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Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Saudi Arabia, Mohammed bin Salman, and the Murder of Journalist Jamal Khashoggi

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 40th session of the United Nations (UN) Human Rights Council (HRC) to raise serious concerns regarding the murder of journalist Jamal Khashoggi by Saudi Arabian security agents in the kingdom's consulate in Istanbul and we call for all involved in his death to be held accountable.

Background

Jamal Khashoggi was a Saudi journalist and former editor-in-chief of the Saudi newspaper *Al Watan*. Khashoggi had previously been a media advisor to Prince Turki al-Faisal, a former head of Saudi intelligence who was also formerly ambassador to the United States of America (US) and the United Kingdom of Great Britain and Northern Ireland (UK). After criticizing Saudi Crown Prince Mohammed bin Salman (MbS) in early 2017, Khashoggi was banned from tweeting, writing newspaper columns, and giving comments to foreign journalists. Because of these restrictions, Khashoggi entered self-imposed exile in the US in late 2017. In the US, Khashoggi became a columnist for the *Washington Post*, where he wrote articles critical of the Saudi ruling family and the policies of the Saudi government.

Jamal Khashoggi's Murder

Khashoggi disappeared on 2 October 2018. He was last seen entering the Saudi consulate in Istanbul, Turkey, where he was hoping to obtain documents certifying he had divorced his ex-wife so he could remarry. Immediately following his disappearance, the Kingdom of Saudi Arabia denied having any knowledge of Khashoggi's whereabouts. However, Turkish officials stated they had evidence Khashoggi had been assassinated in the consulate on the orders of Saudi leadership.¹ Turkey alleged the attack was conducted by a 15-member hit team, some of whom worked in Saudi military, security, or intelligence services or had ties to the ruling family.²

On 8 October 2018, several UN Special Procedure mandate holders, including the Rapporteurs on executions, freedom of expression, and the Working Group on Enforced Disappearances sent an Urgent Appeal (UA SAU 12/2018) to Saudi Arabia. They raised concerns about Khashoggi and allegations of his murder at the Saudi consulate in Istanbul. The Special Procedure offices emphasized Khashoggi's killing was inconsistent with Article 3 of the Universal Declaration of Human Rights, concerning the right to life, security, and the right not to be arbitrarily deprived of his or her life, and Article 19 concerning the right to freedom of expression and opinion.

On 20 October 2018, more than two weeks after Khashoggi's disappearance, Saudi Arabia's Ministry of Foreign Affairs released a statement saying Jamal Khashoggi had in fact been killed in the consulate on 2 October as the result of a rogue operation. The Foreign Minister, Adel al-Jubeir, stated the killing was a "terrible mistake" and that the Saudi government would take action to punish those responsible.³ Following the statement,

¹ David Kirkpatrick, "Jamal Khashoggi's Disappearance: What We Know and Don't Know," *New York Times*, 15 October 2018, <https://www.nytimes.com/2018/10/15/world/middleeast/missing-saudi-journalist-jamal-khashoggi.html>.

² "The 15 Saudis who flew to Turkey before Khashoggi's killing," *Aljazeera*, 22 November 2018, <https://www.aljazeera.com/news/2018/11/15-saudis-flew-turkey-khashoggi-killing-181122144743650.html>.

³ Euan McKirdy, "Saudi Foreign Minister says killing of Khashoggis was 'tremendous mistake,'" *CNN*, 22 October 2018, <https://www.cnn.com/2018/10/21/middleeast/jamal-khashoggi-international-pressure-builds-intl/index.html>.

Saudi officials continued to give conflicting explanations as to Khashoggi's disappearance and murder, including that Khashoggi died in a fight while resisting an extradition attempt, or that he was accidentally choked.

