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INFO	LOG-00	NP-00	AID-00	AMAD-00	A-00	ACQ-00	CIAE-00
	SMEC-00	DOEE-00	SRPP-00	DS-00	EB-00	EUR-00	FBIE-00
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	L-00	VCE-00	AC-01	NSAE-00	NSCE-00	OIC-02	OMB-01
	OPIC-01	PA-00	PM-00	PRS-00	ACE-00	P-00	SP-00
	SS-00	STR-00	TEST-00	TRSE-00	T-00	USIE-00	SNIS-00
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SOURCE: CBLEXCLS.007904

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EUR/UBI:KPITTERLE

L/HRR:ASURENA

L/EUR:TRAMISH

L/UNA:MMALIN

DOJ:CWELLS

L/CID:GCOWAN

PA/PRS:CHUNTER

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FM SECSTATE WASHDC

TO AMEMBASSY PORT LOUIS PRIORITY

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AMEMBASSY LONDON PRIORITY

JOINT STAFF WASHDC//J5// PRIORITY 0000

SECDEF WASHDC PRIORITY 0000

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E.O. 12958: N/A

TAGS: MARR, PHUM, PREF, PREL, IO, UK, MP

SUBJECT: GUIDANCE ON DIEGO GARCIA ISSUES

REF: A. PORT LOUIS 229 B. PORT LOUIS 230

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THIS MESSAGE IS SENSITIVE BUT UNCLASSIFIED. PLEASE HANDLE ACCORDINGLY.

1. (SBU) REFTELS SUGGEST THAT REPRESENTATIVES OF THE FORMER ISLANDERS INTEND TO WAGE A VIGOROUS PRESS CAMPAIGN TO ADVANCE THEIR INTERESTS. IN ORDER TO PREVENT MISSTATEMENTS OR DISTORTIONS FROM INFLUENCING PUBLIC PERCEPTIONS IN THIS CASE, THE FOLLOWING GUIDANCE IS PROVIDED FOR ADDRESSING INQUIRIES CONCERNING THE FORMER ISLANDERS. GIVEN THE STRONG LIKELIHOOD OF FUTURE LITIGATION, THIS GUIDANCE SHOULD BE FOLLOWED CLOSELY. THE DEPARTMENT CONCURS THAT COORDINATION WITH THE EMBASSY ON ALL ISSUES ARISING FROM AND CONCERNING THIS POTENTIAL LITIGATION IS VITAL.

2. (U) REFTELS INDICATE THAT L,EXPRESS HAS REPORTED THAT THE AMBASSADOR TRIED IMPROPERLY TO DISCOURAGE THE FORMER ISLANDERS FROM BRINGING A CLAIM AGAINST THE U.S. GOVERNMENT. REF A DOCUMENTS THAT THESE ALLEGATIONS ARE ERRONEOUS. SIMILARLY, L,EXPRESS,S REPORT THAT DAVID GROGAN (L/PM) AND  
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MICHAEL TIGAR HAD AN AGREEMENT REGARDING THE VISIT OF TWO SOCIOLOGISTS TO VISIT MAURITIUS IS FALSE. THE STATE DEPARTMENT HAS RECEIVED THREE LETTERS FROM TIGAR (COPIES OF WHICH WERE FAXED TO POST BY THE DESK OFFICER), AND GROGAN HAS SPOKEN TO TIGAR ON THE TELEPHONE ON TWO OCCASIONS. THE FOLLOWING SUMMARIZES THOSE CONTACTS AND THE STATUS OF OUR RESPONSES TO TIGAR,S MOST RECENT COMMUNICATIONS:

A.    NOVEMBER 14, 2000, LETTER FROM TIGAR TO ERIC NEWSOM, THEN ASSISTANT SECRETARY OF STATE FOR POLITICAL MILITARY AFFAIRS. IN THE LETTER, TIGAR INDICATES HE IS REPRESENTING THE FORMER ISLANDERS AND REQUESTS A MEETING TO DISCUSS THE MATTER FURTHER.

