

Venezuela's exiled Supreme Court asks judge to reject Saab's immunity claim

United States v. Alex Nain Saab Morán · S.D. Fla. No. 1:19-cr-20450 (2019 case)

Judge Robert N. Scola Jr. · Docket entry #186 · Filed 2022-12-16 · Filed by: Other

What happened

Venezuela's "Supreme Court in exile" -magistrates appointed by the National Assembly in 2017 who are not recognized by Nicolás Maduro's government- sent a four-page letter to Judge Robert Scola concerning Alex Saab's case. The letter argues Saab does not meet the standards of comparative diplomatic law or the Vienna Conventions to be considered a diplomat or special envoy, and says he is not a naturalized Venezuelan citizen under current law either. The filing includes as attachments a history of the exiled court and a copy of a 2018 ruling in which it says it convicted Maduro of corruption and money laundering.

What it means

This letter is not a court ruling: it is a filing from a non-party trying to influence the judge on a point central to Saab's defense, which has argued he holds Venezuelan diplomatic immunity. The exiled TSJ is not recognized by Maduro's government, and its authority to issue rulings -like the one against Maduro it attaches- carries no practical effect inside Venezuela. It is up to the judge to decide how much weight, if any, to give this filing.

What happens next

This filing does not set a hearing or a deadline; the docket entry does not mention a date for the judge to rule on diplomatic immunity.

Key passages from the filing (verbatim)

"Es absolutamente incierto que se afirme que el ciudadano Alex Saab es un funcionario diplomático en comisión o, de carrera."

Page 1 — The letter's core claim: it denies at the outset that Saab is a diplomat.

"La verdad es que el ciudadano Alex Saab no ejerce cargo diplomático según las leyes de Venezuela y las Convenciones Internacionales en materia consular, tratándose de un ciudadano colombiano que tiene contratos con Nicolás Maduro Moros y su familia."

Page 3 — Summarizes the substantive argument against the immunity Saab's defense claims.

"el régimen dictatorial de Nicolás Maduro Moros y sus representantes en defensa de Alex Saab, quienes intentan lograr un salvoconducto político para un asunto que es competencia estricta de la justicia criminal."

Page 4 — Shows the letter's stated purpose: asking the judge not to treat the case as a political matter.

"Se decidió, librar orden de captura a la International Criminal Police Organization (INTERPOL), con motivo de la sentencia condenatoria privativa de libertad en contra de Nicolás Maduro Moros, anexándole copia certificada de la referida sentencia y hasta el día de hoy no se ha dado cumplimiento a la petición librada por el Tribunal Supremo de Justicia de Venezuela en el exilio."

Page 42 — Shows that this court's own conviction of Maduro was never enforced, even through an Interpol request.

Docket text (official, in English)

Letter from Republica Bolivariana de Venezuela Tribunal Supremo de Justicia Presidencia as to Alex

Nain Saab Moran, Alvaro Pulido Vargas (pcs) (Entered: 12/19/2022)

Online version: <https://mailmaduro.com/caso.php?d=saab-sdfl-2019-e186>

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