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FALKLANDS SELECTIVE ADVANCES (37)

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TELEGRAM NUMBER 624 OF 14 JUN 82
INFO ROUTINE STOCKHOLM

ADVANCE COPY

YOUR TELNO 346: ASTIZ.

X 1633

1. LAST FRIDAY MORNING - I.E. BEFORE MY CALL ON GUTMANN, AT WHICH
ASTIZ WAS NOT MENTIONED - DORIN, THE DIRECTOR FOR AMERICAN
AFFAIRS AT THE QUAI, ASKED THE MINISTER TO CALL ABOUT THE ASTIZ
CASE AFTER THE WEEKEND. ALSO ON FRIDAY THE QUAI SPOKESMAN SAID
THAT ALTHOUGH ASTIZ HAD BEEN RELEASED THE FRENCH AUTHORITIES
INTENDED TO CONTINUE PURSUING THEIR LEGAL ACTION AGAINST HIM.

2. THIS MORNING DORIN SAID HE HAD BEEN INSTRUCTED BY HIS MINISTER
TO EXPRESS THE FRENCH GOVERNMENT'S DISAPPOINTMENT AT THE FREEING OF
ASTIZ. AFTER REHEARSING THE FRENCH (AND SWEDISH) ACCUSATIONS
AGAINST ASTIZ, DORIN SAID HIS AUTHORITIES UNDERSTOOD THAT BRITISH
ACTIONS WERE BASED ON THE GENEVA CONVENTIONS, BUT THEY DID NOT AGREE

THAT THERE WAS A LEGAL REQUIREMENT TO TELL ASTIZ IN ADVANCE THAT HE NEED NOT REPLY TO THE QUESTIONS, OR TO INFORM THE ARGENTINE GOVERNMENT IN ADVANCE, OR TO SET ASTIZ FREE BEFORE THE END OF THE CONFLICT. FRENCH PUBLIC OPINION WOULD FIND IT DIFFICULT TO UNDERSTAND THAT BRITAIN HAD BEEN UNABLE TO HELP FRANCE OVER A RELATIVELY MINOR PROBLEM AFTER THE FRENCH GOVERNMENT HAD GIVEN SUCH FIRM SUPPORT TO BRITAIN ON THE MAIN CASE. DORIN ADDED, HOWEVER, THAT HE WAS ONLY EXPRESSING DISAPPOINTMENT ON BEHALF OF THE FRENCH GOVERNMENT, NOT MAKING A FORMAL PROTEST SINCE THERE WAS NO SUGGESTION THAT ANY FORMAL UNDERTAKING HAD BEEN VIOLATED. THE FRENCH GOVERNMENT WISHED TO REGISTER THEIR DISAPPOINTMENT DISCREETLY AND NOT BY A PUBLIC DECLARATION. HOWEVER, DORIN ADDED THAT "IF JOURNALISTS ASKED" THEY MIGHT CONFIRM THAT THEY HAD SPOKEN TO THIS EFFECT.

3. PETRIE AGREED TO REPORT THIS DEMARCHE BUT COMMENTED MEANWHILE THAT:

(A) THE JURIDICAL BASIS FOR EACH OF THE BRITISH GOVERNMENT'S ACTIONS HAD BEEN EXPLAINED IN DETAIL AT EACH STAGE TO THE FRENCH AUTHORITIES:

(B) THE BRITISH GOVERNMENT HAD GONE TO THE LIMIT OF - AND PERHAPS BEYOND - WHAT WAS LEGALLY POSSIBLE IN ORDER TO ENABLE THE FRENCH AND SWEDISH QUESTIONS TO BE PUT TO ASTIZ. I HAD UNDERSTOOD FROM MY CONVERSATION WITH DUFOURCQ (MY TLENO 562) THAT THIS WAS THE PRIMARY CONCERN OF THE FRENCH GOVERNMENT:

(C) IN THESE CIRCUMSTANCES BRITISH MINISTERS MIGHT WELL FEEL EQUALLY "DISAPPOINTED" IF THE FRENCH GOVERNMENT WERE TO TAKE PUBLIC EXCEPTION TO THE BRITISH GOVERNMENT'S ACTIONS, FOR WHICH THE SWEDISH GOVERNMENT HAD PUBLICLY EXPRESSED ITS GRATITUDE.

4. DORIN INDICATED THAT HE WAS AWARE OF THE SWEDISH GOVERNMENT'S STATEMENT. HE REPEATED THAT HIS INSTRUCTIONS WERE TO REGISTER "IN MODERATE TERMS" THE REGRETS OF THE FRENCH GOVERNMENT THAT IT HAD NOT BEEN POSSIBLE TO USE THIS OPPORTUNITY TO BRING ASTIZ TO BOOK.

COMMENT

5. SUBJECT TO ANY FURTHER PUBLIC STATEMENTS BY THE FRENCH GOVERNMENT IT DOES INDEED SEEM THAT THIS DEMARCHE IS PRIMARILY CONCERNED TO SAFEGUARD THEIR FLANK AGAINST ACCUSATIONS FROM FRENCH PRESSURE GROUPS THAT THEY HAVE NOT DONE ENOUGH. THIS EMBASSY RECIEVED, FOR EXAMPLE, A DELEGATION FROM THE ASSOCIATION DES DROITS SOCIALISTES DE L'HOMME ON 10 JUNE, TO WHOM WE EXPLAINED THE CONSTRAINTS ON BRITAIN'S ACTION.

THE CONSTRAINTS ON BRITAIN'S ACTION.

6. UNLESS YOU WISH TO SET THE RECORD STRAIGHT ONCE MORE ON THE LEGAL QUESTIONS IN PARA 2 ABOVE, I THINK WE COULD LET THE MATTER REST.

FRETWELL

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SENT AT 141632Z SM/PA