



Foreign and Commonwealth Office

London SW1A 2AH

4 March 1985

Dear Charles,

Yes or

Chile

Prime Minister
 Agree that there
 should be a demarche
 by the Ten on the specific
 issue of the War Tribunal?

CJP
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The Prime Minister may wish to be aware that the Chilean authorities have established a War Tribunal to try those accused of assassinating the Military Governor of Santiago in August 1983. Trial by War Tribunal limits the judicial safeguards available to defendants, and in particular deprives them of any right of appeal. The War Tribunal is now moving to its conclusion, and sentencing may take place around 8-10 March. EC Ambassadors in Santiago expect that the death sentence if imposed would be carried out soon after.

We and other European countries have been concerned for some time at the denial of various fundamental legal rights in Chile, such as the right of appeal which is enshrined in the International Covenant on Civil and Political Rights, to which Chile (like the UK) is a party. In April last year, the EC Presidency on behalf of the Ten made a discreet demarche to the Chilean authorities expressing the hope that judicial guarantees would be available to defendants before the courts. The Ten also agreed that there should be a further demarche when it appeared that the War Tribunal was completing its work and was likely to sentence the defendants to death. In the light of the developments outlined above this demarche, if it was to have any effect, would need to be made next week.

Our own approach in our bilateral and in Community relations with Chile seeks to encourage the Chilean authorities to observe due process of law and thereby strengthen their legitimate capacity to maintain law and order: their fight against terrorism will be strengthened if justice is seen to be done. This approach is governed by the assessment that British interests vis-a-vis Chile are best served by doing what we reasonably can to promote an orderly return to democratic government; and that actions by the Chilean authorities which may serve to intensify political polarisation and violent civil unrest benefit neither Chile, nor the UK nor the West in general.

/Against



Against this background, our aim has been to concentrate Community demarches on important issues of principle where there is a clear position shared by European and, indeed, other Western countries. This has been the basis of statements by the Ten urging an orderly return to democracy in Chile. We resist suggestions for demarches by the Community in support of individual cases involving Chilean nationals. We also oppose the calls which are sometimes made for demarches which amount to little more than strident condemnation of the Pinochet Government. In this case the use of War Tribunals in Chile involves a specific and serious encroachment on fundamental freedoms which we value highly in the West. We therefore consider that it is an appropriate occasion for a measured and confidential Community demarche. Our aim will be to ensure that the text of the demarche makes this fundamental point, and cannot be interpreted in any way as condoning terrorism. We have made clear to our Community colleagues that we would be opposed to any form of publicity for this demarche.

Yours ever,

Le Appleyard

(L V Appleyard)
Private Secretary

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4 MAR 1985

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10 DOWNING STREET

From the Private Secretary

5 March 1985

CHILE

Thank you for your letter of 4 March about the proposed demarche by the Ten about the War Tribunal in Chile.

The Prime Minister agrees that a demarche should be made in this case.

(CHARLES POWELL)

L.V. Appleyard, Esq.,
Foreign and Commonwealth Office.

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