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Feds Say U.S. Does Not Recognize BVI as Sovereign State and Fahie is Not Entitled to Immunity From Prosecution

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Fahie in federal custody in Florida.

The federal government in a filing late Tuesday said that British Virgin Islands Premier Andrew Fahie's request seeking immunity as head of state of the BVI has no legal effect, and that the United States does not recognize the BVI — a territory of the United Kingdom — as a sovereign state.

Mr. Fahie on Monday demanded his release on the basis of diplomatic immunity, a principle of international law that provides foreign diplomats with a degree of protection from criminal or civil prosecution under the laws of the countries hosting them. However, the prosecution said Tuesday

that Mr. Fahie, who conspired to import thousands of kilograms of cocaine into the United States and then launder millions of dollars in drug proceeds, will face prosecution.

"He accepted thousands of dollars in bribes and planned to accept even more," the federal prosecutor said, U.S. Attorney Juan Antonio Gonzalez.

On Mr. Fahie's claim that he should be granted immunity because he is the head of state of the BVI, the U.S. government said, "While it is true that the complaint affidavit correctly described the Defendant's current title, that description does not convey upon the Defendant head of state immunity. The Executive Branch of the United States Government does not recognize the British Virgin Islands as a sovereign state, or that Fahie is entitled to any immunity from this prosecution. Accordingly, the Defendant does not and cannot enjoy immunity as a head of state or government. Nor does the Defendant's "Notice" do anything to establish an entitlement to immunity for the Defendant. In fact, that "Notice" has no legal effect at all. Under governing precedent in the Eleventh Circuit, *United States v. Noriega*, 117 F.3d 1206, 1212 (11th Cir. 1997), the Defendant is therefore not entitled to head of state or government immunity."

Fahie was arrested on Thursday in Miami on charges related to conspiracy to import cocaine and money laundering. The arrest, which also included Oleanvine Maynard, head of the BVI Port Authority and her son Kadeem Maynard, shocked both the British and U.S. Virgin Islands and reverberated across the Caribbean, the U.S. and Britain.

Correction: May 4, 2022 at 10:20 a.m.

A previous version of this story, because of a text error, stated in two locations that the court said Fahie would not receive immunity. However, as stated in the first paragraph, it's the U.S. government and its prosecutors that has said Fahie does not qualify for immunity, and that the U.S. government does not recognize the BVI as a sovereign state. The story has been updated with the corrections and amplifications.