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Will the USA execute Angel Francisco Breard in defiance of the International Court of Justice?

Amnesty International welcomed today's ruling by the United Nations International Court of Justice (ICJ) that the USA should not execute Paraguayan national, Angel Francisco Breard, next Tuesday.

"The ICJ has today upheld the principle that a foreign national's right to seek assistance from their native country cannot be denied to them and then this denial excused at a later date as having no effect," Amnesty International said. "Had Mr Breard had assistance from his country's authorities, it is possible he would not be facing death at the hands of the State of Virginia."

When it ordered these provisional measures, the ICJ said that the State of Virginia must not execute the condemned man on 14 April or until the court could examine the impact of the denial of Breard's rights under the Vienna Convention on Consular Relations.

Under the terms of the Convention, which the USA ratified in 1969, any foreign national arrested has to be informed of his right to seek assistance from his country's representatives: Breard was denied these rights. The US authorities had previously denied that assistance for Breard from his embassy would have made a difference to the outcome of his trial.

Amnesty International welcomes the ruling as a strengthening of the principle of binding international standards for the protection of human rights. The organization is however appalled that the authorities in Virginia continue to seek to execute Angel Breard in the face of this ruling and calls on the US Supreme Court to issue a stay of execution pending the ICJ's full ruling.

The ICJ's decision comes less than a week after the United Nation's Special Rapporteur on Extrajudicial, Arbitrary or Summary executions issued a report on the death penalty in the USA, in which he questioned the commitment of the US government to its international human rights obligations concerning the death penalty.

The vast majority of the more than 60 foreign nationals under sentence of death in the USA were denied their rights under the Vienna Convention. This ruling offers hope to those men. Others had not fared so well.

Two Mexican nationals were executed in the USA during 1997, despite pleas from the Mexican government to spare the men as their Vienna Convention rights had been violated. In the case of one of the men, Mario Murphy, executed in Virginia 17 September 1997, the US authorities apologised to the Mexican government the day after the execution. Their regret was of little use to Mario Murphy.

Amnesty international has repeatedly reintegrated its concern over the failure of the US authorities to inform foreign nationals of their consular rights since 1992. In January 1998, the organization issue a report, *USA: Violation of the Rights of Foreign Nationals on Death Row*,

which made recommendations to the US authorities to address the issue. Amnesty International encourages the US government to abide by its international obligations by staying the execution. ENDS.../