

[PLEASE RETURN COPY TO  
TYPISTS]

FALKLANDS SELECTIVE ADVANCES (38)

PS  
PS/MR HURD  
PS/MR ONSLOW  
PS/PUS  
MR BULLARD  
SIR I SINCLAIR  
MR GIFFARD  
MR WRIGHT  
MR GILLMORE  
MR URE  
MR BARRETT  
HS/S AM D  
HD/DEF D  
HD/PLANNING STAFF  
HD/UND  
HD/NEWS D  
HD/ERD  
HD/ECD(E)  
HD/PUSD  
EMERGENCY ROOM  
RESIDENT CLERK

~~PS/NO 10 DOWNING STREET (2 copies)~~

PS/S OF S DEFENCE

PS/HOME SECRETARY

PS/HOME SECRETARY (c/o NO 10 DST)

PS/ATTORNEY GENERAL

PS/CHANCELLOR DUCHY OF LANCASTER

PS/SIR R ARMSTRONG )

PS/SIR M PALLISER, )

PS/SIR A DUFF )

CABINET

MR WADE-GERY )

MR FULLER )

OFFICE

MR O'NEILL HD ASSESS- )  
MENTS STAFF )

DIO

MR J M STEWART AUSD STAFF MOD

ADMIRAL SIR ROY HALLIDAY DGI MOD

DIRECTOR G.C.H.Q. (Via Room 8)

PP ASCENSION ISLAND

PP BRASILIA

GRS 350

CONFIDENTIAL

FROM UKMIS GENEVA 171345Z MAY 82

TO IMMEDIATE FCO

TELNO 249 OF 17 MAY

INFO IMMEDIATE MODUK, PRIORITY PARIS, STOCKHOLM, ASCENSION ISLAND,  
BRASILIA

MY TELNO 245 AND YOUR TELNOS 121 AND 122 TO BRASILIA: LIEUTENANT-  
COMMANDER ASTIZ

1. HEAD OF CHANCERY CALLED ON PASQUIER, DELEGATE-GENERAL FOR LATIN  
AMERICA AT ICRC ON 17 MAY TO CONFIRM MESSAGES LEFT WITH ICRC DUTY  
OFFICER OVER THE WEEKEND.

2. PASQUIER SAID THAT ICRC WERE GRATEFUL TO BE KEPT INFORMED OF  
OUR THINKING. HE COULD HOWEVER SEE NO(NO) WAY IN WHICH THE ICRC  
COULD JOIN IN CARRYING OUT AN INTERROGATION AS SUGGESTED IN YOUR  
MESSAGE. ONE OF OUR MEN HAS BEEN TAKEN PRISONER IN AN ARMED

*M*

*Prime Minister*

*See overleaf.*

*17/5*

ADVANCE COPY  
IMMEDIATE

MY TELNO 245 AND YOUR TELNOS 121 AND 122 TO BRASILIA: LIEUTENANT-COMMANDER ASTIZ

1. HEAD OF CHANCERY CALLED ON PASQUIER, DELEGATE-GENERAL FOR LATIN AMERICA AT ICRC ON 17 MAY TO CONFIRM MESSAGES LEFT WITH ICRC DUTY OFFICER OVER THE WEEKEND.

2. PASQUIER SAID THAT ICRC WERE GRATEFUL TO BE KEPT INFORMED OF OUR THINKING. HE COULD HOWEVER SEE NO(NO) WAY IN WHICH THE ICRC COULD JOIN IN CARRYING OUT AN INTERROGATION AS SUGGESTED IN YOUR TELNO 121 TO BRASILIA. ASTIZ HAD BEEN TAKEN PRISONER IN AN ARMED CONFLICT, A SITUATION COVERED BY THE GENEVA CONVENTION AND WAS THEREFORE A PROTECTED PERSON. THE ICRC WERE NOT COMPETENT TO TAKE HIS PAST INTO ACCOUNT.

3. PASQUIER POINTED OUT THAT OUR ACTION IN DECIDING TO HOLD ASTIZ BACK AND SEND ON THE OTHER POWS WITHOUT HIM HAD CAUSED THE ICRC CONTINUING DIFFICULTY WITH THE ARGENTINES. THEY HAD BEEN ABLE TO PROCEED WITH THE REPATRIATION OF THE OTHERS ONLY AFTER CONFIRMING THAT THE REST WOULD NOT CARRY OUT A PROTEST DEMONSTRATION.

4. HEAD OF CHANCERY RAISED THE REFERENCE IN ARTICLE 119 OF THE THIRD GENEVA CONVENTION TO DETAINING PRISONERS OF WAR SUBJECT TO JUDICIAL PROCESS OR PUNISHMENT FOR AN "INDICTABLE OFFENCE". PASQUIER SAID THIS WAS INTENDED TO APPLY TO PRISONERS WANTED IN THE DETAINING STATE FOR OFFENCES COMMITTED BEFORE HOSTILITIES BROKE OUT, OR TO WAR CRIMES. ICRC WERE STUDYING THE LEGAL BACKGROUND.

5. PASQUIER SAID THAT THE ARGENTINE PERMANENT REPRESENTATIVE CALLED AT ICRC THIS MORNING, AS FORECAST IN MY TUR, TO PROTEST ABOUT OUR DECISION NOT(NOT) TO RELEASE ASTIZ WITH THE REST, AND POINTED OUT THAT UNLESS WE DID RELEASE HIM FAIRLY PROMPTLY THE ARGENTINIANS MIGHT WELL RECIPROCATATE BY HOLDING ON TO ONE OR MORE BRITISH PRISONERS LATER ON A SIMILAR BASIS. THE ICRC HAD IT IN MIND TO ASK US FOR ACCESS TO ASTIZ FAIRLY SOON, TO CONFIRM THAT HIS HEALTH AND CONDITIONS OF DETENTION WERE SATISFACTORY. IT WOULD BE USEFUL TO DO THIS TO SET A PRECEDENT SO THAT THEY COULD DO THE SAME FOR OUR PRISONERS IF THE NEED AROSE. MEANWHILE, HE WOULD BE GLAD TO KNOW ABOUT ASTIZ' HEALTH AND HIS CONDITIONS AND PLACE OF DETENTION. GRATEFUL FOR INSTRUCTIONS.

MARSHALL