Commander Task Group 317.9
HMS ANTRIM
30 Apr 82

REPORT OF THE INQUIRY INTO THE DEATH OF
ARGENTINE PRISONER OF WAR SUBOFICIAL
PRIMERO (SING) FELIX ARTUSO

References:
A. CTG 317.9 ADA/25A 261858Z APR (Encl1 )
B. CTF 317 AAA/T9F 2719462 APR (Encl2 )
C. Geneva Convention 3 Article 121 (Encl3 )

INTRODUCTION
1. The severely damaged Argentine submarine SANTA FE was alongside the British Antarctic Survey jetty at King Edward Point South Georgia, still armed with torpedoes, in a dangerous condition, and thus regarded as a threat to the British Forces. It was therefore decided to move her to a safer berth and to disable her, using 5 members of her own crew under Royal Marine guards. During the short passage Sub Oficial Primero Felix Artuso attempted to operate one of the submarine systems and was shot by a guard, who believed Artuso had intended to scuttle the submarine, killing everyone onboard.

AIM
2. The aim of this Inquiry is to establish all the relevant facts relating to the death of Sub Oficial Primero Felix Artuso.

NOTE
3. This Inquiry has been conducted in an Operational setting where both witnesses and members of the Board have been obliged to continue their other tasks concerned with the recapture of South Georgia. The transfer of key personnel between ships and shore and to Task Group 317.8, approaching the Falklands, in furtherance of operational requirements, prevented the acquisition of some oral evidence, and material considered essential from these witnesses has been obtained by signal or written statement.
4. Early on the morning of Sunday 25 April 1982, the Argentine submarine SANTA FE was sighted on the surface about 5 miles from Grytviken, South Georgia. She was attacked and damaged by helicopters from HM Ship's ANTRIM, PLYMOUTH, BRILLIANT and ENDURANCE and limped into Grytviken where she was secured alongside the British Antarctic Jetty at King Edward Point. Later that day British Forces landed and recaptured Grytviken, taking prisoner the submarine crew (about 60 men) and the occupying Argentine forces (a further 80). The SANTA FE was superficially examined and found to contain a considerable quantity of ammunition, grenades and some weapons. The torpedoes were assessed as being ready to fire and the submarine was in a dangerous condition, losing buoyancy and leaking oil and Chlorine gas: this potentially explosive mixture represented a significant threat to both the sea and land elements of the British Forces and required immediate neutralisation.

5. A AA AA AA AA AA AA of HMS BRILLIANT, AA AA AA AA AA AA Royal Navy, a submarine specialist, was told by CTG 317.9 to examine the submarine for intelligence purposes and to make it safe. He landed at Grytviken at 0930 on Monday 26 April 1982 accompanied by two of his officers, AB AB AB AB AB and AC AC AC AC AC AC AB AB AB AB AB. Had served as a sonar maintainer in a Polaris submarine for about six months some years earlier but had negligible submarine experience and none of a conventional submarine. AC AC AC AC AC AC was not a submariner but had been selected for his diving and demolitions qualifications. During AAA AAA AAA AAA initial inspection of the submarine, parties of Argentine sailors under RM guard were being allowed to return onboard to collect their personal belongings. AAA AAA AAA A formed the impression that the guards had been properly briefed, were business like and purposeful in their handling of the prisoners and were very much in control of the situation.

6. The morning of the 26 April was inevitably chaotic ashore in Grytviken. The initial landing force had been put together from XXXXXXX and elements of M Coy 42 Cdo Royal Marines embarked in HM Ship's ANTRIM, PLYMOUTH, BRILLIANT and ENDURANCE and the RM Detachments from ANTRIM and BRILLIANT, because the main landing party, which was embarked in RFA TIDESPRING, had not yet arrived in the area. Thus, while consolidating their position ashore, clearing a vast quantity of live ammunition and assorted debris, preparing for possible enemy air attacks, and controlling the disembarkation of 100 Marines from TIDESPRING, the original landing force were also faced with looking after, feeding and clothing 140 prisoners. Resources, both human and material, were stretched to breaking point and the combination of stress, a prodigious workload and an administrative requirement which would have daunted Solomon, prevented all but the accomplishment of the most vital tasks.
8. Throughout this phase the needs of the prisoners were paramount. They were allowed to collect personal belongings, provided with hot food and clothes, fed before our own troops, given cigarettes and beer and kept in the warm in Shackleton House, albeit in very cramped conditions. To safeguard their position AD AD AD AD AD AD AD AD AD of AE AE AE called an 'C' Group late on 25 April and laid down the following verbal rules. Weapons were to be carried in the 'Made Safe' position, i.e. loaded, but not cocked, no bullet in the chamber; prisoners were to be dealt with firmly but fairly; in the event of any guard being required to shoot in self defence or to prevent a rush by a group of prisoners, he was to shoot to kill, principally because in the confined space of Shackleton House such action would minimise death or injury to others. These orders were relayed to the Marines by their SNCO's and were clearly understood.

