

## NOTE TO PRESS OFFICERS

### LT CDR ASTIZ

1. Spokesman confirmed on 13 May that Lt Cdr Astiz had not been repatriated with the other Argentine prisoners of war who had left Ascension Island.

#### 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. (See also paragraph 7 above.)

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.

12. Where is he held?  
At Ascension Island. (NB: 'at': not 'on')

13. Was he handed over to the ICRC?  
No. He remains in British custody for the moment.

14. Will you allow the Swedes/French to question him?  
Will you question him yourselves?  
What will you do with him next?  
etc.  
The only decision so far taken is not to repatriate him on the aircraft which left for Montevideo last night. We shall abide by the Geneva Conventions. I can give no further guidance.

NF

13 May 1982