

RESTRICTED

51433 - 1

PP BERNE

GRS 370

RESTRICTED

FM FCO 041213Z FEB 83

TO PRIORITY BERNE

TELEGRAM NUMBER 22 OF 4 FEBRUARY

INFO PRIORITY CIVIL COMMISSIONER PORT STANLEY, BRASILIA AND
MODUK

INFO SAVING UKMIS GENEVA, UKMIS NEW YORK, MONTEVIDEO AND
SANTIAGO

Dead in full

MS

YOUR TELNO 21: FALKLANDS: ARGENTINE DEAD

1. PLEASE ASK THE SWISS TO TRANSMIT THE FOLLOWING MESSAGE
TO THE ARGENTINE GOVERNMENT.
BEGINS.

THE BRITISH GOVERNMENT, FOLLOWING THE ARGENTINE GOVERNMENT'S
REPLY TO THEIR MESSAGE TRANSMITTED TO THE SWISS AUTHORITIES
ON 4 JANUARY ON THE QUESTION OF THE ARGENTINE DEAD ON THE
FALKLAND ISLANDS, CONFIRM THAT ARRANGEMENTS FOR THEIR BURIAL
ARE BEING CARRIED OUT IN STRICT ACCORDANCE WITH THE GENEVA
CONVENTION, AS THEY HAVE MADE CLEAR WOULD BE THE CASE VIA
THE INTERNATIONAL COMMITTEE OF THE RED CROSS ON A NUMBER OF
OCCASIONS IN 1982.

THE BRITISH GOVERNMENT RECEIVED THE TEXT OF THE
ARGENTINE NOTE TO THE ICRC OF 4 JANUARY, REFERRED TO IN
THE ARGENTINE GOVERNMENT'S REPLY ON 26 JANUARY. THEY HAVE
ALWAYS SOUGHT TO FULFIL THEIR OBLIGATIONS UNDER THE GENEVA
CONVENTION. THERE HAS BEEN NO-CHANGE IN THEIR APPROACH.

THE BRITISH GOVERNMENT HAVE NOTED THAT THE PRESS
REPORTS MENTIONED IN THE ARGENTINE GOVERNMENT'S REPLY
TO THEIR EARLIER MESSAGE REFERRED TO THE BAD STATE OF
THE GRAVES OF THE ARGENTINE DEAD. THEY WERE INDEED LEFT
IN A MOST UNSATISFACTORY CONDITION BY THE ARGENTINE
AUTHORITIES. PERMANENT REBURIAL OF ALL THE ARGENTINE DEAD
WOULD HAVE TAKEN PLACE SOME TIME AGO BUT FOR THE DELAY IN

1

RESTRICTED

RESTRICTED

51433 - 1

RECEIVING ANY FIRM INDICATION OF THE ARGENTINE GOVERNMENT'S WISHES OVER THEIR RETURN. THE BRITISH GOVERNMENT HAVE BEEN SHOCKED BY THE ATTITUDE OF THE ARGENTINE GOVERNMENT.

THE BRITISH GOVERNMENT NOTE THAT THE ARGENTINE GOVERNMENT WISH TO LEAVE OPEN THE QUESTION OF THE RETURN OF THEIR DEAD FROM THE ISLANDS. THE BRITISH GOVERNMENT REMAIN READY TO CO-OPERATE OVER THIS ALTHOUGH THEY MUST EMPHASISE THAT RETURN WILL BE EASIER, THE SOONER ANY REQUEST IS RECEIVED. REBURIAL WILL TAKE PLACE EARLY NEXT WEEK, WITH A RELIGIOUS SERVICE ON 19 FEBRUARY, UNLESS THE ARGENTINE GOVERNMENT SAY IMMEDIATELY THAT THEY WOULD LIKE THEM TO BE RETURNED INSTEAD. THE BRITISH GOVERNMENT DO NOT OF COURSE ACCEPT THE IMPLICATION IN THE ARGENTINE REPLY THAT THE ARGENTINE DEAD ARE ALREADY ON ARGENTINE TERRITORY.

