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COMMONWEALTH OF VIRGINIA



**OFFICE OF THE GOVERNOR
PRESS OFFICE**

Contact: Mark A. Miner
Phone: (804) 692-3110
Pager: (888) 646-3017

FOR IMMEDIATE RELEASE
April 14, 1998

**STATEMENT BY GOVERNOR JIM GILMORE CONCERNING THE
EXECUTION OF ANGEL BREARD**

RICHMOND - Angel Breard, through his attorneys, has petitioned me to grant clemency for his crimes or, alternatively, a reprieve pending the outcome of proceedings commenced by the Republic of Paraguay in the International Court of Justice. The U.S. Secretary of State has also requested that I stay Mr. Breard's execution for an indefinite period. For the following reasons, I must decline to intervene in this matter.

Breard was convicted and sentenced to death for the attempted rape and brutal murder of Ruth Dickie, a 39 year old unmarried woman. Microscopic examination of Breard's hair, together with enzyme and DNA testing of his blood, established Breard's guilt. Additionally, Breard testified in open court, admitting his own guilt. Breard was represented by counsel and received a fair trial. His arguments to overturn his conviction and sentence have been heard and rejected by the Supreme Court of the Commonwealth of Virginia, the U.S. District Court for the Eastern District of Virginia, the U.S. Court of Appeals for the Fourth Circuit, and the U.S. Supreme Court.

It has been stipulated by both the prosecution and Mr. Breard that he was not notified of his ability to contact his consulate as required under the Vienna Convention on Consular Relations. The Republic of Paraguay has brought a proceeding in the International Court of Justice, claiming that that foreign tribunal has jurisdiction to stay his execution, void his conviction, and order a new trial. The International Court of Justice has issued an "indication of provisional measures" to have Mr. Breard's execution delayed while it considers the merits of Paraguay's claims. It is my understanding that the International Court's proceeding could take years to reach conclusion.

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Both Mr. Breard and the Republic of Paraguay filed cases concerning this matter before the U.S. Supreme Court. At the request of the Court, the U.S. Department of Justice has argued forcefully that the rulings of the International Court of Justice are not enforceable by the courts of the United States, that the International Court of Justice has not authority to intervene in the criminal justice system of the Commonwealth of Virginia or any other state, and that the Supreme Court should not intervene in this matter. At the same time, the Secretary of State has requested that I stay Mr. Breard's execution. The Secretary specifically raises concern "about the possible negative consequences for the many U.S. citizens who live and travel abroad."

The concerns expressed by the Secretary of State are due great respect and I have given them serious consideration. However, it is but one of the various concerns that I must take into consideration in reaching my decision.

As Governor of Virginia my first duty is to ensure that those who reside within our borders - both American citizens and foreign nationals - may conduct their lives free from the fear of crime. Our criminal justice system is designed to provide the greatest degree of safety for law abiding citizens and foreign visitors alike while ensuring substantial procedural safeguards to those accused of crime. Indeed, in this case Mr. Breard received all of the procedural safeguards that any American citizen would receive.

I am concerned that to delay Mr. Breard's execution so that the International Court of Justice may review this matter would have the practical effect of transferring responsibility from the courts of the Commonwealth and the United States to the International Court. Should the International Court resolve this matter in Paraguay's favor, it would be difficult, having delayed the execution so that the International Court could consider the case, to then carry-out the jury's sentence despite the rulings the International Court.

The U.S. Department of Justice, together with Virginia's Attorney General, make a compelling case that the International Court of Justice has no authority to interfere with our criminal justice system. Indeed, the safety of those residing in the Commonwealth of Virginia is not the responsibility of the International Court of Justice. It is my responsibility and the responsibility of law enforcement and judicial officials throughout the Commonwealth. I cannot cede such responsibility to the International Court of Justice.

Mr. Breard having committed a heinous and depraved murder, his guilt being unquestioned and the legal issues being resolved against him, and the U.S. Supreme Court having denied the petitions of Breard and Paraguay, I find no reason to interfere with his sentence. Accordingly, I decline to do so.

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