



General Assembly

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Agenda item 125(a)

Strengthening of the United Nations system: strengthening of the United Nations system

Mexico: draft resolution

Judgment of the International Court of Justice of 31 March 2004 concerning Avena and other Mexican nationals: need for immediate compliance.

The General Assembly,

Recalling General Assembly resolution 41/31 (1986),

Noting that, under the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

Aware of the Judgment of the International Court of Justice of 31 March 2004 in the “Case concerning Avena and other Mexican nationals”,¹ relating to violations to the obligation to provide consular information without delay and to enable consular officers to communicate with, have access to and visit their nationals and to arrange for their legal representation, in accordance with the Vienna Convention on Consular Relations of 24 April 1963, with respect to 52 Mexican nationals who had been sentenced to death in certain states of the United States of America, and in particular, of paragraph 153 (9) which establishes that the appropriate reparation consists in the obligation of the United States of America to provide, by means of its own choosing, review and reconsideration of the convictions and sentences of the fifty one Mexican nationals contained in said Judgment,

Also aware of the Judgment of the International Court of Justice of 19 January 2009 in the “Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals”², in particular, of paragraph

¹ Case concerning Avena and other Mexican nationals (Mexico v. United States of America), Merits, Judgment, I.C.J. Reports 2004, p. 12.

² Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America) (Mexico v. United States of America),



61 (2) which establishes that the United States of America has breached the obligation incumbent upon it under the Order indicating provisional measures of 16 July 2008,³ in the case of Mr. José Ernesto Medellín Rojas,

Having considered that to this date, neither revision nor reconsideration has been granted to the Mexican nationals contained in the Judgment of 31 March 2004,

Considering also that six Mexican nationals contained in said Judgment have been executed⁴ in clear violation of the Court's decision, constituting new breaches of the international obligations incumbent upon the United States of America and causing additional harm to Mexico,

1. *Urgently calls* for full and immediate compliance with the Judgment of the International Court of Justice of 31 March 2004 in the "Case concerning Avena and other Mexican nationals" in conformity with the relevant provisions of the Charter of the United Nations.

Judgment, I.C.J. Reports 2009, p. 3.

³ Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America) (Mexico v. United States of America), Provisional Measures, Order of 16 July 2008, I.C.J. Reports 2008, p. 311.

⁴ José Ernesto Medellín Rojas (2008), Humberto Leal García (2011), Edgar Tamayo Arias (2014), Ramiro Hernández Llanas (2014), Rubén Cárdenas Ramírez (2017), Roberto Ramos Moreno (2018).