



N. B. P. R.

MR 18/6

SECRETARY OF STATE FOR DEFENCE

DEATH OF AN ARGENTINIAN PRISONER OF WAR ON SOUTH GEORGIA

1. I have seen the Foreign and Commonwealth Secretary's minute to you of 16 June in which he raises, and seeks my views on, the question whether our report to the Protecting Power need be accompanied by the statements of all witnesses or whether we could transmit only the statements of the other prisoners of war. in P. R.  
Box 17/6
2. With some hesitation, I endorse the view that the narrower interpretation could be defended. Purely as a matter of construction of the text of Article 121, the wider interpretation (ie that the statements of all witnesses should be transmitted) is the more natural one but the narrower interpretation is not manifestly unreasonable and there is some support for it in a commentary on the Convention by an unquestionably reputable authority. If there are good practical reasons for our basing ourselves on it, I therefore would not wish to argue against our doing so. But I ought to point out that we may well be criticised for it (not only by the Argentinians themselves) and it may be difficult to explain our reluctance to make available the statements of the only witnesses who have a direct personal knowledge of what actually happened. This could give rise to reasonable suspicion that we were trying to cover something up. All this points, in my view, to the need, if we do withhold the statements of our own witnesses, to making the report as full and detailed as possible.
3. I am copying this minute to the other members of OD(SA) and to Sir Robert Armstrong.

17 June 1982  
Law Officers Department

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