

If convicted, he faces a maximum penalty of 15 years in prison on the conspiracy and foreign agent charges, 15 years in prison on the firearms purchase charges and 10 years in prison on the false statement charges.

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According to the indictment, since March 2011, Soueid has acted in the United States as an agent of the Syrian *Mukhabarat*, which refers to the intelligence agencies for the Government of Syria, including the Syrian Military Intelligence and General Intelligence Directorate. At no time while acting as an agent of the government of Syria in this country did Soueid provide prior notification to the Attorney General as required by law, the indictment alleges.

Under the direction and control of Syrian officials, Soueid is accused of recruiting individuals living in the United States to collect information on and make audio and video recordings of protests against the Syrian regime—including recordings of conversations with individual protestors—in the United States and Syria. He is also charged with providing the recordings and other information to individuals working for the *Mukhabarat*. According to the indictment, Soueid and others conspired to use this information to undermine, silence, intimidate and potentially harm those in the United States and Syria who engaged in the protests.

The indictment states that in late June 2011, the Syrian government paid for Soueid to travel to Syria, where he met with intelligence officials and spoke with President Bashar al-Assad in private.

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In addition to the recordings, Soueid is accused of providing the *Mukhabarat* contact information, including phone numbers and email addresses, for protestors in the United States. In a handwritten letter sent to [an unidentified conspirator], Soueid allegedly expressed his belief that violence against protestors—including raiding their homes—was justified and that any method should be used to deal with the protestors. The indictment also alleges that Soueid provided information regarding U.S. protestors against the Syrian regime to an individual who worked at the Syrian Embassy in Washington, D.C.

On Aug. 3, 2011, FBI agents interviewed Soueid, and the indictment accuses him of lying to the agents when he denied that he had collected information on U.S. persons and transmitted that information to the government of Syria. . . .

In addition, the indictment alleges that, when purchasing a Beretta pistol on July 11, 2011, Soueid listed a false current residence address on a firearms purchase application and in records that were kept by a licensed firearms dealer.²

STATE DIPLOMATIC AND CONSULAR RELATIONS

United States Charges Iranian Officials' Involvement in Plot to Assassinate Saudi Ambassador to the United States

Both the United States and Iran are parties to the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic

² U.S. Dep't of Justice Pres Release No. 11-1347, Virginia Man Accused of Acting as Unregistered Agent of Syrian Government and Spying on Syrian Protestors in America (Oct. 12, 2011), at <http://www.justice.gov/opa/pr/2011/October/11-nsd-1347.html>.

Agents.¹ Article 2 of the Convention requires parties to make punishable murder and other attacks against “internationally protected persons,” including diplomats. Article 4 requires parties to “cooperate in the prevention” of such crimes, inter alia by “taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes.”

In October 2011, U.S. Attorney General Eric Holder and other senior U.S. law enforcement officials announced criminal charges against two men for their alleged involvement in a plot to assassinate the Saudi ambassador to the United States, allegedly directed by Iranian officials.² A Department of Justice press release describes the plot and a key participant’s confession. Excerpts follow:

Two individuals have been charged in New York for their alleged participation in a plot directed by elements of the Iranian government to murder the Saudi Ambassador to the United States with explosives while the Ambassador was in the United States.

....

A criminal complaint filed today in the Southern District of New York charges Manssor Arbabsiar, a 56-year-old naturalized U.S. citizen holding both Iranian and U.S. passports, and Gholam Shakuri, an Iran-based member of Iran’s Qods Force, which is a special operations unit of the Iranian Islamic Revolutionary Guard Corps (IRGC) that is said to sponsor and promote terrorist activities abroad.

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[The press release here listed multiple criminal charges against the two defendants, including conspiracy to murder a foreign official.]

Shakuri remains at large. Arbabsiar was arrested on Sept. 29, 2011, at New York’s John F. Kennedy International Airport and will make his initial appearance today before in federal court in Manhattan. He faces a maximum potential sentence of life in prison if convicted of all the charges.

