

Topic: LaGrand (Germany vs. U.S)

Brief Description of the Case:

On September 2nd, 1999, the Federal Republic of Germany filed an application to the International Court of Justice arguing that the United States had violated the Vienna Convention on Consular Relations by failing to inform German nationals Karl and Walter LaGrand of their right to consular assistance following their arrest in Arizona. Both brothers were sentenced to death without being advised of their rights under Article 36 of the Convention. Germany claims in its application that the United States breached its international obligations by denying consular access to the brothers, and proceeding with Walter LaGrand's execution despite provisional measures issued by the ICJ to halt it.

History of the case:

In 1982, German nationals Karl and Walter Lagrand were arrested and subsequently convicted in the state of Arizona, United States, following an attempted armed bank robbery which resulted in a fatality, and were later sentenced to death.

At the time of their arrest and throughout their trial proceedings, the U.S authorities failed to inform them of their right to consular assistance under Article 36 of the Vienna Convention on Consular Relations, a treaty signed by both parties involved, Germany and the U.S, despite the brothers being foreign nationals. This right permits foreign nationals facing criminal charges to reach out to their national consulate and request assistance.

On February 24th 1999, Karl Lagrand was executed by lethal injection. Shortly after, Germany, having become fully aware of the violation, filed an application instituting proceedings before the ICJ on March 2nd 1999. The application claimed that the United States had breached its obligations under the Vienna Convention. Germany sought provisional measures to prevent the execution of the surviving brother, Walter Lagrand, in which the ICJ fulfilled such and halted his execution. On the following day, despite the provisional measures issued by the ICJ and Germany's legal intervention, Walter LaGrand was executed by cyanide gas in Arizona.

In response, Germany filed a formal application to the International Court of Justice on September 2nd 1999, asserting that the U.S's failure to inform the LaGrands of their right to

contact the German consulate prevented them from receiving vital legal support and advice, which could have influenced the outcome of their trials.

Facts of the Case:

Both councils may present various legal facts regarding the case, whether the facts are in relation to the history and events that led up to the filing of the case, international law, or the Vienna convention. The establishment of these facts could allow for a potential solution for the dispute at hand.

Possible Arguments for Prosecution (Germany):

Germany's position was based on the claim that the Lagrand brothers were robbed of their right to contact the German consulate during their trial and proceedings, this allegedly prevented them from receiving essential legal assistance and counsel which could have impacted the verdict of their trials . The consular assistance that Germany argued for was not only a right under the Vienna Convention but also a crucial safeguard for ensuring fair legal proceedings and protecting individuals' legal rights in a foreign country.

Germany also argued that the failure to halt Walter LaGrand's execution after provisional measures were issued resulted in the U.S breaching international judicial authority, undermining the credibility of the ICJ.

Possible Arguments for Defense (U.S):

In contrast, the United States asserted that the LaGrands had been treated fairly under domestic law and that their convictions were not undermined by any consular violations. The U.S.'s viewpoint contends that the case should not fall under the jurisdiction of the ICJ, as it was an issue related to U.S. domestic legal procedures and not an international obligation. Their perspective showed that such matters should be resolved within the domestic legal system rather than through international adjudication.

The United States insisted that any small procedural errors were harmless and had no significant impact on the trial's outcome. It further contended that their 'alleged violations' of Article 36 did not justify overturning valid criminal convictions of first degree murder and other felonies. In addition to that, they clarified the availability and sufficiency of domestic appeals and clemency procedures under U.S. law throughout the trial and proceedings.

Conclusion:

Ultimately, the LaGrand case is a landmark international legal dispute in which Germany alleged that the United States violated the consular rights of two German nationals, Karl and Walter LaGrand, under the Vienna Convention on Consular Relations. The core issue at the heart of this case is whether the United States breached its obligations under international law by failing to inform the LaGrand brothers of their right to consular assistance, which is protected under Article 36 of the Vienna Convention.