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FM FCO 111700Z JUN 82

TO IMMEDIATE CERTAIN MISSIONS AND DEPENDENT TERRITORIES  
GUIDANCE TELEGRAM NUMBER 127 OF 11 JUNE 1982

FALKLAND ISLANDS CRISIS: GENEVA CONVENTIONS

1. YOU MAY DRAW ON THE FOLLOWING (EXCEPT PARA 14)  
AS APPROPRIATE TO COUNTER ARGENTINE ACCUSATIONS OF UK BREACHES  
OF THE GENEVA CONVENTIONS.

HIGH ARGENTINE CASUALTY RATE IN DARWIN AND GOOSE GREEN

2. FACTORS INVOLVED INCLUDED:

(A) ACCURATE GUNFIRE BOTH BEFORE THE BATTLE (NAVAL  
BOMBARDMENT, ARTILLERY AND AIR RAIDS) AND DURING IT.

(B) EXPOSURE OF ARGENTINES IN A SMALL FLAT AREA AND  
THE PARTICULAR TACTICS THEY USED IN WITHDRAWING, WHICH  
MADE THEM ESPECIALLY VULNERABLE.

(C) INADEQUATE ARGENTINE MEDICAL BACKUP CAUSING LOSS  
OF LIFE THROUGH LACK OF IMMEDIATE FIRST-AID.

(D) POOR DISCIPLINE AND PHYSICAL CONDITION OF ARGENTINE  
CONSCRIPT SOLDIERS COMBINED WITH LACK OF COMBAT EXPERIENCE.

ICRC CONFIDENTIAL REPORT ON THEIR VISIT TO ARGENTINES CAPTURED  
ON SOUTH GEORGIA AND REPATRIATED VIA ASCENSION ISLAND

3. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) HAVE  
MADE IT CLEAR THAT THE REPORT IS NOT (NOT) INTENDED FOR  
PUBLICATION.

4. AS THE REPORT CONTAINS SOME CRITICISM OF THE CONDITIONS  
IN WHICH THE ARGENTINES WERE KEPT ON BOARD SHIP, THE ARGENTINE  
AUTHORITIES MAY NOT BE ABLE TO RESIST MAKING USE OF THE REPORT  
FOR PROPAGANDA PURPOSES. IF THERE IS ANY LOCAL EVIDENCE OF THIS  
YOU SHOULD:

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- (A) MAKE THE POINT IN PARAGRAPH 3 ABOVE
- (B) INFORM US BY IMMEDIATE TELEGRAM.

USE OF PRISONERS TO HANDLE DANGEROUS MATERIALS: INCIDENT AT GOOSE GREEN

5. AN ACCIDENT INVOLVING EXPLOSIVES OCCURRED AT GOOSE GREEN ON 1 JUNE. THERE WERE NO CASUALTIES AMONG OUR OWN TROOPS BUT FOUR OF THE ARGENTINE PRISONERS DIED AND A FURTHER EIGHT WERE WOUNDED. A FULL INQUIRY WILL BE HELD INTO THE ACCIDENT IN ACCORDANCE WITH ARTICLE 121 OF THE THIRD GENEVA CONVENTION. THE EXPLOSION OCCURRED WHEN AN AMMUNITION BOX WAS BEING MOVED.

6. IF QUESTIONED YOU SHOULD SAY THAT:

(A) PERSONAL DETAILS OF THE DEAD AND WOUNDED, WHERE IDENTIFIABLE, HAVE BEEN PASSED TO THE ARGENTINES AND THE ICRC

(B) THE WOUNDED ARE BEING GIVEN MEDICAL TREATMENT AND WILL BE EVACUATED AS SOON AS POSSIBLE.

7. ARTICLE 52 OF THE THIRD GENEVA CONVENTION ALLOWS POW LABOUR TO BE USED ON TASKS OF AN UNHEALTHY OR DANGEROUS NATURE ONLY IF THEY ARE VOLUNTEERS. THE INQUIRY WILL DETERMINE WHETHER OR NOT THERE WAS ANY BREACH OF THE ARTICLE.

