



INTERNATIONAL COURT OF JUSTICE

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LaGrand Case
(Germany v. United States of America)

Court to deliver its Judgment on Wednesday 27 June 2001 at 10 a.m.

THE HAGUE, 15 June 2001. The International Court of Justice (ICJ), principal judicial organ of the United Nations, will on Wednesday 27 June 2001 deliver its Judgment in the LaGrand Case (Germany v. United States of America).

A public sitting will take place at 10 a.m. in the Peace Palace in The Hague, at which the President of the Court, Judge Gilbert Guillaume, will read the Court's Judgment, which is binding and not subject to appeal.

Immediately following the end of the public sitting, the President of the Court will deliver a statement to the media on the Court's Judgment in the Small Hall of Justice.

History of the proceedings and Parties' submissions

On 2 March 1999 Germany filed in the Registry an Application instituting proceedings for violations of the Vienna Convention on Consular Relations of 24 April 1963 allegedly committed by the United States of America with respect to the case of Karl and Walter LaGrand, two German nationals sentenced to death by the authorities of the State of Arizona for the murder of a bank manager in 1982. Karl LaGrand, 35, had been executed on 24 February 1999.

In its Application Germany maintained that the two brothers had been arrested, tried and sentenced to death without being advised of their rights to consular assistance, as required by the Vienna Convention. It contended that it was only in 1992, when all legal avenues had been exhausted, that the German consular officers were made aware, not by the authorities of the State of Arizona, but by the detainees themselves, of the case in question. Germany added that the failure to provide the required notification precluded it from protecting its nationals' interest in the United States. Accordingly, Germany asked the Court to adjudge and declare that the United States had violated its international legal obligations under the Vienna Convention, that the United States should provide reparation, in the form of compensation and satisfaction, for the execution of Karl LaGrand and that it should restore the status quo ante in the case of Walter LaGrand, that is re-establish the situation that existed before his detention and sentencing in violation of the United States international legal obligations. Germany also requested the Court to declare that the United States should provide Germany a guarantee of the non-repetition of the illegal acts. As a basis for the Court's jurisdiction, Germany invoked Article I of the Vienna Convention's Optional Protocol concerning the Compulsory Settlement of Disputes.

On the same day Germany also filed a request for provisional measures in order to obtain a postponement of the execution of Walter LaGrand, aged 37. In an Order dated 3 March 1999, which was adopted unanimously, the Court, ruling ex officio in view of the urgency of the case, called on

the United States to "take all measures at its disposal" to ensure that Walter LaGrand was not executed pending a final decision in the proceedings instituted by Germany. The Court also requested the Government of the United States to inform it of all the measures taken in implementation thereof.

By a letter of 8 March 1999, the Legal Counsellor of the Embassy of the United States in The Hague informed the Court that, on 3 March 1999, the Department of State had transmitted to the Governor of Arizona a copy of the Court's Order. On the same day and after the various motions and petitions before the Supreme Court of the United States relating to the case of Mr. Walter LaGrand had failed, he was executed.

By Order of 5 March 1999, the Court fixed 16 September 1999 as the time-limit for the filing of a Memorial by Germany and 27 March 2000 as the time-limit for the filing of a Counter-Memorial by the United States. Those pleadings were filed within the prescribed time-limits.

Public hearings at which the Parties presented their oral arguments were held from 13 to 17 November 2000. At the close of the oral proceedings, the Parties presented to the Court the following final submissions:

For Germany:

"The Federal Republic of Germany respectfully requests the Court to adjudge and declare

- (1) that the United States, by not informing Karl and Walter LaGrand without delay following their arrest of their rights under Article 36, subparagraph 1 (b), of the Vienna Convention on Consular Relations, and by depriving Germany of the possibility of rendering consular assistance, which ultimately resulted in the execution of Karl and Walter LaGrand, violated its international legal obligations to Germany, in its own right and in its right of diplomatic protection of its nationals, under Articles 5 and 36 paragraph 1 of the said Convention;
- (2) that the United States, by applying rules of its domestic law, in particular the doctrine of procedural default, which barred Karl and Walter LaGrand from raising their claims under the Vienna Convention on Consular Relations, and by ultimately executing them, violated its international legal obligation to Germany under Article 36 paragraph 2 of the Vienna Convention to give full effect to the purposes for which the rights accorded under Article 36 of the said Convention are intended;
- (3) that the United States, by failing to take all measures at its disposal to ensure that Walter LaGrand was not executed pending the final decision of the International Court of Justice on the matter, violated its international legal obligations to comply with the Order on Provisional Measures issued by the Court on 3 March 1999, and to refrain from any action which might interfere with the subject matter of a dispute while judicial proceedings are pending;

and, pursuant to the foregoing international legal obligations,

- (4) that the United States shall provide Germany an assurance that it will not repeat its unlawful acts and that, in any future cases of detention of or criminal proceedings against German nationals, the United States will ensure in law and practice the effective exercise of the rights under Article 36 of the Vienna Convention on Consular Relations. In particular in cases involving the death penalty, this requires the United States to provide effective review of and

remedies for criminal convictions impaired by a violation of the rights under Article 36."

For the United States of America:

"The United States asks the Court to adjudge and declare that:

- (1) There was a breach of the United States obligation to Germany under Article 36 (1) (b) of the Vienna Convention on Consular Relations, in that the competent authorities of the United States did not promptly give to Karl and Walter LaGrand the notification required by that Article, and that the United States has apologized to Germany for this breach, and is taking substantial measures aimed at preventing any recurrence; and
- (2) All other claims and submissions of the Federal Republic of Germany are dismissed."

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NOTE FOR THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. Mobile telephones and beepers are allowed in the courtroom **provided they are turned off or set on silent mode**. Any offending device will be temporarily removed.

2. Members of the Press will be entitled to attend on presentation of a press card. The tables reserved for them are situated on the far left of the public entrance of the courtroom.

3. Photographs may be taken for a few minutes at the opening and at the end of the sitting. Television crews may film the whole sitting, but advance notice should be given to the Information Office (see paragraph 8).

4. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the reading of the Court's Judgment will be relayed by loudspeaker.

5. At the end of the sitting, a press release, a summary of the Court's Judgment and the full text of the Judgment will be distributed in the Press Room.

6. The above-mentioned documents will be simultaneously available on the Court's website (<http://www.icj-cij.org>).

7. Members of the Press who wish to make telephone calls may use the phone located in the Press Room for collect calls or the public telephones in the Post Office in the basement of the Peace Palace.

8. Mr. Arthur Witteveen, First Secretary of the Court (tel.: +31 70 302 2336), and Mrs. Laurence Blairon, Information Officer (tel.: +31 70 302 2337), are available to deal with any requests for information or arrangements for television coverage.