B.    DECEMBER 7, 2000, TELEPHONE CALL FROM TIGAR TO MR. NEWSOM. GROGAN RETURNED THE CALL FOR MR. NEWSOM. DURING THE CALL, TIGAR INDICATED HE WAS REPRESENTING THE FORMER ISLANDERS AND THAT HE HAD SENT A LETTER TO NEWSOM CONCERNING HIS CASE. GROGAN STATED THAT A RESPONSE TO THE LETTER WAS BEING PREPARED, AND THAT IT WOULD STATE THAT TIGAR WAS WELCOME TO PROVIDE ADDITIONAL WRITTEN MATERIAL TO HELP THE DEPARTMENT BETTER UNDERSTAND THE NATURE OF HIS CLAIMS AND CONCERNS. NO COMMITMENTS OR AGREEMENTS OF ANY KIND WERE MADE, OTHER THAN THE PROMISE THAT TIGAR WOULD RECEIVE A RESPONSE SHORTLY TO HIS NOVEMBER 14, 2000, LETTER.

C.    DECEMBER 7, 2000, GROGAN SENT A LETTER FROM THE STATE DEPARTMENT TO TIGAR CONFIRMING THEIR TELEPHONE CONVERSATION, INDICATING THAT ADDITIONAL INFORMATION WAS REQUIRED TO

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UNDERSTAND THE NATURE AND BASIS FOR TIGAR,S CONCERNS, AND  
STATING THAT TIGAR COULD PROVIDE SUCH MATERIAL IN WRITING TO  
GROGAN:

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D. JANUARY 30, 2001, LETTER FROM TIGAR TO GROGAN DETAILING  
THE FORMER ISLANDERS, CLAIMS IN RESPONSE TO THE STATE  
DEPARTMENT LETTER OF DECEMBER 7, 2000.

E. FEBRUARY 9, 2001, LETTER FROM TIGAR TO GROGAN ALLEGING  
THAT PRESSURE IS BEING EXERTED ON THE GOVERNMENT OF MAURITIUS  
AND HIS CLIENTS TO DROP THEIR CLAIMS AGAINST THE U.S.  
GOVERNMENT.

F. FEBRUARY 26, 2001, TELEPHONE CALL FROM GROGAN TO TIGAR  
ASKING TIGAR TO PROVIDE DOCUMENTATION THAT ENCLOSURES TIGAR  
INCLUDED IN HIS JANUARY 30, 2001, LETTER TO GROGAN WERE  
DECLASSIFIED. DURING THE CONVERSATION, GROGAN INFORMED TIGAR  
THAT THE DEPARTMENT BELIEVED TIGAR,S &IMPROPER PRESSURES  
ALLEGATIONS WERE UNFOUNDED. GROGAN FAXED A LETTER THE SAME  
DAY TO TIGAR CONFIRMING THE REQUEST REGARDING THE ENCLOSURES.

G. TIGAR,S JANUARY 30 LETTER IS STILL UNDER REVIEW. A  
RESPONSE TO TIGAR,S FEBRUARY 9, 2001, LETTER WILL BE MAILED  
ON MARCH 2, 2001.

3. (SBU) EMBASSY STAFF SHOULD BE AWARE THAT ANY STATEMENT  
MADE REGARDING THIS CASE, WHETHER TO THE PRESS, TO PRIVATE  
PARTIES, OR TO MEMBERS OF THE MAURITIUS GOVERNMENT MAY BECOME  
RELEVANT SHOULD THE FORMER ISLANDERS FILE A CLAIM AGAINST THE  
UNITED STATES. ACCORDINGLY, EMBASSY STAFF SHOULD ADHERE TO  
THE FOLLOWING GUIDANCE:

A. EMBASSY STAFF SHOULD NOT AGREE TO MEET WITH OR DISCUSS  
THE ISSUES INVOLVED IN THIS CASE WITH [REDACTED] THE  
CHAGOS REFUGEES GROUP, OR ANY OF ITS OFFICERS OR MEMBERS.  
THESE INDIVIDUALS SHOULD BE TOLD TO CHANNEL THEIR  
COMMUNICATIONS THROUGH THEIR LEGAL REPRESENTATIVES.

