Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 14263
31 January 2017

Consequences on international law of the decision from the American Congress to allow victims' families of 9/11 to sue Saudi Arabia

Motion for a resolution
tabled by Mr Alain DESTEXHE and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Following the multiple terrorist attacks committed these last few years in Europe and beyond, many families of victims are expecting straight answers and each responsible parties – individual, diplomatic and of the State – to be accountable for the consequences of their actions. Recently, the American Congress agreed that the families of the victims of 9/11 attacks can sue Saudi Arabia, the country from where 19 terrorists come.

The adoption of this law is setting up a new legal precedent which has a direct impact on the international customary law, the Vienna Convention, the Basel Convention, and 2004's United Convention which are protecting beneficiaries from the jurisdictional immunity before domestic courts – namely State and every authority or body related to the State, and diplomatic and consular staff.

Under this precedent, some are concerned about the "boomerang effect" of such a decision which could empower people to engage proceedings against States for some of their military operations. To others, it may be viewed as a way to provide accountability and to enforce their effective access to justice regardless of the principle of immunity. The European Convention on Human Rights has never concluded to a violation of the article 6 (effective access to justice) but some are arguing for an evolving interpretation of the text.

In the light of the unprecedented current context, the Parliamentary Assembly should establish the applicable rules which allow a balance between an effective access to justice and the guarantee to immunity.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EC: European Conservatives Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
NR: Representatives not belonging to a Political Group