



Foreign and Commonwealth Office

London SW1A 2AH

26 April 1982

Dear John,

na M.A. 27/11

I have asked for a clearer letter. A.S.C. 26/4.

The Prime Minister said in the House this afternoon that the prisoners captured in South Georgia are not prisoners of war. Unfortunately, this is not an accurate statement of the legal position. It is important that the position be clarified.

P.A. 27/4

The Prime Minister could draw on the following, in the House or possibly in her Panorama interview this evening, to set the position straight:

'I wish to clear up a misunderstanding which may have arisen over the answer which I gave in the House earlier today to a question from Sir Bernard Braine. In it I was at pains to emphasize that a state of war does not exist between ourselves and Argentina. But in saying this I may have given the impression that the Geneva Conventions do not apply to the members of the Argentine forces captured on South Georgia and that they are not therefore prisoners of war. This is not so. The four Geneva Conventions of 1949 (to which both Argentina and Britain are parties) apply not only when a state of war exists but also when any other armed conflict arises between two or more parties to the Conventions. They also apply in all cases of partial or total occupation of territory. Thus, the Conventions have been applicable since 2nd April when Argentina used armed force against British forces and occupied the Falkland Islands and, later, South Georgia. They will remain applicable until all hostilities, and the occupation, have ceased and all prisoners have been repatriated.'

Yours ever

J E Holmes

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