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The Alleged Plot

The criminal complaint alleges that, from the spring of 2011 to October 2011, Arbabsiar and his Iran-based co-conspirators, including Shakuri of the Qods Force, have been plotting the murder of the Saudi Ambassador to the United States. In furtherance of this conspiracy, Arbabsiar allegedly met on a number of occasions in Mexico with a DEA confidential source (CS-1) who has posed as an associate of a violent international drug trafficking cartel. According to the complaint, Arbabsiar arranged to hire CS-1 and CS-1’s purported accomplices to murder the Ambassador, and Shakuri and other Iran-based co-conspirators were aware of and approved the plan. With Shakuri’s approval, Arbabsiar has allegedly caused approximately \$100,000 to be wired into a bank account in the United States as a down payment to CS-1 for the anticipated killing of the Ambassador, which was to take place in the United States.

¹ Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, Dec. 14, 1973, 28 UST 1975, 1035 UNTS 167.

² U.S. Dep’t of Justice Press Release, Attorney General Holder Holds National Security Enforcement Press Conference (Oct. 11, 2011), at <http://www.justice.gov/iso/opa/ag/speeches/2011/ag-speech-111011.html>; see Robert F. Worth & Laura Tillman, *Unlikely Turn for a Suspect in a Terror Plot*, N.Y. TIMES, Oct. 13, 2011, at A1; Peter Finn, *Iranian Militant Linked to Murder Plot*, WASH. POST, Oct. 15, 2011, at A9.

According to the criminal complaint, the IRCG is an arm of the Iranian military that is composed of a number of branches, one of which is the Qods Force. The Qods Force conducts sensitive covert operations abroad, including terrorist attacks, assassinations and kidnappings, and is believed to sponsor attacks against Coalition Forces in Iraq. In October 2007, the U.S. Treasury Department designated the Qods Force for providing material support to the Taliban and other terrorist organizations.³

According to Department of Justice's announcement, Arbabsiar confessed to his involvement in the plot and described multiple contacts and conversations implicating Iranian officials.

Several hours after his arrest, Arbabsiar was advised of his *Miranda* rights and he agreed to waive those rights and speak with law enforcement agents. During a series of *Mirandized* interviews, Arbabsiar allegedly confessed to his participation in the murder plot.

According to the complaint, Arbabsiar also admitted to agents that, in connection with this plot, he was recruited, funded and directed by men he understood to be senior officials in Iran's Qods Force. He allegedly said these Iranian officials were aware of and approved of the use of CS-1 in connection with the plot; as well as payments to CS-1; the means by which the Ambassador would be killed in the United States and the casualties that would likely result.

Arbabsiar allegedly told agents that his cousin, who he had long understood to be a senior member of the Qods Force, had approached him in the early spring of 2011 about recruiting narco-traffickers to kidnap the Ambassador. Arbabsiar told agents that he then met with the CS-1 in Mexico and discussed assassinating the Ambassador. According to the complaint, Arbabsiar said that, afterwards, he met several times in Iran with Shakuri and another senior Qods Force official, where he explained that the plan was to blow up a restaurant in the United States frequented by the Ambassador and that numerous bystanders could be killed, according to the complaint. The plan was allegedly approved by these officials.

In October 2011, according to the complaint, Arbabsiar made phone calls at the direction of law enforcement to Shakuri in Iran that were monitored. During these phone calls, Shakuri allegedly confirmed that Arbabsiar should move forward with the plot to murder the Ambassador and that he should accomplish the task as quickly as possible, stating on Oct. 5, 2011, "[j]ust do it quickly, it's late"⁴

Senior Iranian officials furiously denied the charges, and some observers and foreign governments appeared puzzled or skeptical because of the bizarre nature of the alleged plot.⁵

President Obama deems plot "a flagrant violation." President Obama discussed the foiled plot in a call to King Abdullah of Saudi Arabia. According to a White House announcement,

The President and the King agreed that this plot represents a flagrant violation of fundamental international norms, ethics, and law. They also praised the work of intelligence and law enforcement agencies that led to the disruption of this plot, and reiterated the joint

³ U.S. Dep't of Justice Press Release No. 11-1339, Two Men Charged in Alleged Plot to Assassinate Saudi Arabian Ambassador to the United States (Oct. 11, 2011), at <http://www.justice.gov/opa/pr/2011/October/11-ag-1339.html>.

