

How Alex Saab's victory in African courts over his human rights case will impact the US

The outcome justifies the notion of independent institutions

LAGOS, NIGERIA, November 24, 2021 /EINPresswire.com/ -- The Alex Saab's team defense filed a petition at the African Commission over the illegal detention of Alex Saab contrary to judgment of the Ecowas Court delivered on March 15, 2021 which had ordered his release and set aside the extradition proceedings. We also challenged the dehumanising conditions under which Saab was detained in Cape Verde. Our application for provisional measures was considered and granted by the African Commission on October 13, 2021.

In "coincidence", on 13 October the Constitutional Court of Cape Verde hurriedly signed a certificate authorizing the extradition of Saab to USA. We and many of his respected peers are very clear that the Constitutional Court had no legal authority to sign such a certification. This was the role of the Barlavento Court of Appeal ("TRB"), but more on that later.

On Saturday 16 October a plane belonging to the DoJ arrived on the island of Sal and, without any notification to the defense team, Alex Saab was forcibly taken by paramilitaries and handed over to US officials.

Why the rush? First, we must remember that throughout the 491 days of Alex Saab's detention in Cape Verde, the government gained notoriety as a nation that was happy to sign international agreements but showed a distinct reluctance when it came to the enforcement of decisions made against it by those same bodies. On 15 March and 24 June, the ECOWAS Court of Justice ruled that Alex Saab's detention was illegal, that he be freed immediately and the extradition process against him be terminated. Cape Verde refused to comply using spurious reasons why the binding decisions of the Court were not binding upon it. On 8 and 16 June the UN Human Rights Committee, in awarding Interim Measures in favor of Saab, instructed Cape Verde to cease any extradition process until the HRC had completed an investigation into the merits of Saab's claims of torture and denial of his right to health given his status as cancer patient. Cape Verde not only failed to comply but refused to even acknowledge the communications. This was followed by an unprecedented letter dated 19 July 2021 (made public on 15 October) in which 5 UN bodies expressed alarm at Saab's fate at the hands of the Cape Verdean authorities.

Cape Verde and US fully understood that Provisional Measures meant the Commission could take another year to reach a final decision on the merits of Saab's application. This was obviously

something that did not suit the political agenda of the United States. By forcing Cape Verde to act before being “officially notified,” the United States was able to achieve its aim of getting Saab to Miami by any means possible.

The TRB is the body which must certify extradition but, importantly, it could not sign such certification as it was fully aware that the legal process in opposition to the extradition was categorically not complete. Why? Because on 29 September Dr Pinto had filed a motion with the TRB stating the Geneva Public Prosecutor had earlier in 2021 ended a three year-long investigation into allegations of money laundering against Alex Saab. As the funds in question were the same funds which are at the heart of the US’s allegations against Alex Saab, the defense’s position was that Alex Saab could not be extradited to face a trial for a matter in which he had already been found not guilty.

This is an extraordinary miscalculation on the part of the United States and its accomplices. Alex Saab and his defense team will not let this matter rest. Alex Saab and Venezuela have suffered significant harm. They will take all necessary steps to right the wrongs done to them. Moreover, the extraterritorial politically motivated judicial overreach of the United States is a twenty-first century form of colonialism. Africa must wake up to that reality. Africa and Africans deserve better.

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