8. THERE HAVE BEEN REPORTS THAT ARGENTINE PRISONERS HAVE BEEN COMPELLED TO LOCATE AND DE-ACTIVATE EXPLOSIVES IN THE AREA OF GOOSE GREEN AND DARWIN AND SUGGESTIONS THAT THIS INVOLVED THE REMOVAL OF MINES. THE REPORTS ARE BEING INVESTIGATED.

TREATMENT OF PRISONERS GENERALLY

9. THE SENIOR ARGENTINE OFFICER PRISONER HAS LODGED COMPLAINTS ABOUT THE TREATMENT OF PRISONERS AT GOOSE GREEN. WE AWAIT RECEIPT OF HIS FORMAL PETITION IN LONDON BEFORE PREPARING OUR CONSIDERED RESPONSE. HOWEVER SINCE THERE HAVE BEEN PRESS REPORTS YOU MAY DRAW ON THE FOLLOWING BY WAY OF AN INTERIM REPLY: BRITISH FORCES ARE UNDER STRICT INSTRUCTIONS TO COMPLY WITH ALL PROVISIONS OF THE GENEVA CONVENTIONS. MEASURES TAKEN INCLUDE

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THE EARLIEST POSSIBLE EVACUATION OF PRISONERS FROM THE COMBAT ZONE. PRIOR TO THEIR EVACUATION PRISONERS HAVE BEEN DETAINED IN SECURE AND CLEARLY MARKED AREAS. THEY HAVE BEEN PROVIDED WITH SUFFICIENT FOOD AND CLEAN SHELTER. SANITARY FACILITIES HAVE BEEN TO THE SAME STANDARD AS THOSE USED BY BRITISH FORCES. WOUNDED ARGENTINE PRISONERS HAVE RECEIVED THE SAME TREATMENT AND PRIORITY OF EVACUATION AS WOUNDED BRITISH SOLDIERS. FUNERAL ARRANGEMENTS FOR THOSE ARGENTINE SOLDIERS KILLED IN COMBAT HAVE BEEN CONDUCTED BY BRITISH FORCES IN ACCORDANCE WITH THE GENEVA CONVENTIONS. IT IS HOPED THAT IT WILL SOON BE POSSIBLE FOR ICRC REPRESENTATIVES, WHO ARE NOW OFF EAST FALKLAND, TO INSPECT ARRANGEMENTS WHICH HAVE BEEN MADE.

## REPATRIATION OF ARGENTINE PRISONERS

10. (A) ARRANGEMENTS ARE BEING MADE TO EVACUATE ARGENTINE PRISONERS FROM THE COMBAT ZONE IN ACCORDANCE WITH ARTICLE 19 OF THE THIRD GENEVA CONVENTION.

(B) THE ICRC HAVE HAD ACCESS TO ARGENTINE PRISONERS WHEREVER POSSIBLE.

(C) THE VAST MAJORITY OF POWS HAVE BEEN REPATRIATED AS SOON AS POSSIBLE. WE ARE KEEPING THE ARGENTINE GOVERNMENT AND THE ICRC FULLY INFORMED. WE HAVE SET UP A SPECIAL POW INFORMATION BUREAU FOR THIS PURPOSE.

## DEATH OF ARGENTINE MARINE ON SOUTH GEORGIA

11. THE FINAL REPORT ON THE DEATH IN DETENTION OF THE ARGENTINE MARINE ARTUSO ON SOUTH GEORGIA IS NOT YET READY. THE COMPETENT LEGAL AUTHORITIES HAVE IT UNDER URGENT CONSIDERATION. THE ICRC HAVE BEEN KEPT FULLY INFORMED OF PROGRESS.

## USE OF NAPALM/CLUSTER BOMBS

12. NAPALM IS NOT BANNED BY INTERNATIONAL LAW. AS AN INCENDIARY WEAPON ITS USE WOULD BE RESTRICTED BY THE UN WEAPONRY CONVENTION

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(1981) WHEN THAT COMES INTO FORCE. THE CONVENTION WAS DRAFTED SO AS TO PROTECT CIVILIANS AND CIVILIAN OBJECTS FROM ATTACKS BY INCENDIARIES. WE ARE NOT (REPEAT NOT) USING NAPALM IN THE SOUTH ATLANTIC.