⁴ *Id.*

⁵ Eric Schmitt & Scott Shane, *U.S. Challenged to Explain Accusations of Iran Plot in the Face of Skepticism*, N.Y. TIMES, Oct. 13, 2011, at A14; Helene Cooper, *Obama Pledging Tough Sanctions for Iran in Plot*, N.Y. TIMES, Oct. 14, 2011, at A1.

commitment on the part of the United States and Saudi Arabia to pursue a strong and unified international response that holds those responsible accountable for their actions. Finally, the President and the King reaffirmed the strong partnership between the United States and Saudi Arabia.⁶

General Assembly Resolution. In November 2011, the UN General Assembly adopted by a substantial margin a resolution introduced by Saudi Arabia on “Terrorist Attacks on Internationally Protected Persons.” The resolution deplores the assassination plot and calls on Iran to cooperate with countries trying to bring those involved to justice.⁷ The resolution received 106 votes in favor, 9 against,⁸ with 40 abstentions.⁹ Secretary of State Clinton issued a statement applauding the General Assembly’s action.¹⁰ As noted in the resolution’s operative paragraphs, the General Assembly

3. *Deplores* the plot to assassinate the Ambassador of the Kingdom of Saudi Arabia to the United States of America;

4. *Encourages* all States to take additional steps to prevent, on their territories, the planning, financing, sponsorship or organization or commission of similar terrorist acts and to deny safe haven to those who plan, finance, support or commit such terrorist acts;

5. *Calls upon* the Islamic Republic of Iran to comply with all of its obligations under international law, including the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, particularly with respect to its obligations to provide law enforcement assistance, and to cooperate with States seeking to bring to justice all those who participated in the planning, sponsoring, organization and attempted execution of the plot to assassinate the Ambassador of the Kingdom of Saudi Arabia.¹¹

STATE JURISDICTION AND IMMUNITIES

Eleventh Circuit Upholds Spain’s Sovereign Immunity Claim to Sunken Treasure Ship

In September 2011, the U.S. Court of Appeals for the Eleventh Circuit upheld Spain’s claim of sovereign immunity over a treasure-laden Spanish navy frigate sunk by the Royal Navy in 1804.¹

⁶ White House Press Release, Readout of the President’s Call with King Abdullah of Saudi Arabia (Oct. 12, 2011), at <http://www.whitehouse.gov/the-press-office/2011/10/12/readout-presidents-call-king-abdullah-saudi-arabia>.

⁷ UN Press Release, General Assembly Condemns Plot to Kill Saudi Arabian Diplomat (Nov. 18, 2011), at [; UN Press Release GA/11176, General Assembly Adopts Text Deplores Plot to Assassinate Saudi Arabian Envoy to United States; Calls on Iran to Help Bring Perpetrators to Justice—Assembly Also Votes Down Four Proposals by Iran to Amend Text; in Other Action, Libya Reinstated as Member of Human Rights Council \(Nov. 18, 2011\), at <http://www.un.org/News/Press/docs/2011/ga11176.doc.htm>.](http://www.un.org/apps/news/story.asp?NewsID=40444&Cr=iran&Cr1=)

⁸ UN Press Release, General Assembly Condemns, *supra* note 7. Armenia, Bolivia, Cuba, Democratic People’s Republic of Korea, Ecuador, Iran, Nicaragua, Venezuela, and Zambia voted against the resolution.

⁹ As a possible hint of future Security Council reluctance to impose rigorous additional economic sanctions on Iran, the abstainers included Council members Brazil, China, India, Russia, and South Africa. *Id.*

¹⁰ U.S. Dep’t of State Press Release No. 2011/1975, UN Resolution Condemns Plot to Assassinate Saudi Ambassador (Nov. 18, 2011), at <http://www.state.gov/secretary/rm/2011/11/177394.htm>.

¹¹ GA Res. 66/12 (Nov. 18, 2011).

¹ *Odyssey Marine Exploration, Inc. v. Unidentified Shipwrecked Vessel*, 657 F.3d 1159 (11th Cir. 2011), *aff’g* 675 F.Supp.2d 1126 (M.D. Fla. 2009); see Thom Weidlich, *Odyssey Marine Drops as Court Upholds ‘Black Swan’*