



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

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LaGrand Case (Germany v. United States of America)

Conclusion of the public hearings on the merits of the dispute

Court ready to consider its Judgment

THE HAGUE, 17 November 2000. The public hearings in the LaGrand Case (Germany v. United States of America) were concluded today. The Court will now start its deliberations.

During the hearings, which started on 13 November 2000, the delegation of Germany was led by Mr. Gerhard Westdickenberg, Director General for Legal Affairs and Legal Adviser, Federal Foreign Office, and H.E. Mr. Eberhard U. B. von Puttkamer, Ambassador of the Federal Republic of Germany to the Netherlands, as Agents. The delegation of the United States was led by Mr. James H. Thessin, Acting Legal Adviser, United States Department of State, as Agent.

The Court's Judgment, binding and without appeal, will be delivered and read at a public sitting on a date to be announced at a later stage.

Parties' submissions

The Parties have presented the following submissions to the Court at the end of the oral proceedings.

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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Internal Judicial Practice of the Court with respect to deliberations

The Resolution concerning the Internal Judicial Practice of the Court establishes the following procedure with respect to deliberations, except where otherwise provided:

The Court soon holds a preliminary discussion, at which the President outlines the issues which require discussion and a decision by the Court. Each judge then prepares a written Note setting out his views on the case. Each Note is distributed to the other judges. A full deliberation is held afterwards, at the end of which, on the basis of the views expressed, a drafting committee is chosen by secret ballot. That committee consists of two judges holding the majority view of the Court, together with the President, if he shares that view.

The draft text goes through two readings during which amendments submitted by the judges are considered. Meanwhile, judges who wish to do so may prepare a separate or dissenting opinion.

The final vote is taken after adoption of the final text of the Judgment in the second reading.

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NOTE FOR THE PRESS

The full transcripts of the hearings of 13-17 November 2000 can be found on the Court's website at the following address: <http://www.icj-cij.org>.

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