

PRISONERS OF WAR - THE CASE OF CAPTAIN ASTIZ.

At [1983] Australian I.L. News 23 we noted the view of Professor Rousseau that the British authorities seemed to have correctly applied international law in relation to the strange case of Captain Astiz : (1982) 86 Revue Generale de Droit International Public 724. The facts are worthy of the script of a spy film. When the British retook South Georgia in 1982, the officer who signed the formal surrender was one Captain Alfredo Astiz, 29, an officer in the Argentinian navy. South Georgia was of course, where it all began when the Argentinian scrap merchants landed without permission. After photographs and news of the surrender ceremony reached Europe the Swedish and French governments became interested. In brief Astiz was accused of being a prominent member of one of the squads that kidnapped tortured and sometimes murdered perceived opponents of the military régime during the so-called "dirty war" and that his victims included a seventeen year old Swedish girl as well as two French nuns. The governments wished to question Astiz but the British delayed. It decided to send all the POW's to Ascension Island by ship; from there they were to be repatriated via Uraquay. Because of French and Swedish pressure, the British decided to keep Astiz in captivity. The Foreign Office argued that the General Convention allowed Britain to keep a P.O.W. until the end of belligerency. The British then decided that he would be sent to Britain - by ship. The impression created was that they were not sure what to do with him. At the request of the two governments, a senior British police officer questioned him, but he kept silent. Under Article 17 of the Third Geneva Convention a P.O.W. is only obliged to give his name, rank and number. Michael A. Meyer in an article entitled Liability of Prisoners of War for Offences Committed discusses the important legal issues involved: (1983) 32 I & CLQ 948. He discusses the application of the Geneva Conventions, the possibility of prosecution or extration under English law and general international law as well as the question of civil liability. In a postscript he notes the rejection at the end of 1982 by South Africa of an application for a visitor's visa, and the military government's attempt to legally bar actions against those involved in government operations during the "dirty war". The article was written before the election of President Alfonsin, and the action his government has already taken against members of the various juntas. This commentator is not aware of the fate of Captain Astiz whose nicknames, incidentally were said to include "the Blond Angel", "Captain Death", and "the Butcher of Cordoba".

D.F.