

JOINT NGO STATEMENT ON ACCOUNTABILITY FOR THE MURDER OF JAMAL KHASHOGGI

We, the undersigned non-governmental organizations, are deeply concerned about the lack of transparency and accountability relating to the murder of Saudi national Jamal Khashoggi as well as with respect to Saudi Arabia's persecution of other journalists and dissidents. Our recommendations are set forth at the end of this statement.

On October 2, 2018, Jamal Khashoggi, a *Washington Post* columnist and a U.S. resident who had been a vocal critic of the Saudi government and Saudi Crown Prince Mohammed bin Salman, disappeared after entering the Saudi Consulate in Istanbul.¹ Amidst repeated assertions by Saudi authorities that Mr. Khashoggi had left the Consulate alive, on October 10, 2018, a bipartisan group of 22 senators, including the Chairman and Ranking Member of the Senate Foreign Relations Committee, invoked a provision of the Global Magnitsky Human Rights Accountability Act requiring that President Donald Trump determine which individuals the U.S. government had found to be responsible for any gross violation of Khashoggi's internationally recognized human rights and provide a report on whether he intends to impose sanctions on them.²

After repeatedly altering its explanation concerning Khashoggi's disappearance, on October 19, 2018, the Saudi government finally acknowledged that he had been killed inside the Saudi Consulate in Istanbul.³ On November 16, 2018, the *Washington Post* reported that the CIA had concluded that Saudi Crown Prince Mohammed bin Salman ordered the assassination of

¹ Donna Abu Nasr, *Who is Jamal Khashoggi? A Saudi Insider Who Became an Exiled Critic*, Bloomberg (Oct. 20, 2018), https://www.washingtonpost.com/business/who-is-jamal-khashoggi-a-saudiinsider-who-became-an-exiled-critic/2018/10/20/0a996bea-d492-11e8-a4db-184311d27129_story.html?noredirect=on&utm_term=.1f5ff708994b.

² Press Release, *Corker, Menendez, Graham, Leahy Letter Triggers Global Magnitsky Investigation Into Disappearance of Jamal Khashoggi*, (Oct. 10, 2018), <https://www.foreign.senate.gov/press/chair/release/corker-menendez-graham-leahy-letter-triggers-global-magnitsky-investigation-into-disappearance-of-jamal-khashoggi>.

³ Kevin Sullivan et al., *Saudi Arabia fires 5 top officials, arrests 18 Saudis, saying Khashoggi was killed in fight at consulate*, Wash. Post (Oct. 19, 2018), https://www.washingtonpost.com/news/world/wp/2018/10/19/saudi-government-acknowledges-journalist-jamal-khashoggi-died-while-in-that-countrys-consulate-in-istanbul/?utm_term=.76d983cad529.

journalist Jamal Khashoggi in Istanbul, an assessment in which officials are reported to have “high confidence.”⁴ On December 13, 2018, the Senate unanimously approved a resolution holding the Crown Prince responsible for Khashoggi’s murder.⁵ The presidential determination and report required under the Global Magnitsky Act is due to be provided no later than February 8, 2019.

Notwithstanding public and Congressional outrage and the reported findings of the CIA, the Trump administration appears to be engaged in a cover-up on behalf of the Saudi government. On October 15, 2018, without offering any evidence, President Trump told reporters “rogue killers” could have been responsible for the murder.⁶ On November 20, 2018, he issued a statement entitled “On Standing with Saudi Arabia,” in which he appeared to accept Saudi leaders’ blanket denials of involvement in the murder.⁷ On November 28, 2018, Secretary of State Mike Pompeo told reporters, “I do believe I’ve read every piece of intelligence There is no direct reporting connecting the crown prince to the order to murder Jamal Khashoggi.”⁸ The CIA’s assessment and other records relating to responsibility for the murder continue to be withheld from the public. The public also remains in the dark about what the U.S. government knew about the murder or previous threats to Khashoggi’s life and, dependent on that information, whether the U.S. government took any steps to warn him, as required by law.⁹ To date, there is no public indication

⁴ Shane Harris et al., *CIA concludes Saudi crown prince ordered Jamal Khashoggi’s assassination*, Wash. Post (Nov. 16, 2018), https://www.washingtonpost.com/world/national-security/cia-concludes-saudi-crown-prince-ordered-jamal-khashoggis-assassination/2018/11/16/98c89fe6-e9b2-11e8-a939-9469f1166f9d_story.html?utm_term=.b940c2f30d5b.

⁵ Clare Foran et al., *Senate rebukes Trump, condemns Saudi crown prince for Khashoggi murder*, CNN (Dec. 13, 2018), <https://www.cnn.com/2018/12/13/politics/corker-saudi-crown-prince-khashoggi/index.html>.

⁶ Jordan Fabian, *Trump says ‘rogue killers’ could be to blame for Saudi journalist*, The Hill (Oct. 15, 2018), <https://thehill.com/homenews/administration/411411-trump-says-rogue-killers-could-be-to-blame-for-saudi-journalist>.

⁷ Statement from President Donald J. Trump on Standing with Saudi Arabia (Nov. 20, 2018), <https://www.whitehouse.gov/briefings-statements/statement-president-donald-j-trump-standing-saudi-arabia/>.

⁸ Dierdre Shesgreen, *Lawmakers Livid after CIA Director Gina Haspel a No-Show for Closed-Door Briefing on Khashoggi murder*, USA Today (Nov. 28, 2018), <https://www.usatoday.com/story/news/world/2018/11/28/mike-pompeo-blasts-lawmakers-over-jamal-khashoggis-murder-saudi-arabia-yemen/2136140002/>.

⁹ Intelligence Community Directive 191.

that the Trump administration intends to respond to the Senate Foreign Relations Committee's October 2018 request.

