section 2 of the Official Secrets Act and the doubts which are known to exist inside and outside the Civil Service about the use of this Section. Why was the matter considered so urgent as to demand a decision within such an unusually short time?

Finally, I would be grateful if you would tell me in how many cases, during your administration, service and civilian personnel from the Defence Department and other Crown servants have been the subject of reports to the Law Officers in relation to possible proceedings under the Official Secrets Act; in how many such cases has such a prosecution not been proceeded with, and what were the reasons for the decision in each case.

Yours sincerely



Neil Kinnock MP

The Rt Hon Margaret Thatcher MP