

27 June 2001

AI Index AMR 51/098/2001 - News Service Nr. 110

## **No more excuses: The USA must obey International Court decision on prisoners' rights**

*Today's ruling by the International Court of Justice (ICJ) in the LaGrand Case means that the USA cannot continue ignoring its international obligations when applying the death penalty, Amnesty International said today.*

*Ruling by overwhelming majority, the ICJ declared that the USA was in breach of its obligations under the Vienna Convention on Consular Relations to Germany and to German nationals Karl and Walter LaGrand by failing to inform them of their right to seek consular assistance upon their arrest, and that it must remedy those violations in the future. Both men were sentenced to death for murder and were executed in 1999 in the state of Arizona.*

*"The world's highest court has today ordered the USA to respect and enforce its obligations to detained foreign nationals," Amnesty International said. "We call on the government of the United States to comply immediately and completely with this binding judgement and its consequences."*

*Amnesty International particularly welcomed this ruling as a positive step towards the implementation of all requirements to safeguard the basic human right to a fair trial.*

*"Today's decision also has a historic significance as for the first time ever the International Court declared legally binding its orders for provisional measures, which can play a fundamental role in protecting people from irreparable violations of their rights," the organization continued.*

This could have been the case for Walter LaGrand, in whose favour the Court made an order for the USA to take all measures at its disposal to ensure that he was not executed pending the Court's ruling on the case. However, Walter LaGrand was executed on the same day the Court made the order. The Court today ruled that the USA did not take appropriate measures to comply with the order.

"Empty promises and posthumous apologies are no remedy for violating the fundamental human rights of foreign nationals facing the death penalty," Amnesty International said. "The international rule of law requires full compliance by the United States to this historic decision, which constitutes an international precedent. This is particularly important in cases involving the application of a cruel and inhuman punishment such as the death penalty."

"Defying a binding decision of the ICJ would undermine the United States' credibility in the international community," Amnesty International added. "It would also weaken the ability of the USA to obtain compliance with other compulsory decisions of the ICJ granted in its favour. In addition, it would impact negatively on the United States' own program of consular assistance for its nationals abroad."

### **Background**

The ongoing failure of the USA to provide meaningful remedies for its Vienna Convention violations in death penalty cases has prompted diplomatic and legal action by many nations, culminating in the compulsory judgement by the ICJ. The ruling is binding on both nations and creates an important legal precedent to safeguard the consular rights of all foreign detainees.

More than 90 foreign citizens from 33 nations are reported to be under sentence of death in the USA. In the vast majority of cases, local authorities failed to inform them upon detention of their right to consular notification and assistance, in glaring violation of the Vienna Convention. Over the past decade at least 14 foreign nationals have been executed in the USA, none of whom were informed of their indispensable right to contact their consulates for assistance upon their arrest. Amnesty International has documented many cases in which this violation of guaranteed consular rights had a devastating impact on the effectiveness of the defendants' legal representation when on trial for their lives.

For additional background information on the LaGrand case and the cases of other European nationals sentenced to death in the United States, see: *Worlds Apart: Violations of the Rights of Foreign Nationals on Death Row - Cases of Europeans* AI Index AMR 51/101/00 <http://www.amnesty.org/ailib/aipub/2000/AMR/25110100.htm>

For a summary of the rights conferred under article 36 of the Vienna Convention and early efforts to remedy violations of those rights, see: *United States of America: Violations of the Rights of Foreign Nationals Under Sentence of Death* AI INDEX: AMR 51/01/98 and *The Execution of Angel Breard: Apologies Are Not Enough* AI Index AMR 51/27/98 <http://www.amnesty.org/ailib/aipub/1998/AMR/25102798.htm>

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