

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HATICE CENGIZ, *et al.*,

Plaintiffs,

v.

Case No. 20-CV-03009-JDB

MOHAMMED BIN SALMAN BIN
ABDULAZIZ AL SAUD, *et al.*,

Defendants.

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant His Royal Highness Mohammed bin Salman bin Abdulaziz Al Saud (the “Crown Prince”) submits this notice of supplemental authority to inform the Court of Royal Order A/61, issued on September 27, 2022 (1/3/1444 Hijri) by His Majesty King Salman bin Abdulaziz Al Saud, which appointed the Crown Prince as Prime Minister of the Kingdom of Saudi Arabia. Royal Order A/61 provides that the Crown Prince “shall be the Prime Minister, an exception from the provision of Article 56 of the Basic Law of Governance and from the relevant provisions contained in the Council of Ministers Law.” A copy of Royal Order A/61 and a certified translation of the same are attached as Exhibit A.

In its recently filed second request for an extension of time to file a statement of interest pursuant to 28 U.S.C. § 517, the United States acknowledged the Saudi Press Agency’s announcement of the Crown Prince’s appointment as Prime Minister. *See* ECF No. 44. The Royal Order leaves no doubt that the Crown Prince is entitled to status-based immunity. It is well-established that “[f]oreign heads of state, heads of government, and foreign ministers enjoy immunity from criminal and civil jurisdiction during their terms of office.”) 2 *Foreign Affairs*

Manual § 232.5(a).^{*} Accordingly, and as the United States has made clear in prior cases, a sitting Prime Minister such as the Crown Prince “enjoy[s] immunity from the jurisdiction of U.S. courts in light of [his] current status as [his nation’s] . . . head of government.” Suggestion of Immunity and Statement of Interest of the United States of America at 10-11, *Savang v. Lao People’s Democratic Republic*, No. 2:16-cv-02037-VC, ECF No. 26 (E.D. Cal. July 13, 2017) (“*Savang* Suggestion of Immunity”) (suggesting immunity for the sitting Prime Minister of Laos given his “current status as Laos’s . . . head of government”); *see also, e.g., Hmong I v. Lao People’s Democratic Republic*, 2016 WL 2901562, at *8-10 (E.D. Cal. May 17, 2016) (Prime Minister of Laos entitled to head-of-state immunity), *report and recommendation adopted sub nom. Hmong v. Lao People’s Democratic Republic*, 2016 WL 3254066 (E.D. Cal. June 13, 2016); *Jibreel v. Hock Seng Chin*, 2014 WL 12600278, at *5 (N.D. Cal. Apr. 17, 2014) (Prime Minister of Singapore), *report and recommendation adopted*, 2014 WL 12617420 (N.D. Cal. May 5, 2014); *Howland v. Resteiner*, 2007 WL 4299176, at *2 n.2 (E.D.N.Y. Dec. 5, 2007) (Prime Minister of Grenada); *Doe I v. State of Israel*, 400 F. Supp. 2d 86, 110-12 (D.D.C. 2005) (Prime Minister of Israel); *Saltany v. Reagan*, 702 F. Supp. 319, 320 (D.D.C. 1988) (Prime Minister of the United Kingdom), *aff’d in relevant part*, 886 F.2d 438 (D.C. Cir. 1989). Even Plaintiffs concede that “head[s] of government” are “entitled to status-based immunity.” Opp. (ECF No. 27) at 27.

^{*} The *Foreign Affairs Manual*, and associated “Handbooks,” are “a single, comprehensive, and authoritative source for the [State] Department’s organization structures, policies, and procedures that govern the operations of the State Department, the Foreign Service and, when applicable, other federal agencies.” U.S. Dep’t of State, *Foreign Affairs Manual: PUBLIC* (updated Apr. 19, 2022), available at <https://fam.state.gov/>.

The Court should rule that the Crown Prince is entitled to status-based immunity in light of his current status as the Prime Minister of the Kingdom of Saudi Arabia and should dismiss Plaintiffs' claims against the Crown Prince for lack of subject-matter jurisdiction.

Dated: October 3, 2022

Respectfully submitted,

/s/ Michael K. Kellogg

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CERTIFICATE OF SERVICE

I certify that on October 3, 2022, I electronically filed the foregoing NOTICE OF SUPPLEMENTAL AUTHORITY, using the ECF system, which sent notice of filing in this matter to all counsel of record.

/s/ Michael K. Kellogg
Michael K. Kellogg
Attorney for Defendant
Mohammed bin Salman bin Abdulaziz Al Saud