

Alex Saab defense team submits opposition to DOJ's motion to dismiss its appeals

MIAMI, FLORIDA, UNITED STATES, December 10, 2021 /EINPresswire.com/ -- The Department of Justice's motion to dismiss the appeal of Alex Nain Saab Moran to the Eleventh Circuit is nothing but an effort to buy time in which DOJ may continue to unlawfully imprison Mr. Saab in violation of the United States' international obligations under the Vienna Convention and domestic law.

DOJ is contending that Mr. Saab's appeal is "moot" because he is now in the United States, but this makes no sense. The legal doctrine of mootness applies when a court can no longer give the appealing party the relief that party seeks, and the Eleventh Circuit has been asked to vindicate Mr. Saab's claim of diplomatic immunity, which it can still do. Specifically, the Eleventh Circuit can and should recognize Mr. Saab's diplomatic immunity, which will result in the quashing of his indictment and in his release, enabling him to resume his diplomatic service. It is baffling for DOJ to assert that the Eleventh Circuit has no ability to afford relief when DOJ itself is holding Mr. Saab in custody in violation of the very immunity Mr. Saab asks the Eleventh Circuit to vindicate.

DOJ's motion is nothing but an effort to buy time in which DOJ may continue to disregard the United States' international obligations under the Vienna Convention and domestic law. DOJ asked the government of Cabo Verde to disregard Mr. Saab's immunity and now claims that it was Cabo Verde, not the United States, that violated the Vienna Convention. DOJ also argues that diplomats are only afforded immunity in the receiving state where they are accredited—a position the United States has never asserted before and, in fact, has repeatedly rejected. DOJ is clearly attempting to buy time before the court of appeals calls it out for flagrant violations of international and domestic law.

Mr. Saab has opposed DOJ's motion and also is moving to expedite the appeal. Mr. Saab is hopeful that the Eleventh Circuit will appreciate the importance of this case and finally recognize the arrest and detention of Mr. Saab for what it is: a gross violation of the United States' international obligations as ratified and codified by Congress.

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Case Number: No. 1:19-cr-20450-RNS-1

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