



Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre Juridique International et Droits de l'Homme
Diretta da Claudio Zanghì, Lina Panella, Carlo Curti Gialdino

EDITORIALE
SCIENTIFICA

The family of Couso filed a complaint for damages against the Ministry for Foreign Affairs of Spain the 2nd April 2004, amounting to 405.862 euros. The adequate diplomatic protection by the Ministry for Foreign Affairs, together with the pecuniary responsibility of Spain was under discussion. At the same way, a complex criminal proceeding was developed in Spain. Unfortunately, the perpetrators of the death of Couso have not been brought to justice. It has become more complex as a consequence of the entry into force of the Organic Act 1/2014, of 13 March, modifying the Organic Act 6/1985, of 1 July, on the Judicial Power, concerning the so-called universal jurisdiction. The Constitutional Court of Spain dismissed the application for amparo submitted by the family of Couso. On the contrary, the contentious jurisdiction has recognized the legitimacy of the family claims. Spanish case law has modulated the discretionary character of diplomatic protection - considered a political act-. Diplomatic Protection is considered as a public service of the general administration of the State, that must be provided when the necessary conditions are fulfilled.