



Argentina  
Foreign and Commonwealth Office

London SW1A 2AH

29 April 1982

Dear John,

ICRC and the Geneva Convention

You asked for a note on what the ICRC are doing and on the lawfulness of the new restrictions on the Islanders under the terms of the Fourth Geneva Convention.

ICRC

Under the Geneva Conventions the ICRC may seek access to prisoners of war and to the civil population and the right to offer their services to the parties to help in the making of humanitarian arrangements such as the creation of safety zones for the wounded and infirm. The ICRC are also empowered by their own Statute to take an interest in any humanitarian question.

The Argentines view the ICRC with suspicion and have been reluctant to admit that the Geneva Conventions apply. These Conventions apply in a state of war, or when there is another type of armed conflict or when territory is being occupied (Argentina denies that she is in occupation of alien territory). The ICRC accordingly based their initial approach to the Argentines on their broad humanitarian concern. Argentina has now accepted in principle the ICRC offer to help over the civil population but has so far refrained from making arrangements for an ICRC visit to the Islands. The ICRC are continuing to press them to permit this.

The ICRC are now also increasingly basing themselves on the Geneva Conventions. They have asked for details of the prisoners we have taken and will seek to exercise their right of access if they are not repatriated. They also yesterday formally appealed to Argentina and the UK to take all measures necessary to discharge their obligations under the Conventions and offered their services to assist in the necessary arrangements. They called for the creation of hospital and safety zones for the wounded and infirm and if necessary for neutralised zones for the benefit of the civilian population in general.

/If admitted



If admitted to the Islands, the ICRC would be able to act as go-between in the setting up of such zones on the Islands. They would also be able, if the Argentines agreed, to make practical arrangements for the evacuation of civilians from the Islands, though for this they would need to obtain transport from other sources and to get authority to pass through the Total Exclusion Zone. An ICRC presence on the Islands would also act as a general deterrent to any maltreatment of the Islanders by the occupying forces.

#### New Argentine Measures

The Fourth Geneva Convention prohibits violence against civilians, degrading treatment, the taking of hostages, and the passing of sentences and carrying out of executions without due judicial process. It also prohibits forcible transfer of the population and the detention of civilians in areas particularly exposed to danger. But it also allows for derogation in case of imperative military reason and permits the subjection of the population to provisions which are essential to ensure the security of the occupying forces and administration. On the basis of what we know so far of their content, it therefore seems unlikely that we could argue convincingly that the measures taken by Argentina so far are breaches of this Convention.

*Yours ever*

(J E Holmes)  
Private Secretary

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