13. CLUSTER BOMBS ARE PRECISION WEAPONS FOR USE AGAINST ARMoured MILITARY TARGETS. THEY CANNOT WITH JUSTIFICATION BE CRITICISED AS INHUMANE OR INDISCRIMINATE.

14. FOR YOUR OWN INFORMATION. THE 1981 UN WEAPONRY CONVENTION HAS BEEN CONNECTED TO THE FALKLANDS IN TWO RESPECTS, NAPALM AND CLUSTER BOMBS. THE CONVENTION, WHICH HAS BEEN SIGNED BUT NOT RATIFIED BY BOTH ARGENTINA AND THE UK, IS NOT YET IN FORCE AND YOU SHOULD AVOID ANY SUGGESTION THAT ITS PROVISIONS ARE EVEN MORALLY BINDING AS YET. ALTHOUGH STOCKS OF ARGENTINE NAPALM WERE DISCOVERED AT GOOSE GREEN, THERE IS AS YET NO FIRM EVIDENCE OF THEIR ATTEMPTING TO USE IT. THERE HAVE HOWEVER BEEN PRESS REPORTS OF BRITISH TROOPS PREPARING HOME-MADE INCENDIARY DEVICES. IN THE EARLY STAGES OF THE PREPARATIONS FOR THE CONVENTION CLUSTER BOMBS WERE SUGGESTED FOR POSSIBLE INCLUSION UNDER IT, BUT SUCH SUGGESTIONS WERE DROPPED. ATTEMPTS MIGHT BE MADE TO ARGUE THAT USE OF DELAYED ACTION CLUSTER BOMBS AMOUNTED TO THE AERIAL SOWING OF A MINE-FIELD, WHICH WOULD BE GOVERNED BY THE CONVENTION. IN FACT UK CLUSTER BOMBS HAVE NO SUCH PROPERTIES BUT WE WOULD PREFER TO AVOID SPECULATION ABOUT THE APPLICABILITY OF THE CONVENTION TO THEM.

#### RED CROSS PRESENCE IN THE ISLANDS

15. WE HAVE BEEN CO-OPERATING FULLY WITH THE ICRC AND WILL CONTINUE TO DO SO. ICRC REPRESENTATIVES NOW HAVE ACCESS TO AREAS OF THE FALKLAND ISLANDS UNDER BRITISH CONTROL. THE ICRC ARE ALSO TRYING TO ARRANGE FOR REPRESENTATIVES TO GET INTO PORT STANLEY. THEY WILL BE LOOKING INTO MATTERS OF NORMAL ICRC CONCERN IN AREAS OF CONFLICT, INCLUDING THE PROVISION OF SAFE AREAS FOR THE CIVILIAN POPULATION, THE SITUATION OF PRISONERS OF WAR, AND ARRANGEMENTS FOR THE CARE OF CASUALTIES.

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## SAFETY OF ISLANDERS

16. WE ARE NATURALLY CONCERNED FOR THE SAFETY OF THE ISLANDERS. ONCE THE ICRC OBTAIN ACCESS TO PORT STANLEY THEIR PRINCIPAL CONCERN WILL BE THE SAFETY OF THE CIVILIAN POPULATION. BRITISH FORCES AND THEIR COMMANDERS WILL DO EVERYTHING POSSIBLE TO MINIMISE THE RISK TO THE FALKLAND ISLANDERS BOTH IN STANLEY AND ELSEWHERE.

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## BY TELEGRAPH

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[IMMEDIATE]

ANKARA	LIMA	CAPE TOWN	LUSAKA
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UKDEL STRASBOURG	LA PAZ	JOHANNESBURG	LILONGWE
HELSINKI	PANAMA CITY	(CG)	GABORONE
VIENNA	QUITO	ISLAMABAD	NICOSIA
BELGRADE	SAN JOSE	PEKING	KINGSTON
BUCHAREST	AMMAN	TOKYO	PORT OF SPAIN
MOSCOW	JEDDA	DACCA	GEORGETOWN
WARSAW	CAIRO	ACCRA	BRIDGETOWN
RIO DE JANEIRO	DAKAR	LAGOS	BEIMOPAN
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