

Commander Task Group 317.9
HMS ANTRIM

30 Apr 82

REPORT OF THE INQUIRY INTO THE DEATH OF
ARGENTINE PRISONER OF WAR SUBOFFICIAL
PRIMERO (SIMQ) FELIX ARTUSO

References:

- A. CTG 317.9 ADA/Z5A 261850Z APR (Encl1)
- B. CTF 317 AAA/I9F 271946Z APR (Encl2)
- C. Geneva Convention 3 Article 121 (Encl3)

INTRODUCTION

1. The severely damaged Argentine submarine SANTA FE was alongside the British Antarctic Survey jetty at King Edward Point South Georgia, still armed with torpedoes, in a dangerous condition, and thus regarded as a threat to the British Forces. It was therefore decided to move her to a safer berth and to disable her, using 5 members of her own crew under Royal Marine guards. During the short passage Sub Oficial Primero Felix Artuso attempted to operate one of the submarine systems and was shot by a guard, who believed Artuso had intended to scuttle the submarine, killing everyone onboard.

AIM

2. The aim of this Inquiry is to establish all the relevant facts relating to the death of Sub Oficial Primero Felix Artuso.

NOTE

3. This Inquiry has been conducted in an Operational setting where both witnesses and members of the Board have been obliged to continue their other tasks concerned with the recapture of South Georgia. The transfer of key personnel between ships and shore and to Task Group 317.8, approaching the Falklands, in furtherance of operational requirements, prevented the acquisition of some oral evidence, and material considered essential from these witnesses has been obtained by signal or written statement.

NARRATIVE/

NARRATIVE

4. Early on the morning of Sunday 25 April 1982, the Argentine submarine SANTA FE was sighted on the surface about 5 miles from Grytviken, South Georgia. She was attacked and damaged by helicopters from HM Ship's ANTRIM, PLYMOUTH, BRILLIANT and ENDURANCE and limped into Grytviken where she was secured alongside the British Antarctic Jetty at King Edward Point. Later that day British Forces landed and recaptured Grytviken, taking prisoner the submarine crew (about 60 men) and the occupying Argentine forces (a further 80). The SANTA FE was superficially examined and found to contain a considerable quantity of ammunition, grenades and some weapons. The torpedoes were assessed as being ready to fire and the submarine was in a dangerous condition, losing buoyancy and leaking oil and Chlorine gas: this potentially explosive mixture represented a significant threat to both the sea and land elements of the British Forces and required immediate neutralisation.

5. A AA AA AA AA AA AA of HMS BRILLIANT, AA AA AA AA AA AA Royal Navy, a submarine specialist, was told by CTG 317.9 to examine the submarine for intelligence purposes and to make it safe. He landed at Grytviken at 0930 on Monday 26 April 1982 accompanied by two of his officers, AB AB AB AB AB and AC AC AC AC AC AC AB AB AB AB AB had served as a sonar maintainer in a Polaris submarine for about six months some years earlier but had negligible submarine experience and none of a conventional submarine. AC AC AC AC AC AC was not a submariner but had been selected for his diving and demolitions qualifications. During A AA AA AA AA initial inspection of the submarine, parties of Argentine sailors under RM guard were being allowed to return onboard to collect their personal belongings. AA AA AA AA A formed the impression that the guards had been properly briefed, were business like and purposeful in their handling of the prisoners and were very much in control of the situation.

6. The morning of the 26 April was inevitably chaotic ashore in Grytviken. The initial landing force had been put together from xxxxxxxx and elements of M Coy 42 Cdo Royal Marines embarked in HM Ship's ANTRIM, PLYMOUTH, BRILLIANT and ENDURANCE and the RM Detachments from ANTRIM and BRILLIANT, because the main landing party, which was embarked in RFA TIDESPRING, had not yet arrived in the area. Thus, while consolidating their position ashore, clearing a vast quantity of live ammunition and assorted debris, preparing for possible enemy air attacks, and controlling the disembarkation of 100 Marines from TIDESPRING, the original landing force were also faced with looking after, feeding and clothing 140 prisoners. Resources, both human and material, were stretched to breaking point and the combination of stress, a prodigious workload and an administrative requirement which would have daunted Solomon, prevented all but the accomplishment of the most vital tasks.

