

[From *Respondents Brief* in *SUDAN V. HARRISON* Nov. 2018]

STATUTORY PROVISION INVOLVED

The relevant provision of **the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. 1608(a)**, provides:

Service in the courts of the United States and of the States shall be made upon a foreign state or political subdivision of a foreign state:

- (1) by delivery of a copy of the summons and complaint in accordance with any special arrangement for service between the plaintiff and the foreign state or political subdivision; or
- (2) if no special arrangement exists, by delivery of a copy of the summons and complaint in accordance with an applicable international convention on service of judicial documents; or
- (3) if service cannot be made under paragraphs (1) or (2), by sending a copy of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed **and dispatched by the clerk of the court to the head of the ministry of foreign affairs of the foreign state concerned**, or
- (4) if service cannot be made within 30 days under paragraph (3), by sending two copies of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the Secretary of State in Washington, District of Columbia, to the attention of the Director of Special Consular Services— and the Secretary shall transmit one copy of the papers through diplomatic channels to the foreign state and shall send to the clerk of the court a certified

copy of the diplomatic note indicating when the papers were transmitted.

As used in this subsection, a “notice of suit” shall mean a notice addressed to a foreign state and in a form prescribed by the Secretary of State by regulation.

STATEMENT

This case concerns one of the provisions of the Foreign Sovereign Immunities Act governing service of process on a foreign state. Under 28 U.S.C. 1608(a)(3), a plaintiff may effect service by having a service packet “addressed and dispatched by the clerk of the court to the head of the ministry of foreign affairs of the foreign state concerned.”

The question presented here is whether that provision contains an additional, unstated requirement that a service packet addressed to the foreign minister be sent to him at the address of the foreign ministry in the foreign state.