

RESTRICTED

FM FCO 131550Z MAY 82

TO IMMEDIATE CERTAIN MISSIONS AND DEPENDENT TERRITORIES
GUIDANCE TELEGRAM NUMBER 94 OF 13 MAY

FALKLANDS: LT COMMANDER ASTIZ

1. IT IS POSSIBLE THAT THE ARGENTINE GOVERNMENT WILL SEEK TO MAKE USE IN THEIR PROPAGANDA CAMPAIGN OF THE FACT THAT WE HAVE NOT YET REPATRIATED LT CMDR ASTIZ. NEWS DEPARTMENT ARE TAKING THE FOLLOWING LINE BEYOND WHICH YOU SHOULD NOT BE DRAWN.

POINTS TO MAKE:

2. THE MAIN BODY OF PRISONERS LEFT ASCENSION ISLAND FOR MONTEVIDEO BY AIR EARLY ON 13 MAY. LT CDR ASTIZ WAS NOT AMONG THEM.

3. FOLLOWING FORMAL REPRESENTATIONS BY THE SWEDISH AND FRENCH GOVERNMENTS, WE DECIDED NOT TO REPATRIATE THE LT CDR WITH THE OTHER PRISONERS IN ORDER TO GIVE HMG MORE TIME TO CONSIDER THE VIEWS OF THESE TWO FRIENDLY COUNTRIES. THE ONLY DECISION SO FAR TAKEN IS NOT TO RETURN HIM TO MONTEVIDEO ON THAT FLIGHT.

4. WE HAVE EXPLAINED THE POSITION TO THE ICRC IN GENEVA. THE ICRC ACCEPT THAT THE DECISION WHEN TO REPATRIATE RESTS WITH HMG.

5. WE SHALL, OF COURSE, FULLY ABIDE BY THE RELEVANT PROVISIONS OF THE GENEVA CONVENTIONS.

6. UNDER THE CONVENTIONS, WE HAVE NO OBLIGATION TO REPATRIATE PRISONERS OF WAR BEFORE THE END OF ACTIVE HOSTILITIES. ALL THE OTHER PRISONERS HAVE BEEN GIVEN MORE FAVOURABLE TREATMENT THAN THE CONVENTIONS REQUIRE.

7. UNDER THE CONVENTIONS THE ONLY INFORMATION WHICH A PRISONER OF WAR IS REQUIRED TO DISCLOSE IS HIS PERSONAL IDENTITY - NAME, RANK AND NUMBER. HE MAY NOT BE PLACED UNDER DURESS IN THE EVENT OF REFUSAL TO ANSWER QUESTIONS.

PRISONERS OF WAR:

8. WE ARE NOT AT WAR WITH ARGENTINA. BUT THE GENEVA CONVENTIONS APPLY TO HOSTILITIES FALLING SHORT OF WAR, AND THEREFORE APPLY IN THIS CASE. THEY USE THE TERM 'PRISONERS OF WAR' TO REFER TO PRISONERS TAKEN IN WAR, IN CASES OF ARMED CONFLICT AND IN ALL

CASES OF PARTIAL OR TOTAL OCCUPATION OF TERRITORY. OUR USE OF THE TERM 'PRISONERS OF WAR' THEREFORE DOES NOT MEAN OR IMPLY THAT WE ARE AT WAR.

UNATTRIBUTABLE:

9. BOTH THE SWEDES AND THE FRENCH ARE INVESTIGATING SERIOUS ALLEGATIONS AGAINST LT CDR ASTIZ IN CONNECTION WITH THE WOUNDING AND DISAPPEARANCE OF A SWEDISH WOMAN IN BUENOS AIRES IN 1977, AND THE DISAPPEARANCE OF TWO FRENCH NUNS RESPECTIVELY. IN THE CIRCUMSTANCES, WE OWE IT TO THOSE FRIENDLY GOVERNMENTS TO GIVE THEM A FEW DAYS TO EXPLAIN THEIR PREOCCUPATIONS TO US IN GREATER DETAIL.

10. IF THE SWEDES OR THE FRENCH ASK FOR DIRECT ACCESS TO ASTIZ WE SHALL HAVE TO CONSIDER THIS IN THE LIGHT OF OUR INTERNATIONAL LEGAL OBLIGATIONS. SPOKESMAN CONFIRMED OUR DETERMINATION TO ABIDE FULLY BY THE GENEVA CONVENTIONS.

11. (IF PRESSED): OUR LEGAL OBLIGATIONS WILL OF COURSE REQUIRE US TO REPATRIATE ASTIZ IN DUE COURSE - AT THE END OF ACTIVE HOSTILITIES IF NOT BEFORE. WE HAVE TO BEAR IN MIND THE POSSIBLE IMPLICATIONS FOR ANY FUTURE BRITISH PRISONERS OF WAR.

PYM

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ADDITIONAL DIST
GUIDANCE

COPIES TO
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