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OO BRASILIA

GRS 394

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DESKBY 141400Z

FM FCO 141145Z MAY 1982

TO IMMEDIATE BRASILIA

TELEGRAM NUMBER 121 OF 14 MAY

INFO IMMEDIATE UKMIS GENEVA, PARIS, STOCKHOLM, ASCENSION ISLAND
MODUK (DS5, DS11)

LIEUTENANT COMMANDER ASTIZ (005313)

1. PLEASE SPEAK TO THE BRAZILIANS ON THE FOLLOWING LINES ABOUT THIS CASE.
2. AS THE BRAZILIAN GOVERNMENT WAS NOTIFIED BY THE FOREIGN AND COMMONWEALTH OFFICE ON 13 MAY (TEXT IN MIFT), LIEUTENANT COMMANDER ASTIZ WAS NOT REPATRIATED TOGETHER WITH THE OTHER ARGENTINE PRISONERS OF WAR WHO LEFT ASCENSION ISLAND ON 13 MAY BY AIR FOR MONTEVIDEO. THIS FOLLOWED CERTAIN FORMAL APPROACHES MADE TO THE BRITISH GOVERNMENT BY THE SWEDISH GOVERNMENT AND THE FRENCH GOVERNMENT RESPECTIVELY. WE ARE OF COURSE WELL AWARE OF OUR OBLIGATIONS UNDER THE 1949 GENEVA CONVENTION ON PRISONERS OF WAR AND MINISTERS HAVE STATED PUBLICLY IN PARLIAMENT THAT WE SHALL OBSERVE THEM. THE APPROACHES BY THE SWEDISH AND FRENCH GOVERNMENTS HOWEVER HAVE NATURALLY INTRODUCED A COMPLICATION. WE FORESEE A LIKELIHOOD THAT THESE GOVERNMENTS MAY WELL WISH EITHER TO REQUEST ACCESS TO LIEUTENANT COMMANDER ASTIZ FOR THE PURPOSE OF INTERVIEWING HIM OR THAT THEY WILL ASK US AS THE DETAINING POWER TO CONSIDER WHETHER QUESTIONS COULD BE PUT TO LIEUTENANT COMMANDER ASTIZ ON THEIR BEHALF POSSIBLY BY A PARTY SUCH AS THE INTERNATIONAL COMMITTEE OF THE RED CROSS OR BRAZIL AS THE PROTECTING POWER. WE ARE AWARE THAT UNDER THE GENEVA CONVENTION WE HAVE THE OBLIGATION TO PERMIT ACCESS TO A PRISONER OF WAR BY SUCH PARTIES.
3. WOULD THE GOVERNMENT OF ARGENTINA IN PRINCIPLE BE WILLING FOR LIEUTENANT COMMANDER ASTIZ TO BE ASKED WHETHER HE CONSENTS TO A MEETING WITH A REPRESENTATIVE OF THE GOVERNMENT OF SWEDEN

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OR THE GOVERNMENT OF FRANCE: OR WHETHER HE WOULD BE PREPARED TO SEE A REPRESENTATIVE OF A PARTY SUCH AS BRAZIL (AS PROTECTING POWER) OR THE ICRC ACTING ON BEHALF OF THE GOVERNMENT OF FRANCE OR THE GOVERNMENT OF SWEDEN IN THIS MATTER? WE SHOULD APPRECIATE AN EARLY INDICATION OF THE VIEWS OF THE GOVERNMENT OF ARGENTINA. WE SHOULD BE GRATEFUL IF BRAZIL AS PROTECTING POWER WOULD ACCORDINGLY SEEK A RESPONSE FROM BUENOS AIRES ON THIS MATTER.

4. YOU SHOULD TELL THE BRAZILIANS THAT WE ARE SIMULTANEOUSLY KEEPING THE ICRC INFORMED OF THE INSTRUCTIONS WE HAVE SENT YOU IN THIS TELEGRAM.

5. (FOR UKMIS GENEVA) PLEASE EXPLAIN TO THE ICRC THE ACTION WE ARE TAKING WITH THE BRAZILIANS (AS ABOVE)

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