Towards the end of October, Istanbul's chief prosecutor reported that Khashoggi's killing was premeditated and that he was strangled almost immediately upon his entry to the consulate on 2 October and then his body was dismembered.⁴ The Turkish government stated it possessed audio evidence of the killing and shared this intelligence among other countries including Saudi Arabia, the US, UK, Germany, and France.⁵

In November 2018, Saudi prosecutor Saud al-Mojeb announced he believed "the head of the negotiation team decided to murder the victim if the negotiations [for his return to Saudi Arabia] failed." Al-Mojeb stated Khashoggi had died after being "forcibly restrained and injected with a large amount of a drug resulting in an overdose." He confirmed Turkey's reports that the body was dismembered and that a 15-member team was involved.⁶

Saudi Arabia's Response

On 20 October 2018, when Saudi Arabian authorities admitted Jamal Khashoggi was killed in the Saudi consulate, some action was taken to hold individuals allegedly involved in his death accountable. Major General Ahmed al-Asiri,⁷ an advisor to MbS, was fired after the announcement. Al-Asiri was not a member of the 15-person team that traveled to Istanbul, but it is thought he is responsible for ordering the forced return of Khashoggi.⁸ Saud al-Qahtani, MbS' media advisor, was also fired. According to Turkish intelligence sources, al-Qahtani was virtually present on Skype during the killing of Khashoggi and ordered his disposal.⁹ Three other top officials were also fired in relation to Khashoggi's killing.

In the aftermath of Khashoggi's death, Saudi Arabia arrested 21 individuals and charged 11. Saudi Arabia is seeking the death penalty for five of the 11 for their direct involvement in ordering and executing his killing.¹⁰

But many in the international community believe that Saudi Arabia's response is not sufficient and all those responsible have not been properly held accountable. Istanbul's chief prosecutor has called for the arrests of Ahmed al-Asiri and Saud al-Qahtani on the suspicion that the two had a direct role in the planning of the murder.¹¹ Saudi Arabia has yet

⁴ Beth McKernan, "Jamal Khashoggi strangled as soon as he entered consulate, prosecutor confirms," *The Guardian*, 31 October 2018, <https://www.theguardian.com/world/2018/oct/31/jamal-khashoggi-strangled-as-soon-as-he-entered-consulate-istanbul-prosecutor-confirms>.

⁵ Euan McKirdy, "Erdogan: Audio recording of Khashoggi killing is a 'true disaster,'" CNN, 13 November 2018, <https://www.cnn.com/2018/11/13/middleeast/khashoggi-recording-nyt-intl/index.html>.

⁶ Bill Chappel, "Khashoggi Case Update: Saudi Prosecutor Says 5 Suspects Should Be Executed," NPR, 15 November 2018, <https://www.npr.org/2018/11/15/668162272/khashoggi-case-update-saudi-prosecutor-says-5-suspects-should-be-executed>

⁷ Bill Chappell, "Khashoggi Case Update: Saudi Prosecutor Says 5 Suspects Should Be Executed," Aljazeera, 15 November 2018, <https://www.aljazeera.com/news/2018/10/ahmed-al-asiri-sacked-saudi-intelligence-chief-181019235211120.html>.

⁸ "Saudi Arabia prosecutor seeks death for 5 accused in Jamal Khashoggi killing," CBS News, 15 November 2018, <https://www.cbsnews.com/news/saudi-arabia-intel-chief-jamal-khashoggi-killing-crown-prince-mohammed-bin-salman/>.

⁹ "How the man behind Khashoggi murder ran the killing via Skype," Reuters, 22 October 2018, <https://www.reuters.com/article/us-saudi-khashoggi-adviser-insight/how-the-man-behind-khashoggi-murder-ran-the-killing-via-skype-idUSKCN1MW2HA>.

¹⁰ Sarah El Sirgany, Nada Altaher and Bianca Britton, "Saudi prosecutor seeks death penalty for Khashoggi murder, says journalist was killed by sedative overdose," CNN, 15 November 2018, <https://www.cnn.com/2018/11/15/middleeast/jamal-khashoggi-saudi-prosecutor-death-penalty-intl/index.html>.