PYM

[COPIES SENT TO NO 10 DOWNING STREET]

FAKLAND ISLANDS GENERAL

FCO

FID

CABINET OFFICE

ADDITIONAL DISTRIBUTION

FAKLAND ISLANDS

²
RESTRICTED



Requested
8:30PM
19/1

Translation
H.

M 19/1

TYPING
5+

Noted
h.a.

AR 27/1

KKKK

BERFO 005/18
OO FCO

PP UKMIS GENEVA

RR BRASILIA

GRS 300

RESTRICTED

EM BERNE 181600Z

IMMEDIATE

TO IMMEDIATE FCO
TELNO 21 OF 18 JANUARY
AND TO PRIORITY UKMIS GENEVA
INFO ROUTINE BRASILIA
INFO SAVING MONTEVIDEO SANTIAGO CIVIL COMMISSIONER PORT STANLEY

PS/
PS/M'Donogh
M' Guffan
M' U M
No 10 DS

YOUR TELNO 01: FALKLANDS : ARGENTINE DEAD

1. THE SWISS FDFA HAVE PASSED TO US THE TEXT OF THE ARGENTINE NOTE OF 14 JANUARY IN REPLY TO THE MESSAGE IN YOUR TUR. TEXT IS AS FOLLOWS:

BEGINS

~~MMY TIENE EL HONOR DE SOLICITABLE LA TRANSMISION DE~~

SOR I

BEGINS

BEGINS

....Y TIENE EL HONOR DE SOLICITARLE LA TRANSMISION DE LA SIGUIENTE COMUNICACION A LAS AUTORIDADES BRITANICAS :

''EL GOBIERNO ARGENTINO HA MANTENIDO PERMANENTE CONTACTO CON EL COMITE INTERNACIONAL DE LA CRUZ ROJA, RESPECTO DE LOS RESTOS DEL PERSONAL ARGENTINO MUERTO EN EL TERRITORIO DE LAS ISLAS MALVINAS. CON FECHA 21 DE SEPTIEMBRE DE 1982, LE INFORMO AL CITADO COMITE QUE LAS AUTORIDADES ARGENTINAS DECIDIRIAN EN EL MOMENTO OPORTUNO ACERCA DEL EVENTUAL TRASLADO DE ESOS RESTOS, AGREGANDO QUE, EN ESE CASO, SE CONVENDRIAN LOS DETALLES TECNICOS PARA REALIZAR TAL OPERACION.

ASIMISMO Y CON FECHA 4 DE ENERO DEL CORRIENTE, EL GOBIERNO ARGENTINO SE DIRIGIO AL COMITE INTERNACIONAL DE LA CRUZ ROJA SOLICITANDO QUE DE LOS PASOS NECESARIOS PARA CONFIRMAR O DESVIRTUAR LA VERACIDAD DE INFORMACIONES DE PRENSA PROVENIENTES DE GRAN BRETANA QUE SENALABAN EL MAL ESTADO EN QUE SE ENCONTRABAN LAS TUMBAS CORRESPONDIENTES A PERSONAL MILITAR ARGENTINO MUERTO EN LAS ISLAS MALVINAS. SE AGREGABA LA ALARMA QUE PRODUCIAN DENUNCIAS DE ESA NATURALEZA Y ANTICIPABA QUE, EN EL CASO DE CONFIRMARSE LAS MISMAS, SE INVOCARIAN CON TODA ENERGIA LAS DISPOSICIONES DE LOS CONVENIOS DE GINEBRA, ESPECIALMENTE LAS NORMAS PREVISTAS EN EL ARTICULO 17. DEL PRIMER CONVENIO.

