



10 DOWNING STREET

THE PRIME MINISTER

19 September 1984

file A7/JR
*not
to
Lord Pes
Attorney Gen
CO*

Dear Mr. Kinnock.

Thank you for your letter of 14 September.

The first part of your letter dealt with the sinking of the General Belgrano. I am publishing today, in reply to a letter which I have received from Mr. George Foulkes, a further statement of the circumstances surrounding that decision, designed to correct a number of misconceptions which were reflected in Mr. Foulkes' letter to me and in recent press accounts. I enclose a copy of my reply. As you acknowledge, Michael Heseltine also agreed, as long ago as 26 July, to assist with the inquiry being undertaken by the Select Committee on Foreign Affairs and will be giving evidence before them when Parliament returns.

There has been no desire or intention on the part of the Government to mislead or misinform Parliament on this matter; and I entirely refute your suggestion that there was either operational confusion or error in communications with the Task Force. As I have said in my reply to Mr. Foulkes, nothing that has been put forward since we took our decision about the Belgrano has led me or any of my colleagues to doubt that the decision was right and necessary in the interests of safeguarding British lives. But Ministers have to take the responsibility, with the help of our security experts' advice, of deciding at what point it is necessary to withhold information in the interests of national security. To go beyond that point in order to

justify the Government's decisions and thus to jeopardise lives in the future would be the height of irresponsibility. I can say specifically that Geoffrey Howe and I know of no basis for your suggestion that senior Foreign Office officials have given advice in the terms described in your letter.

The latter part of your letter deals with the treatment of Mr. Ponting. I have given an account of the decisions relating to the charging of Mr. Ponting in my reply to Dr. David Owen, a copy of which I also enclose. There are only two points which I would add. The first is that there is no long-established convention of the sort described in your letter: the Law Officers consider each case on its merits in deciding whether proceedings should be brought. The second point is to stress again that decisions on these matters are taken by the Law Officers, not by Ministers. Your letter and last Sunday's Observer allege that Michael Heseltine overruled advice given to him and insisted that Mr. Ponting be prosecuted. This is not so.

The Director of Public Prosecutions had been advised of the case on the morning of 13 August, and after consultation with the Solicitor General had already asked for a very early police report. When the senior Ministry of Defence official, Sir Ewen Broadbent, who had earlier briefed the Director of Public Prosecutions, reported to Michael Heseltine later that afternoon, he informed him of the stage reached. Michael Heseltine noted the report and that the decision whether or not to prosecute rested with the Law Officers. Neither I nor any other Ministers in the Ministry of Defence or elsewhere intervened in the succeeding days. The Director of Public Prosecutions received the detailed police report on 16 August and consulted the Law Officers who decided on 17 August to proceed with the prosecution. 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, before they took their decision to prosecute Mr. Ponting.

Yours sincerely

Margaret Thatcher

The Rt. Hon. Neil Kinnock, MP.

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