¹¹ "Turkish prosecutor seeks arrests of Saudis over Khashoggi murder," Aljazeera, 5 December 2018, <https://www.aljazeera.com/news/2018/12/turkish-prosecutor-seeks-arrests-saudis-khashoggi-181205082321329.html>.

to take formal action against the two high-level officials. Additionally, the involvement of officials with such deep ties to MbS raises questions of the Crown Prince's responsibility in the killing of Jamal Khashoggi.

International Response

Members of the international community responded to details of Khashoggi's killing in a variety of ways. Some countries have halted arms sales in an effort to hold the kingdom accountable, other countries sanctioned Saudi individuals accused of being involved in the murder. Questions have been raised as to the level of the Crown Prince's knowledge and involvement in Khashoggi's death, but no formal action has been taken against him.

US

American intelligence agencies concluded it is highly likely that Crown Prince Mohammed bin Salman knew about plans to kill Khashoggi and was likely involved throughout the process. While the US administration stands by MbS, stating that he does not have any responsibility in the murder, US Senators unanimously passed a symbolic resolution calling MbS responsible for the killing.¹² The Trump administration has sanctioned 17 individuals Saudi Arabia has accused of having involvement in the killing, which does not include MbS.¹³

Germany

Following Khashoggi's death, Germany imposed travel bans on 18 Saudi nationals suspected of being involved in the murder of Jamal Khashoggi.¹⁴ Germany has also halted arms sales to Saudi Arabia, a move that was followed by Finland and Denmark.¹⁵

France

France has imposed sanctions, including travel bans, on 18 Saudi citizens linked to the murder of Khashoggi.¹⁶

Canada

Canada announced it is sanctioning 17 Saudi nationals linked to Khashoggi's murder, effectively freezing their assets and banning them from entering Canada.

Conclusions and Recommendations

The full details of Khashoggi's killing in the Saudi consulate in Istanbul remain unclear. Saudi Arabia's investigation has been opaque and has failed to take the appropriate actions to hold high-level officials accountable for their likely role in the murder.

ADHRB calls on Saudi Arabia to:

¹² Jordain Carney, "Senate passes resolution naming crown prince 'responsible' for Khashoggi slaying," *The Hill*, 13 December 2018, <https://thehill.com/homenews/senate/421287-senate-passes-resolution-naming-crown-prince-responsible-for-khashoggi>.

¹³ Mark Landler and Gardiner Harris, "U.S. Levels Sanctions on 17 Saudis for Alleged Involvement in Khashoggi Killing," *New York Times*, 15 November 2018, <https://www.nytimes.com/2018/11/15/world/middleeast/saudis-sanctions-khashoggi.html>.

¹⁴ Julian Borger, "European travel ban imposed on 18 Saudis over Khashoggi killing," *The Guardian*, 19 November 2018, <https://www.theguardian.com/world/2018/nov/19/germany-imposes-travel-bans-on-18-saudis-over-jamal-khashoggi-killing>.

¹⁵ Rick Noack, "Finland and Denmark join Germany in halting arms sales to Saudi Arabia," *Washington Post*, 22 November 2018, <https://www.washingtonpost.com/world/2018/11/22/denmark-joins-germany-halting-arms-sales-saudi-arabia/>.

¹⁶ "France imposes sanctions on 18 Saudi citizens over Khashoggi killing," *Reuters*, 22 November 2018, <https://www.reuters.com/article/us-saudi-khashoggi-france/france-imposes-sanctions-on-18-saudi-citizens-over-khashoggi-killing-idUSKCN1NR1VJ>.

- Allow for an independent international investigation into the murder of Jamal Khashoggi, including the role played by Crown Prince Mohammed bin Salman,
- Prosecute those involved in the death of Jamal Khashoggi to the fullest extent of the law.

ADHRB calls on Council members to:

- Hold Saudi Arabia to higher human rights standards as a member of the Council,
 - Hold MbS accountable for his role in Khashoggi's murder and impose international sanctions upon him.
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