AHORA, A TRAVES DE LA COMUNICACION RECIBIDA POR INTERMEDIO DE LAS EMBAJADAS DEL BRASIL Y SUIZA, EL GOBIERNO BRITANICO PROPONE PROCEDER A UN NUEVO ENTIERRO DE LOS ARGENTINOS MUERTOS, EN UN CEMENTERIO ESPECIALMENTE CONSTRUIDO EN LAS ISLAS, LLEVANDO A CABO INHUMACIONES INDIVIDUALES Y DE ACUERDO CON LOS RITOS DE LA RELIGION CATOLICA ROMANA. ESTA PROPUESTA CORRESPONDE ESTRICTAMENTE A LAS OBLIGACIONES QUE LE IMPONE AL GOBIERNO DE GRAN BRETANA EL CITADO ARTICULO 17. DE LA PRIMERA CONVENCION, CUANDO DISPONE ESPECIFICAMENTE LO SIGUIENTE : ''CUIDARAN ADEMAS LAS PARTES CONTENDIENTES, DE QUE SE ENTIERRE A LOS MUERTOS HONORABLEMENTE, SI ES POSIBLE SEGUN LOS RITOS DE LA RELIGION A LA QUE PERTENCIAN, DE QUE SUS SEPULTURAS SEAN RESPETADAS, ORDENADAS SI SE PUEDE CON ARREGLO A LA NACIONALIDAD DE LOS CAIDOS, CONVENIENTEMENTE ATENDIDAS Y MARCADAS DE MODO QUE SIEMPRE PUEDAN SER ENCONTRADAS''.

EL GOBIERNO ARGENTINO CONSIDERA QUE LAS AUTORIDADES BRITANICAS DEBEN CUMPLIR CON LAS DISPOSICIONES CITADAS, RESER-

EL GOBIERNO ARGENTINO CONSIDERA QUE LAS AUTORIDADES
BRITANICAS DEBEN CUMPLIR CON LAS DISPOSICIONES CITADAS, RESER-
VANDOSE EL DERECHO DE DECIDIR, CUANDO SEA ADECUADO, ACERCA DEL
TRASLADO DE LOS RESTOS DE LOS SOLDADOS ARGENTINOS DESDE ESA PAR-
TE DE SU TERRITORIO AL CONTINENTE".

EL MINISTERIO.....

BUENOS AIRES 14 DE ENERO DE 1983

ENDS

POWELL-JONES

NNNN

SENT AT RECD AT 181620Z TWPM/ PDG

Unofficial Translation

ARGENTINE NOTE DATED 14 JANUARY 1983 CONTAINED IN THE TEXT OF THE BRAZILIAN EMBASSY'S NOTE NO 3/921.5(B29)(F27) OF 19 JANUARY

"The Ministry of Foreign Affairs and Warships (South American Department) presents its attentive greetings to the Embassy of the Federative Republic of Brazil and has the honour to request the transmission of the following communication to the British authorities:

The Argentine Government has maintained permanent contact with the International Committee of the Red Cross with regard to the remains of dead Argentine personnel in the territory of the Falkland Islands ('Islas Malvinas'). On 21 September 1982 the said Committee were informed that the Argentine authorities would decide at an opportune moment about the eventual transfer of these remains, adding that, in that case, agreement would be reached on the technical details for carrying out such an operation.

In like manner and on 4 January, the Argentine Government wrote to the International Committee of the Red Cross asking that the necessary steps be taken to confirm or deny the veracity of press reports emanating from Great Britain that indicated the bad state of the graves corresponding to Argentine military personnel killed in the Falklands ('Islas Malvinas').

The Government went on to note the alarm caused by charges of this nature and anticipated that, in the event that these charges were confirmed, the dispositions of the Geneva Convention, especially the norms set out in Article 17 of the First Convention, would be energetically invoked.

Now, by means of the communication received through the Brazilian and Swiss Embassies, the British Government proposes to proceed to a new burial of the Argentine dead, in a specially constructed cemetery on the Islands, carrying out individual burials and in accordance with the rites of the Roman Catholic religion. This proposal corresponds strictly with the obligations imposed on the Government of Great Britain by the said Article 17 of the

Miss Eumrick
1/20/1

First Convention when it specifically lays down the following: ^{They (parties to the conflict) shall further ensure} 'Moreover the contending parties will make sure ~~that the dead are honourably interred,~~ ^{that the dead are honourably interred,} ~~that the dead are buried honourably,~~ if possible according to the rites of the religion to which they belonged, that the graves ~~be~~ ^{are} respected, ~~arranged if possible in groups~~ ^{if possible} according to the nationality of the ~~fallen,~~ ^{deceased} ~~duly~~ ^{properly} maintained and marked ~~in such a way~~ ^{so} that they ~~can~~ ^{may} always be found'.