Meanwhile, Saudi Arabia's criminal proceedings against 11 individuals accused of killing Mr. Khashoggi have been a sham.¹⁰ Significantly, instead of arresting the most senior officials accused of involvement in the plot to target Khashoggi, including the former royal court adviser, Saud al-Qahtani, and the deputy intelligence chief, Ahmed al-Assiri, Saudi authorities have merely announced their resignations.¹¹ The Office of the United Nations High Commissioner for Human Rights has stated that the trial was "not sufficient" and called for an independent investigation with international involvement, something the special rapporteur on extrajudicial executions, Agnes Callamard, took it upon herself to organize.¹² A coalition of human rights and media organizations had previously called on Turkey to urgently request that UN Secretary-General Antonio Guterres launch a UN investigation, though Guterres has been reluctant to get involved.¹³ Moreover, more than one hundred prominent writers co-signed a letter to Guterres calling for an independent UN investigation.¹⁴

Saudi Arabia's conduct in the Khashoggi case is in keeping with its broader pattern of persecuting dissidents, activists, journalists, and independent clerics. In May 2018, just weeks before the Saudi

¹⁰ *Jamal Khashoggi Murder Trial Opens in Saudi Arabia*, BBC News (Jan. 3, 2019), <https://www.bbc.com/news/world-middle-east-46747332>.

¹¹ Human Rights Watch, *Turkey: Seek UN Inquiry on Khashoggi* (Dec. 6, 2018), <https://www.hrw.org/news/2018/12/06/turkey-seek-un-inquiry-khashoggi>.

¹² *Khashoggi Trial in Saudi Arabia Falls Short of Independent, International Probe Needed: UN rights chief*, UN News (Jan. 4, 2019), <https://news.un.org/en/story/2019/01/1029772>; Human Rights Watch, *UN Rights Expert Independently Investigates Khashoggi Murder* (Jan. 29, 2019), <https://www.hrw.org/news/2019/01/29/un-rights-expert-independently-investigates-khashoggi-murder>.

¹³ Human Rights Watch, Amnesty International, Committee to Protect Journalists and Reporters Without Borders, *Turkey: Seek UN Inquiry on Khashoggi* (Oct. 18, 2018), <https://www.hrw.org/news/2018/10/18/turkey-seek-un-inquiry-khashoggi>; Reporters Without Borders, *RSF Unveils Portraits of Journalists Arbitrarily Detained in Saudi Arabia* (Oct. 25, 2018), <https://rsf.org/en/news/rsf-unveils-portraits-journalists-arbitrarily-detained-saudi-arabia>; Human Rights Watch, *UN Rights Expert Independently Investigates Khashoggi Murder* (Jan. 29, 2019), <https://www.hrw.org/news/2019/01/29/un-rights-expert-independently-investigates-khashoggi-murder>.

¹⁴ *Pen America Calls for Independent Investigation into Jamal Khashoggi's Disappearance and Apparent Murder* (Nov. 2, 2018), <https://pen.org/investigate-jamal-khashoggi-disappearance-murder/>.

authorities lifted the ban on women driving, authorities arrested a number of prominent women's rights activists and accused several of them of grave crimes, such as treason, that appear to be directly related to their activism. As of this writing, at least ten women remained detained without charge, though some anticipated charges could carry prison terms of up to 20 years. Human rights organizations reported¹⁵ in November that Saudi interrogators tortured at least four of the women,¹⁶ including by administering electric shocks, whipping the women on their thighs, and forcible hugging and kissing. Saudi prosecutors also escalated their longstanding campaign against dissidents by seeking the death penalty against detainees on charges that related to nothing more than peaceful activism and dissent.¹⁷ Moreover, Saudi Arabia has continued to use counterterrorism regulations to suppress political expression and dissent; over a dozen prominent activists who were convicted on charges arising from their peaceful activities are currently serving long prison sentences. These actions have created an even more repressive climate for journalists in the country.¹⁸

¹⁵ Human Rights Watch, *Saudi Arabia: Detained Women Reported Tortured* (Nov. 20, 2018), <https://www.hrw.org/news/2018/11/20/saudi-arabia-detained-women-reported-tortured>.

¹⁶ Human Rights Watch, *Saudi Arabia: Allow Access to Detained Women Activists* (Dec. 6, 2018), <https://www.hrw.org/news/2018/12/06/saudi-arabia-allow-access-detained-women-activists>.

¹⁷ Human Rights Watch, *Saudi Arabia: Increased Repression Brings Scrutiny* (Jan. 17, 2019), <https://www.hrw.org/news/2019/01/17/saudi-arabia-increased-repression-brings-scrutiny>.

¹⁸ Justin Shilad, *'New' Saudi Arabia Ushers in Even More Repressive Climate for Journalists* (Sep. 25, 2018), <https://cpj.org/blog/2018/09/new-saudi-arabia-ushers-in-even-more-repressive-cl.php>.

In light of the above, the undersigned organizations call on Congress and the Trump administration to support:

1. Public disclosure of the February 8, 2019, presidential determination required under law concerning responsibility for the Khashoggi murder and what sanctions the President intends to impose on those found culpable.
2. Public disclosure of CIA records relating to Khashoggi's killing, including the CIA's assessment of responsibility for his murder as well as records relating to the U.S. government's duty to warn him of the threat to his life.
3. An effective, independent, international investigation into the circumstances of and responsibility for Khashoggi's murder.
4. Immediate release of journalists, dissidents, activists, and clerics detained for the peaceful expression of their views in Saudi Arabia.

Signed,

Committee to Protect Journalists

Human Rights First

Human Rights Watch

Open Society Justice Initiative

PEN America

Reporters Without Borders