B. BEFORE AGREEING TO MEET WITH OTHER GROUPS OF FORMER  
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ISLANDERS THAT ARE NOT REPRESENTED BY COUNSEL, EMBASSY SHOULD  
SEEK GUIDANCE FROM THE DEPARTMENT.

C. EMBASSY STAFF SHOULD SEEK GUIDANCE FROM THE DEPARTMENT  
IF THERE IS A NEED TO DISCUSS THIS CASE WITH FOREIGN  
GOVERNMENT OFFICIALS. GUIDANCE CAN BE TAILORED TO THE  
SPECIFIC SUBJECTS TO BE DISCUSSED.

D. EMBASSY OFFICIALS SHOULD NOT DISCUSS ISSUES INVOLVED IN  
THIS CASE WITH PRIVATE PARTIES.

4. (U) THE FOLLOWING PRESS GUIDANCE CAN BE USED TO ADDRESS

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THE L,EXPRESS ARTICLE AND TO REPLY GENERALLY TO INQUIRIES FROM THE PRESS:

A. Q: IS IT TRUE THAT FORMER ISLANDERS ARE SEEKING COMPENSATION FROM THE U.S. AND HAVE THREATENED LEGAL ACTION?

A: REPRESENTATIVES OF THE FORMER ISLANDERS HAVE CONTACTED THE U.S. GOVERNMENT ABOUT COMPENSATION FOR THE FORMER ISLANDERS AND MAY SEEK TO LITIGATE IN U.S. COURTS.

B. Q: WHY DID THE STATE DEPARTMENT AGREE TO A STUDY OF THE FORMER ISLANDERS BY 2 AMERICAN SOCIOLOGISTS?

A: THE STATE DEPARTMENT HAS NO KNOWLEDGE OF THE STUDY, WAS NOT CONTACTED ABOUT IT, HAS NOT DISCUSSED IT WITH THE ISLANDERS, LAWYERS, AND DID NOT ENTER INTO AN AGREEMENT RELATING TO IT.

C. Q: IS THE U.S. GOVERNMENT TRYING TO DISCOURAGE THE FORMER ISLANDERS FROM MAKING A CLAIM AGAINST THE U.S. GOVERNMENT? DON'T THEY HAVE A RIGHT TO BRING SUCH A CLAIM?

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A: THE U.S. GOVERNMENT IS NOT PRESSURING THE FORMER ISLANDERS INTO ABANDONING THEIR CLAIM.

D. Q: HOW WILL THIS AFFECT THE U.S. BASE ON DIEGO GARCIA?

A: THE U.S. AND THE UK HAVE IMPORTANT STRATEGIC INTERESTS IN DIEGO GARCIA. WE EXPECT TO MAINTAIN OUR LONG-TERM AGREEMENT WITH THE BRITISH GOVERNMENT ON THE ISLAND.

E. Q: CAN YOU PROVIDE ADDITIONAL DETAILS ABOUT THE CASE? WHAT IS THE U.S. GOVERNMENT,S POSITION?

A: AS YOU ARE AWARE, NO CLAIM HAS BEEN FILED AS OF YET. HOWEVER, BECAUSE THERE IS THE POSSIBILITY THAT A CLAIM MAY BE FILED, WE ARE NOT IN A POSITION TO COMMENT FURTHER AT THIS TIME.

F. Q: WHAT IS YOUR REACTION TO THE NOVEMBER 3, 2000, BRITISH COURT DECISION AND THE UK GOVERNMENT,S AGREEMENT TO ALLOW FORMER RESIDENTS OF THE CHAGOS ARCHIPELAGO TO RESETTLE THE AREA?

A: THE BRITISH COURT CASE AND ITS EFFECTS ARE A MATTER BETWEEN THE UK GOVERNMENT AND THOSE WHO BROUGHT THE LAWSUIT. POWELL

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