Biden Admin Suggests Saudi Crown Prince Be Granted Immunity in Khashoggi Murder Lawsuit

Description

USA: The Biden administration on Thursday suggested that Saudi Arabia's Crown Prince Mohammed bin Salman be granted immunity from a lawsuit filed against him over the murder of journalist Jamal Khashoggi.

In a court filing, the administration noted the crown prince's appointment as prime minister in September, which they said made him "the sitting head of government of a foreign state."

"Under common law principles of immunity articulated by the Executive Branch in the exercise of its Constitutional authority over foreign affairs and informed by customary international law, Prime Minister Bin Salman as a sitting head of government is immune while in office from the jurisdiction of the United States District Court in this suit," the court filing reads.

The filing noted, however, that the Biden administration, in making the immunity determination, takes "no view on the merits of the present suit and reiterates its unequivocal condemnation of the heinous murder of Jamal Khashoggi."

Ultimately, a judge will have the final say on whether or not to grant immunity to the crown prince.

Thursday's filing is the result of a lawsuit filed by Khashoggi's fiancée, Hatice Cengiz, and the rights group Khashoggi founded, Democracy for the Arab World Now.

On Twitter, Cengiz took aim at the Biden administration's immunity request, saying that by doing so, the U.S. government has "saved the murderer" and that the president, has "saved the criminal and got involved in the crime himself."

"The United States state department has granted immunity to #MBS. It wasn't a decision everyone expected. We thought maybe there would be a light to justice from #USA But again, money came first." she wrote.

In a follow-up post, the human rights activists declared that "Jamal died again today."

People hold posters of slain Saudi journalist Jamal Khashoggi, near the Saudi Arabia consulate in Istanbul, Turkey, on Oct. 2, 2020. (Emrah Gurel/AP Photo)

U-Turn for Biden

Biden's decision marks a stark U-turn from his previous stance on former Washington Post columnist Khashoggi's 2018 killing inside the Saudi consulate in Istanbul.

The U.S. intelligence community has tied the death to the crown prince, who they believe approved the killing, although Khashoggi's remains have never been found.

Khashoggi was an outspoken critic of the Saudi government, which has repeatedly come under fire from human rights organizations and United Nations bodies over its human rights violations and laws that restrict political and religious expression, including its silencing of individuals it considers rivals or critics.

However, officials in the country have rejected any links to the crown prince and Khashoggi's death and denied accusations of human rights abuses.

Earlier this year, Biden faced criticism after he opted to share a fist bump with the crown prince during a visit to the Gulf kingdom as he sought to persuade Saudi Arabia to produce more oil amid soaring gas prices in the United States.

The Organization of the Petroleum Exporting Countries (OPEC) and its oil-producing allies, OPEC+, agreed to slash their oil output just weeks later.

A State Department spokesperson said in an emailed statement to Axios that the Justice Department filed what it called the "suggestion of immunity," at the request of the State Department, "based on longstanding and well-established principles" of law, including international law "which the United States has consistently and across administrations applied to heads of state, heads of government, and foreign ministers while they are in office."

"This Suggestion of Immunity does not reflect an assessment on the merits of the case. It speaks to nothing on broader policy or the state of relations. This was purely a legal determination," the spokesperson said.

by Katabella Roberts

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Date Created
11/19/2022