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AI AI AI AI

17. AI AI AI AI killed Sub Oficial Primero Artuso because he firmly believed Artuso was about to commit a hostile act which would have endangered the lives of all in the submarine. (61, 73, 77, 127, 154 - 156, 261, 297, 323, 390 - 392, 415, 416, 428, 429)
18. AI AI was given by his Marine superiors, and clearly understood, specific orders for handling prisoners. (7 - 10, 16, 19, 126 - 129, 141 - 146, 277 - 278)
19. AI AI was apprehensive of his situation in the submarine because of its dangerous state and was deeply concerned by the weapons and ammunition lying around which he regarded as potentially available to support any insurrection by the prisoners. (23, 25 - 27, 31 - 33, 72, 77, 112, 113 - 115, 182, 268 - 272, 289, 297, 347, 366, 368, 410, 412, 415, 419)
20. AI was suspicious of the prisoners in general, and Artuso in particular, and anticipated some sort of hostile act. (43, 44, 47, 48, 50 - 53, 179 - 182, 223, 226, 270 - 275, 289, 305, 347)
21. AI AI, by his questions to AB AB AB AB AB and his comment that he would shoot him in the head, fully comprehended the importance of the main vent levers and was in no doubt either about their location or about the absolute necessity of their not being operated. He clearly believed he could shoot if he had to. (50 - 53, 61 - 67, 77, 98, 123, 148 - 153, 256, 283, 294, 295, 355, 356, 419)
22. AI AI had not been briefed that the Argentine sailors might need to touch the submarine systems and was not expecting Artuso to operate anything in the lower control room during the passage; however he would have allowed him to touch anything except the main vents. (116, 199, 231, 232, 298, 328 - 356)
23. AI AI had noted Artuso as a large, heavy man and did not expect him to react quickly unless it was to commit some sort of hostile act. (123, 153, 236, 237, 350)
24. AI AI had heard AB AB AB AB AB tell Artuso not to touch the main vent levers and had repeated the instruction himself; he had noted Artuso's apparent understanding of this order. (20, 50 - 58, 153, 228, 257, 258, 295, 296, 419)
25. AI AI did not hear the Argentine Commanding Officer's order to Artuso to start the LP Compressor, was not expecting such an order, and was unaware of any reason for Artuso to make a sudden move. (75, 157 - 158, 161, 181, 187, 188, 190, 191, 231, 233, 237, 239, 300, 301, 304, 306)
- AB AB AB AB AB /
26. AB AB AB AB AB was nervous and unsure about his duty in the submarine. (39, 81, 90)
27. AB AB AB AB AB, through lack of familiarity with the submarine and lack of briefing, misidentified the main vent levers. (39, 40, 78 - 84, 91, 98, 378, 414)

28. AB AB AB AB AB, in replying: "don't let him touch those levers" was not absolutely specific in stating how much force might be used in answer to AI AI AI AI AI comment: "I'll shoot him through the head". (51 - 53, 62 - 67)

A AA AAAAA

29. A AA AA AA AA believed his task was to examine, move and disable the submarine. He had observed the guards, considered from their previous actions that they were well trained and properly briefed, and believed they remained under control of the Commander Land Forces and therefore required no supplementary instructions. (409 - 413, 423)

30. AA AA AA AA A was under pressure to move the submarine because of its dangerous state and the possibility of its sinking alongside the British Antarctic Survey jetty. (1, 44, 72, 113 - 115, 410 - 412, 415, 417)

31. A AA AA AA was under pressure to return to his own ship, HMS BRILLIANT, which was required for further immediate operational service. (34, 414)

32. Because of the lack of time A AA AA AA A, although aware of AB AB AB AB AB limited submarine experience, believed he was competent to take charge below and provided only the broadest of instructions. (40, 81, 90, 414, 421, 425)

Sub Oficial Artuso

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34. Artuso had been instructed by AB AB AB AB AB and AI AI not to touch the main vents. (20, 50 - 58, 153, 228, 257, 258, 295, 296)

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35. Artuso's communications with his Commanding Officer were via an unreliable and weak sound-powered telephone which could not be overheard by his Marine guards. (230, 231, 233, 234, 237, 368, 398, 407, 414)

36. Artuso reacted quickly to start the LP Compressor because he knew it affected submarine buoyancy; his other movements had been casual. (73, 77, 187, 190, 269, 317, 368, 385, 415, 416)

FINAL CONCLUSIONS

37. AI AI AI AI carried out his duties precisely in accordance with his instructions and the Board consider that no blame attaches to him.

38. AB AB AB AB AB, with his extremely limited submarine knowledge, made an error of judgement in not requesting detailed briefing before he instructed the guards on the equipment in the control room. He made a further error of judgement in not dealing specifically with AI AI's statement that he would shoot Artuso through the head. The Board consider that as the original plan to scuttle the submarine had been abandoned, AB AB thought there was no requirement for anyone to operate lower control room equipment and thus no need for him to be familiar with it. This conclusion applies equally to AA AA AA AA decision not to give full instructions for the move in the afternoon. The Board further consider that as the question of shooting small arms to kill is beyond the experience of almost all modern naval officers, even in the context of the previous 48 hours, AB AB AB AB AB dismissal of AI AI AI AI AI statement about shooting cannot be construed as other than a reasonable reaction from a man of his background who was at the same time under pressure to get aft to supervise the Argentine ratings in the motor room.

39. Therefore, despite AB AB AB AB AB misinterpretation of the strength of AI AI AI comment about shooting to kill and while acknowledging that his misidentification of the main vent levers provides the key to this whole tragic incident, the Board does not consider that either act amounted to culpable negligence: he was not responsible for Artuso's death.