The Argentine Government considers that the British authorities should comply with the above dispositions, reserving for itself the right to decide, when it is appropriate, about the transfer of the remains of Argentine soldiers from that part of her territory to the continent.''

RESTRICTED

45000 - 2

OO BERNE DESKBY 041700Z

GRS

RESTRICTED

DESKBY 041700Z

FM FCO 041600Z JAN 83

TO IMMEDIATE BERNE

TELEGRAM NUMBER 1 OF 4 JANUARY

AND TO PRIORITY UKMIS GENEVA

INFO BRASILIA

INFO SAVING MONTEVIDEO, SANTIAGO, CIVIL COMMISSIONER PORT STANLEY

FALKLANDS: ARGENTINE DEAD

1. PLEASE ASK THE SWISS TO PASS THE FOLLOWING MESSAGE URGENTLY TO THE ARGENTINE GOVERNMENT. BEGINS:

'THE ARGENTINE GOVERNMENT WILL KNOW FROM ITS CONTACTS WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) THAT SINCE THE END OF JULY THE BRITISH GOVERNMENT HAVE ON HUMANITARIAN GROUNDS BEEN PREPARED TO FACILITATE THE RETURN TO ARGENTINA OF ALL THE BODIES OF ARGENTINE SERVICEMEN RECOVERED ON THE FALKLAND ISLANDS. FULL DETAILS OF THOSE BODIES, AND OF THEIR IDENTITIES WHERE IT HAS BEEN POSSIBLE TO ESTABLISH THEM, HAVE BEEN MADE AVAILABLE TO THE ICRC.

THE BRITISH GOVERNMENT NOW PROPOSES, IN THE ABSENCE OF ANY REPLY FROM THE ARGENTINE SIDE, TO PROCEED WITH THE REBURIAL OF THE ARGENTINE DEAD IN A SPECIALLY CONSTRUCTED CEMETERY ON THE ISLANDS, AS THE ARGENTINE AUTHORITIES WILL ALREADY HAVE BEEN INFORMED. THIS WILL BEGIN IN JANUARY. ALL BODIES WILL BE EXHUMED AND INDIVIDUALLY REBURIED, ACCORDING TO THE RITES OF THE ROMAN CATHOLIC RELIGION. THE REQUIREMENTS OF THE GENEVA CONVENTION WILL BE STRICTLY COMPLIED WITH.

THE BRITISH GOVERNMENT'S OFFER TO RETURN THE DEAD HOWEVER WILL REMAIN OPEN, EVEN AFTER THE REBURIALS DESCRIBED ABOVE. IT WOULD HOWEVER BE MUCH EASIER TO RETURN THE DEAD BEFORE REBURIAL TAKES PLACE. THE BRITISH GOVERNMENT THEREFORE URGE THE ARGENTINE AUTHORITIES, SHOULD THEY WISH TO HAVE THE

/DEAD RETURNED,

1

RESTRICTED

read in full.

RESTRICTED

45000 - 2

DEAD RETURNED, TO LET THEM KNOW AS SOON AS POSSIBLE.
SUITABLE ARRANGEMENTS COULD BE WORKED OUT VIA THE PROTECTING
POWERS OR THE ICRC.' ENDS

2. WE ARE INFORMING THE BRAZILIAN EMBASSY HERE. NEWS DEPARTMENT
ARE BRIEFING THE PRESS OFF THE RECORD THAT WE HAVE SENT SUCH A
MESSAGE BUT THEY ARE NOT (NOT) DIVULGING THE TEXT.
3. (FOR UKMIS GENEVA) PLEASE GIVE THIS TEXT TO THE ICRC.

PYM

[COPIES SENT TO NO 10 DOWNING STREET]

FAIKLAND ISLANDS GENERAL

FCO

FID

CABINET OFFICE

ADDITIONAL DISTRIBUTION

FAIKLAND ISLANDS