

FALKLAND ISLANDS: FCO SITREP: 0730 27 APRIL: OVERNIGHT DEVELOPMENTS

Argentine prisoners in South Georgia

1. On 26 April an Argentine prisoner was shot dead by a Royal Marine who thought the prisoner was making a hostile move. The Royal Navy are conducting an enquiry.
2. HM Ambassador, Montevideo, has pointed out that we would gain much credit internationally by announcing without delay that Argentine prisoners will be repatriated as soon as arrangements can be made.

United States

3. On 26 April Mr Haig told Sir N Henderson that in his view the Argentines had been convinced that the UK was bluffing; South Georgia had no doubt disabused them. In Mr Haig's view a bigger operation on the Falklands would not be so easy, but he did not wish to say that we were not right to maintain the pressure.
4. Mr Haig spoke to Sr Costa Mendez on 26 April and told him that time had run out. The only way to avoid an immediate conflict would be for Mr Haig to meet the Junta without delay.
5. In a message to the Secretary of State (attached) Mr Haig reports that he has proposed to the Argentines that he should leave for Buenos Aires as soon as that could be arranged; if this were not acceptable he would instruct the US Ambassador to deliver a text and ask for a swift response.
6. Just after midnight Mr Haig told Sir N Henderson that after discussion with the Argentines it had been agreed that Mr Haig would transmit his proposals (i.e. the text given to us on 23 April) immediately through the US Embassy Buenos Aires. He will also give the text to Sr Costa Mendez on 27 April at 7 am Washington time. Mr Haig has told the Argentines that he must have an answer, yes or no, by midnight Buenos Aires time 27/28 April; there could be no suggestions for textual alterations. Mr Haig told Sir N Henderson that he thought there was a fair chance of acceptance, thanks to our action in South Georgia.

Organisation of American States (OAS)

7. At the OAS meeting on 26 April Secretary Haig said that it would be 'neither appropriate nor effective' to deal with the Falklands under the Rio Treaty. Argentina demanded withdrawal of UK forces and the suspension of economic measures directed against her. With the exception of Venezuela and Panama, other speakers made moderate speeches. Sir N Henderson reports that there seems to be a good deal of support for a Peruvian resolution calling for an immediate cessation of hostilities and a resumption of negotiations, possibly under the auspices of the UN Secretary-General. The majority of participants appear reluctant to support sanctions against Britain and Argentina appears to have recognised this; it has so far avoided calling for sanctions.

/Non-Aligned

Non-Aligned Movement (NAM)

8. On 26 April the NAM Coordinating Bureau adopted a communique which endorsed the Argentine position on sovereignty, although it also contained, inter alia, a reference to Security Council Resolution 502.

Italy

9. HM Ambassador, Rome, has reported that Sr Colombo is in two minds about our recapture of South Georgia and is concerned about possible escalation.

Mexico

10. In a television interview on 26 April President Lopez Portillo indicated his support for Argentina's claim to the Falklands but added that Mexico had not become involved in the dispute as very capable people were mediating in an attempt to achieve a peaceful settlement. HM Ambassador believes that there has been a slight tilt towards Argentina in recent statements by leading Mexicans; but he believes that for the moment we should not take this too seriously.

Argentine liquidity position

11. The US Treasury's general conclusion is that the Argentines will have no serious liquidity crisis up to at least the end of June.

E. J. Hughes

E J Hughes
Emergency Unit

GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

You asked for very quick legal advice, cleared with the FCO legal adviser, on the incident this morning. This is as follows.

It seems clear that the Geneva Convention relative to the treatment of prisoners of war is applicable to the Argentinian prisoners on South Georgia. The Convention is applicable "to all cases of declared war or of any other armed conflict" (article 2, convention (iii)).

Prisoners of war, other than officers, may be required to do certain kinds of work. These are listed in article 50, convention (iii) as follows:

"Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- (a) agriculture,
- (b) industries connected with the production or extraction of raw materials, and manufacturing industries with the exception of metallurgical, machinery or chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;
- (f) public utility service having no military character or purpose.

You will see that stress is laid on the non-military character of work permitted. Thus the judgement of whether the orders to

/ the Argentines

the Argentines were covered under the Convention or not depends on what they were actually doing to the SANTE FE. If they were being ordered to disable or even de-stall it for military purposes, the implication is that we were outside the Convention. However all this will need further checking in the light of fuller reports of what happened.

N.E.

27 April 1982

SECRET

FATAL SHOOTING OF AN ARGENTINIAN SAILOR

Last night, shortly before midnight, information was received by phone from CINCFLEET and confirmed by signal some hours later of the fatal shooting of an Argentinian sailor at South Georgia.

The submarine SANTA FE was being disabled under direction of HMS BRILLIANT according to the verbal report (but not yet confirmed) the submarine was being moved. The Argentinian crew were assisting under guard by Royal Marines, one of whom apparently saw what he interpreted as a hostile move by an Argentinian sailor and shot the man dead.

A local Board of Enquiry is being held under the Presidency of CO HMS ENDURANCE, on which ship the Royal Marine is isolated for questioning. The body of the sailor is being transferred to TIDESPING for medical examination and certification. Advice on repatriation or burial at sea has been sought.

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