



INTERNATIONAL COURT OF JUSTICE

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Germany brings a case against the United States of America and requests the indication of provisional measures

THE HAGUE, 2 March 1999. Germany tonight brought a case against the United States of America to the International Court of Justice (ICJ) in a dispute concerning alleged violations of the Vienna Convention on Consular Relations of 24 April 1963 with respect to the case of Mr. Karl and Walter LaGrand, two German nationals convicted of murder in Arizona.

Karl LaGrand, 35, was executed on 24 February 1999 for the murder of a bank manager during a robbery attempt in Arizona in 1982, in spite of all appeals for clemency and numerous diplomatic interventions at the highest level by the German Government. His brother Walter, 37, is scheduled to be executed tomorrow, 3 March 1999, for the same crime.

In its Application, Germany maintains that "Karl and Walter LaGrand were tried and sentenced to death without being advised of their rights to consular assistance", as required by the Vienna Convention. It contends that it was only in 1992 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 argues that "the failure to provide the required notification precluded it from protecting its nationals' interest in the United States at both the trial and the appeal level in the State courts".

Accordingly, Germany asks the Court to adjudge and declare that the United States has violated its international legal obligations under the Vienna Convention, that the criminal liability imposed on Karl and Walter LaGrand in violation of international legal obligations is void and should be recognized as void by the legal authorities of the United States, 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 to re-establish the situation that existed before the detention of, proceedings against, and conviction and sentencing of that German national. Germany also requests 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 invokes Article I of the Vienna Convention's Optional Protocol Concerning the Compulsory Settlement of Disputes. Both Germany and the United States are parties to the Vienna Convention and to the Optional Protocol, Article I of which provides that "disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice".

"In view of the extreme gravity and immediacy" of the case, Germany also filed tonight an urgent request for interim measures of protection (provisional measures), asking the Court to indicate that "the United States should take all measures at its disposal to ensure that Walter LaGrand is not executed pending the final decision in these proceedings".

In a letter dated today, Judge Weeramantry, Vice-President of the Court, exercising the functions of the presidency in the case and acting in conformity with Article 74, paragraph 4, of the Rules of Court, drew the attention of the Government of the United States to "the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects".

Vice-President Weeramantry exercises the functions of the presidency in the case, as President Schwebel is a national of the United States.

The full text of the Application and of the request for the indication of provisional measures of Germany will soon be available on the Court's website (<http://www.icj-cij.org>).

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