



FCS/82/88

SECRETARY OF STATE FOR DEFENCE

Death of an Argentine Prisoner of War on South Georgia

1. Thank you for your minute of 15 June about the international and public relations aspects of the future handling of the Artuso case.

2. I do not dissent from the conclusion which the Attorney-General has reached that there are no grounds for instituting criminal or disciplinary proceedings against the RN officers in charge of the operation in which this regrettable incident took place, although I share the Attorney General's view that there were some unsatisfactory features about the way in which the movement of the submarine was organised and supervised. Likewise, I accept that the evidence in our possession does not point to any breach of Articles 50 or 52 of the Third Geneva Convention.

3. Accordingly, I agree in principle with the action proposed in the penultimate paragraph of your minute. As you will be aware, Article 121 of the Third Geneva Convention, in establishing that an official enquiry into the death of a POW should be held by the Detaining Power, provides that "statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power". This is ambiguous, in the sense that it can be interpreted as requiring that all statements, including those of UK personnel involved in the incident, should be forwarded. Nevertheless, and subject to the views of the Attorney-General, I would accept that the narrower interpretation could be defended and that we could confine ourselves to transmitting statements from the prisoners alone and excluding the names of the UK personnel involved. This does mean however that the covering

/report should

CONFIDENTIAL



report should be a detailed one and should, as you propose, include a section dealing with consideration of the report of the Board of Inquiry.

4. I am copying this minute to members of OD(SA), the Attorney-General and Sir Robert Armstrong.

(FRANCIS. PYM)

Foreign and Commonwealth Office
16 June 1982

CONFIDENTIAL