



INTERNATIONAL COURT OF JUSTICE

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

Hearing to be held on Tuesday 7 April 1998

THE HAGUE, 3 April 1998. Paraguay today instituted proceedings against the United States of America before the International Court of Justice in a dispute concerning alleged violations of the Vienna Convention on Consular Relations of 24 April 1963 with respect to the case of Mr. Angel Francisco Breard, a Paraguayan national convicted of murder in Virginia (United States) who is due to be put to death on 14 April 1998.

Paraguay maintains that Mr. Breard was arrested, tried, convicted and sentenced to death without Virginia advising him of his right to assistance by the consular officers of Paraguay, as required by the Vienna Convention. It furthermore contends that Paraguayan consular officers were never notified by the United States of the detention of Mr. Breard, learning of it through third parties more than two years after his trial and sentencing.

Accordingly, Paraguay asks the Court to adjudge and declare that the United States has violated its international legal obligations under the Vienna Convention and that Paraguay is entitled to "restitution in kind", that is, the re-establishment of the situation that existed before the United States failed to provide the required notification.

As a basis for the jurisdiction of the Court, Paraguay invoked Article I of the Vienna Convention's Optional Protocol Concerning the Compulsory Settlement of Disputes. Both Paraguay 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, Paraguay also filed today an urgent request for interim measures of protection (provisional measures), asking the Court to indicate that the United States should refrain from executing Mr. Breard before the Court could consider Paraguay's claims. It requested that a hearing be held at the earliest possible date.

In letters dated today, Vice-President Weeramantry, exercising the functions of the presidency in the case and acting in conformity with Article 74, paragraph 4, of the Rules of the Court, drew the attention of both Parties 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".

He informed them that the Court would hold a public sitting on Tuesday 7 April 1998 at 10 a.m. to hear the observations of the Parties on the request for provisional measures.

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

The full texts of the Application and of the request for the indication of provisional measures of Paraguay will soon be available on the Website of the Court (<http://www.icj-cij.org>).

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 retained.

2. Members of the Press will be entitled to attend on presentation of an admission card, which may be obtained upon application. 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, but advance notice should be given to the Information Office (see paragraph 7).

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

5. 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.

6. Mr. Arthur Witteveen, 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 and for making arrangements for television coverage.
