

# Argentines Sue Britain's Thatcher for Acts of War

by Jacques Cheminade

**Editors' Note:** *On July 19, the European Court, citing mere technical grounds of the statute of limitations, declined to hear the case of Argentines killed outside the war zone in the 1982 Malvinas War, on orders of Margaret Thatcher. Despite the European Court's evasion, the issues of the case are true, and its repercussions not at all finished. Therefore, we have decided to print this article on the case, written before the Court's non-decision.*

The families of Argentine sailors who died when the British torpedoed the Argentine battle cruiser *General Belgrano* in 1982, are suing the British government and its then-Prime Minister Margaret Thatcher, for committing illegal acts of war. Jorge Olivera, spokesman for the families' Argentine lawyers, is the formal plaintiff before the European Court of Human Rights in Strasbourg, France, acting on behalf of the victims' families. On May 2, 1982, 323 sailors aboard the *General Belgrano* were killed, and another were 150 wounded, when the British submarine *Conqueror* received orders from Thatcher to torpedo the cruiser.

At the time, Great Britain had not formally declared war against Argentina, which, on April 2, 1982, had reasserted its territorial rights to the Malvinas Islands, which the British had seized from Argentina in 1833—in violation of the Monroe Doctrine—and had renamed “the Falklands.” After Argentina reasserted its sovereignty over the islands, Britain unilaterally defined an “exclusion zone,” a perimeter of 200 miles, inside which all vessels were prohibited. Notwithstanding, the British torpedoed and sank the *Belgrano*, without warning, as it was moving toward Argentina's Atlantic coast, *outside* of that exclusion zone.

The Argentine lawyers stress that Thatcher's decision not only violated The Hague Convention of 1907 regarding acts of war, but that her order also wrecked the peace efforts between London and Buenos Aires, which had been undertaken by Peruvian President Fernando Belaúnde Terry.

The waters where the *Belgrano* was sunk, off the Isla de los Estados, were unquestionably *within* Argentine jurisdiction. In fact, that very principle in international law was framed after World War II, when British and Allied legal authorities indicted, tried, and sentenced German submarine commanders, as well as members of the Nazi government, for acts against both British merchant ships and war vessels committed in international waters, similar to the *Belgrano*

atrocities. In brief, Thatcher's government committed a war crime as defined by its own conception of law.

The case was presented to the European Court of Human Rights, because all other recourse within Argentina's court system has been exhausted. The judges in the Criminal Court of Tierra del Fuego, Argentina, have ruled that, if the acts of Thatcher were indeed illegal, they cannot be prosecuted before an Argentine court, because they pertain to international law. Their decision was confirmed by the Argentine Supreme Court in a ruling on March 14, 2000.

Ironically, some British circles say that the aggrieved Argentine families, before bringing their suit in the European Court, should have attempted to bring their case before British courts, and only after their demands had (of course) been rejected, should they have sought relief from the Strasbourg court as a last resort. The argument is cynical, since no one would expect British legal officialdom to make rulings unfavorable to their own government's interests.

Olivera and his colleagues presented their case before the European Court on July 4, under the First Section of the European Convention of Human Rights signed in Rome on Nov. 4, 1950, and ratified by the British government on March 8, 1951.

## A Taste of Their Own Medicine

Paris dailies across the political spectrum—*Le Figaro*, *Le Monde*, and *Libération*—have been giving Argentina's case a great deal of favorable coverage. This solidarity is occurring at a point when France's President, Foreign Minister, Finance Minister, and Central Bank governor are publicly taking their distance from the Anglo-American globalization and geostrategic policies (see “French Foul Up Albright's ‘Democratic’ Fascist Scheme,” and “France, Germany Move to Overhaul Europe,” *EIR*, July 7, 2000).

On July 17, according to Olivera, the plaintiffs are “resolved that the suit was well presented and that the victims of the *Belgrano* and their families have a right to go forward with the proceeding, to request indemnization, as well as the extradition of Margaret Thatcher.” The European Court may now agree with the arguments of the Argentine lawyers, and order the British government to pay reparations, heaping public shame on the British, who always hypocritically claim to be defending human rights and democracy. That, in turn, he said, would give the plaintiffs a lever for moving the Buenos Aires government to act. There will be many Argentinians who will remind their not-so-courageous public officials, that President Carlos Saúl Menem had at one time called for Thatcher to be extradited for her war crimes. Since that time, the human rights mafia has established a precedent for extraditing former national leaders, with the Transparency International effort to have Britain extradite Chile's Gen. Augusto Pinochet (a dear friend of Thatcher, by the way) to Spain. That he was not so extradited, was due to his advanced age and ill health. No one can say the same of the Iron Lady.