

CP/RES. 1253 (2494/24)

THE INTRUSION OF THE ECUADORIAN POLICE INTO THE EMBASSY OF MEXICO IN
VIOLATION OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, AND THE
INSTITUTION OF DIPLOMATIC ASYLUM

(Adopted by the Permanent Council at its special meeting, held on April 10, 2024)

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

CONVINCED that the obligation of all States to respect the privileges and immunities of diplomatic and consular missions is a cornerstone of international law and a fundamental requirement for peaceful relations between States;

DEEPLY DISTURBED at the intrusion into the premises of the Embassy of Mexico by the Ecuadorian police on the night of Friday, April 5, 2024, in violation of Article 22 of the Vienna Convention on Diplomatic Relations, which provides: “(1) The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission”; and “(2) The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity”;

AFFIRMING the importance of respecting Article 41 of the Vienna Convention on Diplomatic Relations, which provides: “1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State. 2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed. 3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State”;

BEARING IN MIND that Article 2.c of the Charter of the Organization of American States establishes that one of the essential purposes of the Organization is “[t]o prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States”;

CONSIDERING that Article 3 of the Charter of the Organization of American States provides: “(a) International law is the standard of conduct of States in their reciprocal relations;” and “(b) International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;”

EMPHASIZING that Article 16 of the Convention regarding Diplomatic Officers of February 20, 1928, provides that “[n]o judicial or administrative functionary or official of the State to which the diplomatic officer is accredited may enter the domicile of the latter, or of the mission, without his consent,” and that Article 17 of that Convention states that “[d]iplomatic officers are obliged to deliver to the competent local authority that requests it any person accused or condemned for ordinary crimes who may have taken refuge in the mission”;

RECALLING that declaration CJI/DEC. 03 (CI-O/22) corr. 1, “Declaration on the Inviolability of Diplomatic Premises as a Principle of International Relations and Its Relation to the Concept of Diplomatic Asylum,” adopted by the Inter-American Juridical Committee on August 9, 2022, states that the rule on the inviolability of the premises of the diplomatic mission does not admit any exceptions;

RECOGNIZING the obligation of States parties to the Convention on Diplomatic Asylum of 1954 to respect it in its entirety, in particular Articles III and IV thereof^{1/};

RECALLING that Advisory Opinion OC-25/18 “The Institution of Asylum and its Recognition as a Human Right in the Inter-American System of Protection,” issued by the Inter-American Court of Human Rights on May 30, 2018, at the request of the Republic of Ecuador, holds that “in accordance with the universal instruments, forced entry to a diplomatic representation or other mission premises, such as the residence of the head of mission or their means of transport, which also enjoy inviolability, is prohibited. Furthermore, the Court considers that the suspicion of misuse of the inviolability of these premises, whether due to violations of local laws or the continued shelter of an asylee, clearly does not constitute a justification for the receiving State to forcefully enter the premises of the diplomatic mission, in violation of the principle of inviolability. This is because Article 22 of the Vienna Convention on Diplomatic Relations itself does not provide for any exception to the principle of inviolability”; and

EMPHASIZING the duty of States to take all appropriate measures, as required by international law, in a timely manner, for the protection of diplomatic and consular missions and representatives as well as missions and representatives to international intergovernmental organizations and officials of such organizations,

RESOLVES:

1. To strongly condemn the intrusion into the premises of the Embassy of Mexico in Ecuador and the acts of violence against the well-being and dignity of the diplomatic personnel of the mission.

1. Panama considers that while States parties may or may not agree with the interpretation of the rules on asylum contained in the various conventions, in particular, the Convention on Diplomatic Asylum...

2. To reaffirm the obligation of all States to ensure respect for the privileges and immunities of diplomatic missions and the principle of inviolability, in accordance with international law, as a fundamental and crucial requirement for peaceful relations between States.

3. To call on all States to respect and uphold their obligations and responsibilities under the Vienna Convention on Diplomatic Relations and to ensure that the inviolability of diplomatic premises and personnel will be fully respected and upheld, without exception.

4. To reaffirm the obligation of all States parties to the Convention on Diplomatic Relations to observe all its provisions in their entirety.

5. To reaffirm that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State, and that they also have a duty not to interfere in the internal affairs of that State.

6. To reaffirm that the premises of diplomatic missions should not be used in any manner incompatible with the functions of the mission, as laid down in the Vienna Convention on Diplomatic Relations of April 18, 1961, other rules of general international law, or by any special agreements in force between the sending and the receiving State.

7. To urge Ecuador and Mexico to initiate a dialogue and take immediate steps, in accordance with international law, to resolve this serious matter in a constructive manner.

8. To place the good offices of the Organization of American States at the disposal of the Governments of Ecuador and Mexico to facilitate all efforts that may be considered helpful.

9. To instruct the Secretary General of the Organization of American States to forward this resolution to the Secretary-General of the United Nations.

10. To remain seized of this matter and to consider further action should it become necessary.

FOOTNOTE

1. ... of 1954, such differences should be resolved strictly through diplomatic channels.