9. Having concluded his initial investigation of the submarine AA AA AA discussed the situation with AF AF AF AF AF AF AF AF AF AF AF AF, who expressed concern that the SANTA FE might sink alongside the British Antarctic Survey jetty thereby obstructing it for any future use in supporting his base. AA AA AA AA proposed that he should employ some members of the Argentine crew to propel the submarine clear of the jetty; this was reported to CTG 317.9 in ANTRIM that agreed that the submarine should not be scuttled but moved to a safe berth where detailed examination might continue in safety.

10. AA AA AA AA returned to Grytviken that afternoon, consulted AG AG AG AG AG AG AG AG AG the AG AG AG AG AG AG AG AG about the minimum crew required to move the submarine and AG AG chose five hands: two for the conning position for helm and telegraph, two in the motor room for the propulsion system and one in the lower control room for the hydraulics and air systems. Two further men were supplied to handle ropes on the casing. AA AA AA AA AG AG AG AG AG AG AG, and AC AC AC AC AC acting as a guard, climbed the fin and AB AB AB AB, went below to keep a general eye on events. Each Argentine sailor was guarded by a Royal Marine, except in the lower control room where two guards, AH AH AH and AI AI AI AI AI, armed only with 9mm Browning pistols, which were "made safe", were watching over Sub-Officer Primero Felix Artuso. AA AA AA AA was anxious to complete the move/............
the move as quickly as possible because the urgent operational situation required his presence onboard his own ship, BRILLIANT, and he was shortly due to sail in company with PLYMOUTH to join the main Falklands Task Group.

11. As the submarine move started AL AL AI AL quizzed AB AB AB AB AB AB about the possibility of the Argentine sailors using the torpedoes against our own ships or attempting to sink the submarine. AB AB AB AB AB said he would check the torpedo compartment and then showed the guards what he believed to be the main vent levers, at the starboard side of the control room aft, (see diagram at Encl9) and stated that on no account were they to be touched as opening the main vents would sink the submarine. Artuso was also shown these levers and ordered in sign language not to touch them. He appeared to understand. Unfortunately AB AB AB AB AB had misidentified the levers and what he thought were the main vent controls actually were the LP air controls. In AB AB AB AB AB AB very limited submarine experience main vents were activated by levers whereas HP and LP blows were activated by handwheels; this is invariably true in British submarines but the SANTA FE, an ex-American Guppy class submarine, had a different layout and most of her systems were operated by levers. Her main vent levers were in fact on the port side of the control room, midships. AL AL AL again expressed concern about scuttling the submarine and clearly disliked the circumstances in which he found himself. He sensed that the submarine was losing buoyancy, knew that it was listing to port and was in a generally unsafe condition and was conscious of large quantities of loaded weapons and ammunition lying around.

AB AB AB AB AB repeated that provided Artuso did not touch the main vents all would be well. AL replied that he would shoot him in the head if he touched them and AB AB AB AB AB said again just stop him touching the levers. AB AB AB AB AB then went aft to supervise the technical ratings in the motor room.

12. AL AL AL AL watched Artuso extremely closely and was suspicious of his easy going and friendly approach. 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his instructions not to touch the levers, sprang two paces across the control room and reached for the forbidden controls. Al Al Al Al fired five shots, hitting him about the face, neck and chest, and killing him instantly. Convinced that Artuso had intended to scuttle the submarine and that it was about to sink, Al Al Al dashing to the casing, firing his pistol to attract attention and instructed another Marine with an SLR to do the same. Frantic efforts were made ashore to start a Gemini to rescue the crew, but the submarine was not in immediate danger and continued to the old whaling jetty at Grytviken where it was abandoned. Artuso had in fact succeeded in starting the LP Compressor and it was providing air to the tanks, regaining the submarines buoyancy.

14. Artuso's body was removed to the far side of the control room and covered with sheeting so it would not be seen by the other crew members. They were removed from the submarine as quickly as possible, separated from the remaining prisoners of war and isolated in RFA TIDESPRING. Artuso's body was medically examined by AJ AJ AJ AJ AJ AJ AJ AJ of HMS BRILLIANT on 27 April 1982 and death certified. The body was then taken to a proper resting place ashore in Grytviken to await a full military funeral.

