



EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

Head of Delegation

Washington, 27 July 2010
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The Honorable
Patrick Leahy
Chairman
Subcommittee on State, Foreign Operations, and Related Programs
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Fax 202 224 3479 (Appropriations)

Dear Senator Leahy,

It is my understanding that the Subcommittee on State, Foreign Operations and Related Programs will shortly be taking up the State Department Appropriations. I am writing to underscore the importance the European Union attaches to Congressional action on this matter. We do understand there may be some opportunity for the subcommittee to amend the bill with a provision which has been simply entitled "The Avena Case."

As you know the European Union opposes the use of the death penalty in all cases and is dedicated to the establishment of a global moratorium on its use. For several years the EU has been deeply troubled by the number of foreign nationals in US death row facilities where there has been a failure by US authorities to protect the rights of those foreign nationals under the terms of the Vienna Convention on Consular Rights.

We have been actively working to improve the implementation of the VCCR by US authorities for a number of years. To that end I am providing you with a copy of the Amicus Curiae brief filed with the US Supreme Court 20 October 2004 related to the case of the late Jose Ernesto Medellin who was eventually executed by the State of Texas. The brief relates directly to the case of Mr. Avena and the situation faced by 51 other Mexican nationals who are also facing death sentences in the US. The brief outlines the legal necessity for a stronger legal basis to be established by the Congress for the implementation of the obligations of the United States for foreign nationals who are arrested in the United States.

This matter remains an active foreign policy matter between the United States and the European Union we have also attached for your information a recent letter on the matter from the High Representative of the European Union for Common Foreign and Security Policy, Katherine Ashton to Secretary of State Hillary Clinton, dated 2 July 2010. It is my privilege to present these materials to you, Senator, and the members of the Committee in the hope that your efforts to improve the legal basis for implementing the Vienna Convention are successful.

Sincerely,
António de Gouveia
for João Vale de Almeida
Appointed Ambassador