Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 11606
02 May 2008

On the compliance of the International Court of Justice decision in the Avena case

Motion for a resolution[1]
tabled by Mr Luc Van den BRANDE and other members of the Assembly

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

The Assembly refers to the judgment of the International Court of Justice (ICJ) in the case concerning Avena and other Mexican Nationals *(Mexico v. United States of America)*, in which the United States of America was found to have breached it's obligations under Article 36 of the Vienna Convention on Consular Relations.

The Assembly notes that in its decision the United Nations' highest judicial body, based on the said finding, ordered the United States of America to review and reconsider the convictions and sentences to death of 51 Mexican nationals, including that of Mr Medellin, in the light of the violations to their right to consular notification and assistance.

In that regard, the Assembly expresses its deep concern about the recent decision of the Supreme Court of the United States of America in the case of *Medellin v. Texas*, in which, on 25 March 2008, the high court held that the judgment of the ICJ in the Avena case does not constitute binding federal law for the United States of America's courts.

In the Assembly's view, the aforementioned decision of the Supreme Court of the United States of America implies an unacceptable disregard of international law, as well as a clear failure to comply with its obligations under the Charter of the United Nations.

Thus, the Assembly strongly encourages the United States of America to fulfil it's international commitments by providing, by a means of its own choosing, an effective review and reconsideration of the convictions and sentences of the Mexican nationals included in the Avena judgment, as ordered by the highest international tribunal.

Signed (see overleaf)

1. Referred to the Committee on Legal Affairs and Human Rights, for report: Reference No. 3461 (19th Sitting, 23 June 2008).

Signed[2]*:*

BRANDE Luc, Van den, Belgium, EPP/CD
ALIGRUDIĆ Miloš, Serbia, EPP/CD
EÖRSI Mátyás, Hungary, ALDE
GARDETTO Jean-Charles, Monaco, EPP/CD
GREENWAY John, United Kingdom
GROSS Andreas, Switzerland, SOC
HARUTYUNYAN Davit, Armenia, EDG
HOOPER Gloria, United Kingdom
HÖRSTER Joachim, Germany, EPP/CD
KOSACHEV Konstantin, Russian Federation, EDG
KOX Tiny, Netherlands, UEL
KYPRIANOU Andros, Cyprus
LINDBLAD Göran, Sweden, EPP/CD
MIGNON Jean-Claude, France, EPP/CD
NAKASHIDZÉ Nino, Georgia

2. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left