CONCLUSIONS

General

15. The situation in South Georgia on 26 April was, by definition, totally beyond the experience of all the personnel involved. Falling the day after a prolonged land and sea battle during which Grytviken and Leith had been recaptured, all the forces were still excited, apprehensive and keyed up. None had previously encountered the enormous pressure resulting from a combination of:

a. The need to disable and examine a potentially explosive, unfamiliar, enemy submarine strewn with live ammunition, weapons and torpedoes.
b. A hostile environment under threat of air attack;
c. The presence of prisoners of war potentially capable of retribution;
d. Complicated troop movements between ship and shore;
e. Marginal weather conditions;
f. A massive workload in clearing up and stabilising the Grytviken base;
g. The urgent requirement for AA AA AA and AB AB AB AB AB AB and AC AC AC to return to HMS BRILLIANT so that she could prepare herself for an immediate passage to rejoin the main Falklands Task Group, as directed by CTF 317.

Regulations and Procedures

16. The only material regulations relate to the handling of the prisoners of war. The orders given in this respect, which enshrined the principle of minimum force consistent with safeguarding British and prisoners' lives, were appropriate to the circumstances, clearly understood, and implicitly obeyed.

(7 - 10, 16, 19, 128 - 130, 142 - 146, 174 - 178, 277 - 279, 423)
17. AIAI AIAI killed Sub Oficial Primero Artuso because he firmly believed Artuso was about to commit a hostile act which would have endangered the lives of all in the submarine. (61, 73, 77, 127, 154 - 156, 261, 297, 323, 390 - 392, 415, 416, 428, 429)

18. AIAI was given by his Marine superiors, and clearly understood, specific orders for handling prisoners. (7 - 10, 16, 19, 126 - 129, 141 - 146, 277 - 278)

19. AIAI was apprehensive of his situation in the submarine because of its dangerous state and was deeply concerned by the weapons and ammunition lying around which he regarded as potentially available to support any insurrection by the prisoners. (23, 25 - 27, 31 - 33, 72, 77, 112, 113 - 115, 182, 266 - 272, 289, 297, 347, 366, 368, 410, 412, 415, 419)

20. AIAI was suspicious of the prisoners in general, and Artuso in particular, and anticipated some sort of hostile act. (43, 44, 47, 48, 50 - 53, 179 - 182, 223, 226, 270 - 275, 289, 305, 347)

21. AIAI, by his questions to ABA AB AB AB AB and his comment that he would shoot him in the head, fully comprehended the importance of the main vent levers and was in no doubt either about their location or about the absolute necessity of their not being operated. He clearly believed they could shoot if he had to. (50 - 53, 61 - 67, 77, 98, 123, 148 - 153, 256, 283, 294, 295, 355, 356, 419)

22. AIAI had not been briefed that the Argentine sailors might need to touch the submarine systems and was not expecting Artuso to operate anything in the lower control room during the passage; however he would have allowed him to touch anything except the main vents. (116, 199, 231, 232, 298, 328 - 356)

23. AIAI had noted Artuso as a large, heavy man and did not expect him to react quickly unless it was to commit some sort of hostile act. (123, 153, 236, 237, 350)

24. AIAI had heard ABA AB AB AB AB tell Artuso not to touch the main vent levers and had repeated the instruction himself; he had noted Artuso's apparent understanding of this order. (20, 50 - 58, 153, 228, 257, 258, 295, 296, 419)

25. AIAI did not hear the Argentine Commanding Officer's order to Artuso to start the LP Compressor, was not expecting such an order, and was unaware of any reason for Artuso to make a sudden move. (75, 157 - 158, 161, 181, 187, 188, 190, 191, 231, 233, 237, 239, 300, 301, 304, 306)

AB AB AB AB AB AB

26. AB AB AB AB AB AB was nervous and unsure about his duty in the submarine. (39, 81, 90)

27. AB AB AB AB AB AB, through lack of familiarity with the submarine and lack of briefing, misidentified the main vent levers. (39, 40, 78 - 84, 91, 98, 378, 414)
28. AB AB AB AB AB, in replying: "don't let him touch those levers" was not absolutely specific in stating how much force might be used in answer to AI AI AI AI comment: "I'll shoot him through the head". (51 - 53, 62 - 67)

29. AA AA AA AA AA believed his task was to examine, move and disable the submarine. He had observed the guards, considered from their previous actions that they were well trained and properly briefed, and believed they remained under control of the Commander Land Forces and therefore required no supplementary instructions. (409 - 413, 423)

30. AA AA AA AA AA was under pressure to move the submarine because of its dangerous state and the possibility of its sinking alongside the British Antarctic Survey jetty. (1, 44, 72, 113 - 115, 410 - 412, 415, 417)