40. AA AA AA AA, as the senior officer in charge of the evolution, made an error of judgement in not laying down specific instructions for its conduct. However, he was reassured by the attitude of the guards and judged that no further instructions were necessary for them. He also saw the passage from the British Antarctic Survey jetty to the whaling jetty as a simple task which required minimal explanation and, given the lack of time and need to return to his ship, from which he had been absent for seven hours, his actions did not, in the view of the Board, amount to any form of negligence.

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DEATH OF ARGENTINIAN PRISONER OF WAR - SUB OFICIAL PRIMERO FELIX ARTUSO - BOARD OF INQUIRY REPORT AND INTENTIONS

References:

- A. HMS ANTRIM's 502/4 dated 5 May 82.
- B. HMS ENDURANCE's 520/2 dated 30 Apr 82 (at Volume 1, report of inquiry).
- C. HMS BRILLIANT's 780/2 dated 27 Apr 82 (at Volume 1, paras 408-420).

1. The Report of the Board of Inquiry into the tragic shooting of Felix ARTUSO on 26 April 82 is forwarded at Enclosures 1, 2 and 3. Volumes 1 and 3 were produced within days of the incident. The supplementary statements by the Argentinian witnesses (Volume 2) were taken on 12 May 82 during the prisoners' passage to Ascension Island; and the supplementary pathological report at Enclosure 4 was obtained by special request on 15 May 82.

2. I believe that the reports are as accurate and comprehensive as can be expected in the difficult operational circumstances prevailing at the time. There are some discrepancies (for example, the exact number of shots fired, and the precise orders given to the sentries), but this is not unusual in any form of inquiry into an incident which happened suddenly and quickly. It would be difficult to obtain further information from units dispersed over thousands of miles, and I would be reluctant to call at this stage for further particulars from personnel who are still fully committed in the "front line" of the Task Force and whose recollections of detail will now be dimmed by time. I believe that the present report is a sufficient basis on which to decide whether any disciplinary action is appropriate, and also to fulfil our reporting obligations to the Protecting Power under the Geneva Convention on the Treatment of Prisoners of War.

ARTUSO leaping for the control lever was instinctive. Indeed, had his belief that ARTUSO was trying to scuttle the submarine been correct, AIAIAI action in shooting ARTUSO in defence of himself and others in the vessel would have been commendable, and to have failed to shoot in those circumstances would have been a dereliction of duty. That his belief was founded on an honest mistake of fact, does not alter the nature, quality and innocence of his acts.

10. I am impressed by AIAIAI statement that "it was an instant reaction to stop him pulling the lever, so I shot him as quickly as I could, to save us and the submarine" (paragraph 322), and also by AH AH AH statement that, "it was a split second sort of thing" (paragraph 196), and that, if he had been left by himself and the Argentinian had moved to the lever, "I'd have shot him" (paragraph 152). It is significant that AI failed to prevent ARTUSO operating the forbidden levers even though the shooting was instantaneous; it is clear that any less drastic action would not have prevented the forbidden action. I am satisfied that AIAI, in such wholly exceptional and unfamiliar circumstances, honestly and reasonably believed, first, that he had to prevent ARTUSO scuttling the submarine and, second, that shooting him was the only way to safeguard all on board.

11. There is no evidence, direct or circumstantial, to contradict the statements of AI and AH AH AH. Indeed their evidence that ARTUSO opened the LP air levers is corroborated by AG AG AG AG AG AG AG AG and AK AK AK AK AK AK AK AK who both heard the characteristic noise of the valves being opened (Volume 2 pages 5 and 19); and again by AG AG who later had to shut them (Volume 2 page 7). The supplementary pathological evidence at Enclosure 4, based on interpreting the photographs in Volume 3, is also consistent with the essential points of AIAIAI and AH AH AH evidence of the shooting.

12. All the evidence indicates that AIAI, honestly and reasonably believed he was using the only means of defence available in the circumstances he supposed to exist. It would be wrong now to expect him, acting in a moment of such anguish in defence of himself and others, to have weighed to a nicety exactly what minimum defensive action was necessary. I believe that AIAIAI instinctive reaction arose from an entirely justified mistake, that he had not criminal intention, and that he is innocent of any crime.

13. AA AA AA AA AA AA AA AA Royal Navy. I have a close sympathy for the operational conditions described in the reports by the 3 ships' Commanding Officers. Those without experience of such conditions might be tempted to conclude that AA AA AA AA AA AA / may have made certain errors of judgement, but I consider that in the light of the continuing threat presented by the enemy submarine, and all the conflicting priorities arising from the need and duty to return urgently to his own ship and to rejoin the main Task Group, his conduct was not negligent or otherwise culpable, but was entirely reasonable. I am similarly satisfied that no culpable act or omission