31. AA AA AA AA was under pressure to return to his own ship, HMS BRILLIANT, which was required for further immediate operational service. (34, 414)

32. Because of the lack of time AA AA AA AA although aware of AB AB AB AB limited submarine experience, believed he was competent to take charge below and provided only the broadest of instructions. (40, 81, 90, 414, 421, 425)

Sub Officer Artuso

33. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

34. Artuso had been instructed by AB AB AB AB AB and AI AI not to touch the main vents. (20, 50 - 58, 153, 228, 257, 258, 295, 296)

35. Artuso's communications with his Commanding Officer were via an unreliable and weak sound-powered telephone which could not be overheard by his Marine guards. (230, 231, 233, 234, 237, 368, 398, 407, 414)

36. Artuso reacted quickly to start the LP Compressor because he knew it affected submarine buoyancy; his other movements had been casual. (73, 77, 187, 190, 269, 317, 368, 385, 415, 416)
37. Al Al Al Al carried out his duties precisely in accordance with his instructions and the Board consider that no blame attaches to him.

38. AB AB AB AB AB, with his extremely limited submarine knowledge, made an error of judgement in not requesting detailed briefing before he instructed the guards on the equipment in the control room. He made a further error of judgement in not dealing specifically with Al Al; statement that he would shoot Artuso through the head. The Board consider that as the original plan to scuttle the submarine had been abandoned, AB AB thought there was no requirement for anyone to operate lower control room equipment and thus no need for him to be familiar with it. This conclusion applies equally to AA AB AA decision not to give full instructions for the move in the afternoon. The Board further consider that as the question of shooting small arms to kill is beyond the experience of almost all modern naval officers, even in the context of the previous 48 hours, AB AB AB AB AB dismissal of Al Al Al Al statement about shooting cannot be construed as other than a reasonable reaction from a man of his background who was at the same time under pressure to get aft to supervise the Argentine ratings in the motor room.

39. Therefore, despite AB AB AB AB AB AB misinterpretation of the strength of Al Al Al comment about shooting to kill and while acknowledging that his misidentification of the main vent levers provides the key to this whole tragic incident, the Board does not consider that either act amounted to culpable negligence: he was not responsible for Artuso's death.

40. AA AB AA AA AA, as the senior officer in charge of the evolution, made an error of judgement in not laying down specific instructions for its conduct. However, he was reassured by the attitude of the guards and judged that no further instructions were necessary for them. He also saw the passage from the British Antarctic Survey jetty to the whaling jetty as a simple task which required minimal explanation and, given the lack of time and need to return to his ship, from which he had been absent for seven hours, his actions did not, in the view of the Board, amount to any form of negligence.
DEATH OF ARGENTINIAN PRISONER OF WAR - SUB OFICIAL PRIMERO FELIX ARTUSO - BOARD OF INQUIRY REPORT AND INTENTIONS

References:

A. HMS ANTRIM's 502/4 dated 5 May 82.
B. HMS ENDURANCE's 520/2 dated 30 Apr 82 (at Volume 1, report of inquiry).
C. HMS BRILLIANT's 780/2 dated 27 Apr 82 (at Volume 1, paras 408-420).

1. The Report of the Board of Inquiry into the tragic shooting of Felix ARTUSO on 26 April 82 is forwarded at Enclosures 1, 2 and 3. Volumes 1 and 3 were produced within days of the incident. The supplementary statements by the Argentinian witnesses (Volume 2) were taken on 12 May 82 during the prisoners' passage to Ascension Island; and the supplementary pathological report at Enclosure 4 was obtained by special request on 15 May 82.

2. I believe that the reports are as accurate and comprehensive as can be expected in the difficult operational circumstances prevailing at the time. There are some discrepancies (for example, the exact number of shots fired, and the precise orders given to the sentries), but this is not unusual in any form of inquiry into an incident which happened suddenly and quickly. It would be difficult to obtain further information from units dispersed over thousands of miles, and I would be reluctant to call at this stage for further particulars from personnel who are still fully committed in the "front line" of the Task Force and whose recollections of detail will now be dimmed by time. I believe that the present report is a sufficient basis on which to decide whether any disciplinary action is appropriate, and also to fulfil our reporting obligations to the Protecting Power under the Geneva Convention on the Treatment of Prisoners of War.
INDIVIDUAL CULPABILITIES

8. I agree broadly with the narrative and conclusions summarised in the letters written by the Commanding Officers of HM Ships ANTRIM, ENDURANCE and BRILLIANT (References A, B and C) who were all involved in the recapture of South Georgia on the day before ARTUSO's death. With regard to the principal participants, my views are as follows:

9. Al was clearly, and correctly, keyed up and wary because of possible hostile action by the Argentinian crew members; he was also apprehensive and nervous. His reaction to
ARTUSO leaping for the control lever was instinctive. Indeed, had his belief that ARTUSO was trying to scuttle the submarine been correct, AIAlAI action in shooting ARTUSO in defence of himself and others in the vessel would have been commendable, and to have failed to shoot in those circumstances would have been a dereliction of duty. That his belief was founded on an honest mistake of fact, does not alter the nature, quality and innocence of his acts.

10. I am impressed by AIAlAI statement that "it was an instant reaction to stop him pulling the lever, so I shot him as quickly as I could, to save us and the submarine" (paragraph 322), and also by AHAHAH statement that, "it was a split second sort of thing" (paragraph 196), and that, if he had been left by himself and the Argentinian had moved to the lever, "I'd have shot him" (paragraph 152). It is significant that AI failed to prevent ARTUSO operating the forbidden levers even though the shooting was instantaneous; it is clear that any less drastic action would not have prevented the forbidden action. I am satisfied that AIAlAI in such wholly exceptional and unfamiliar circumstances, honestly and reasonably believed, first, that he had to prevent ARTUSO scuttling the submarine and, second, that shooting him was the only way to safeguard all on board.

11. There is no evidence, direct or circumstantial, to contradict the statements of AI and AHAHAH. Indeed their evidence that ARTUSO opened the LP air levers is corroborated by AGAGAGAG AGAGAGAGAGAGAGAKAKAKAKAKAKwho both heard the characteristic noise of the valves being opened (Volume 2 pages 5 and 19); and again by AGAG who later had to shut them (Volume 2 page 7). The supplementary pathological evidence at Enclosure 4, based on interpreting the photographs in Volume 3, is also consistent with the essential points of AIAlAI and AHAHAH evidence of the shooting.

12. All the evidence indicates that AIAlAI honestly and reasonably believed he was using the only means of defence available in the circumstances he supposed to exist. It would be wrong now to expect him, acting in a moment of such anguish in defence of himself and others, to have weighed to a nicety exactly what minimum defensive action was necessary. I believe that AIAlAI instinctive reaction arose from an entirely justified mistake, that he had not criminal intention, and that he is innocent of any crime.

13. AA AA AA AA AA AA AA Royal Navy. I have a close sympathy for the operational conditions described in the reports by the 3 ships' Commanding Officers. Those without experience of such conditions might be tempted to conclude that AA AA AA AA AA may have made certain errors of judgement, but I consider that in the light of the continuing threat presented by the enemy submarine, and all the conflicting priorities arising from the need and duty to return urgently to his own ship and to rejoin the main Task Group, his conduct was not negligent or otherwise culpable, but was entirely reasonable. I am similarly satisfied that no culpable act or omission
by AA AA AA AA AA / contributed to ARTUSO's death.

14. AB AB AB AB AB AB AB AB Royal Navy. Though on a lesser scale, AB AB AB AB AB AB was similarly affected by the operational immediacy of the situation and by the conflict of requirements and influences affecting him. Moreover, with the benefit of hindsight, he was, although a submariner, without experience of this type of submarine. However, he acted in good faith, to the best of his ability, and it is unlikely that any other reasonably available officer could have done better in those exceptional circumstances. I consider that, in all the circumstances, his conduct was not negligent or otherwise culpable.

ARTUSO'S BURIAL

15. ARTUSO was buried with full naval honours in the cemetery at GRYTVIKEN, South Georgia at 1100Z Friday 30 Apr 82. The service was conducted by AL AL AL AL AL AL AL AL AL AL AL AL AL AL AL AL. AG AG AG AG AG AG AG AG AG AG and twelve of the SANTA FE's crew were present, and were very appreciative of the arrangements.

FURTHER ACTION

16. I intend, subject to any advice from MOD:-

a. That no criminal proceedings, by court-martial or in a civilian court, should be taken against anyone involved in this incident.

b. That no administrative action (eg censure, or warning action) be taken against anyone involved.

c. That I inform the persons concerned that no criminal or administrative proceedings will be taken.

Enclosures:

1. Report of Board of Inquiry - Volume 1 (covering letters and principal witnesses' statements).
3. Report of Board of Inquiry - Volume 3 (photographs)
4. Supplementary Pathological Report by AN AN AN AN AN AN AN AN AN PhD, FRC Path, DMJ and AM AM AM AM AM AM AM AM AM AM AM AM AM MBC Path, Royal Navy.

Information: Major General Royal Marines Commando Forces