

US silence on Khashoggi 'not an option', says UN rapporteur

10 July 2019



Killing of Jamal Khashoggi



The US must act on a report into Saudi journalist Jamal Khashoggi's death last October, a UN expert has warned.

"Silence is not an option. Speaking up is required but not enough. We have to act," Agnes Callamard said.

Her inquiry concluded that Khashoggi's death at the Saudi embassy in Istanbul was "an extrajudicial execution".

The US should conduct an FBI or civil law investigation, she said. Khashoggi was based in the US and wrote a column for the Washington Post newspaper.

Speaking alongside Khashoggi's fiancée at a conference in London on Tuesday, Ms Callamard urged the US to declassify its intelligence on the killing and said Washington was "not at the top of the co-operation chain".

Ms Callamard's 101-page report, published in June, said there was "credible evidence" that Saudi Arabia's Crown Prince Mohammed bin Salman and other high-level officials were individually liable for the killing of Jamal Khashoggi.

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Saudi agents killed the journalist inside the Saudi consulate in Istanbul but authorities insist they were not acting on Prince Mohammed's orders.

Ms Callamard is not a representative for the UN but reports her findings to it. She has called on UN Secretary General António Guterres to instigate an international criminal investigation into the case, but he said only a member state has authority to do so.

She said the West was facing a "democratic deficit" in not responding to a public outcry about the killing.

Hatice Cengiz, Khashoggi's Turkish fiancée, called on European countries to "take this report more seriously".

"It's too dangerous to behave as if nothing has happened," she said.

How did Jamal Khashoggi die?

The 59-year-old journalist, a US-based columnist for the Washington Post and prominent critic of Prince Mohammed, was last seen entering the Saudi consulate on 2 October to obtain papers he needed to marry Ms Cengiz.

Ms Callamard, the UN's special rapporteur on extrajudicial, summary or arbitrary executions, said Khashoggi was "brutally slain" inside the consulate that day.

Saudi Arabia's deputy public prosecutor Shalaan Shalaan told reporters in November that the murder was ordered by the head of a "negotiations team" sent to Istanbul by the Saudi deputy intelligence chief to bring Khashoggi back to the kingdom "by means of persuasion" or, if that failed, "by force".

Investigators concluded that Khashoggi was forcibly restrained after a struggle and injected with a large amount of a drug, resulting in an overdose that led to his death, Mr Shalaan said. His body was then dismembered and handed over to a local "collaborator" outside the consulate, he added.

Five individuals had confessed to the murder, Mr Shalaan asserted, adding: "[The crown prince] did not have any knowledge about it."

What does the report say?

Ms Callamard was tasked by the UN human right's office with establishing "the nature and extent of states' and individuals' responsibilities for the killing".

Saudi officials insisted that Khashoggi's death was the result of a "rogue" operation, but **the special rapporteur's report concludes that it was "an extrajudicial killing for which the state of the Kingdom of Saudi Arabia is responsible"**.

"From the perspective of international human rights law, state responsibility is not a question of, for example, which of the state officials ordered Mr Khashoggi's death; whether one or more ordered a kidnapping that was botched and then became an accidental killing; or whether the officers acted on their own initiative or *ultra vires* [beyond their authority]," the report notes.

Ms Callamard also determined that there was "credible evidence, warranting further investigation of high-level Saudi officials' individual liability, including the crown prince's".

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The special rapporteur says the crown prince should be subject to the targeted sanctions already imposed by some UN member states, including the US, against other named individuals allegedly involved in the killing.

The sanctions, focusing on his personal assets abroad, should remain in place "until and unless evidence has been produced that he bears no responsibility for the execution of Mr Khashoggi", the reports says.

 [Timeline: Jamal Khashoggi's death](#)

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The trial of the 11 suspects currently taking place in Saudi Arabia should be suspended, according to Ms Callamard, because this was an international crime over which there is universal jurisdiction. That would allow other states, such as Turkey or the United States, to also attempt a prosecution.

The report says the UN Security Council should initiate a follow-up criminal investigation into Khashoggi's murder to build up strong files on each of the alleged perpetrators and identify mechanisms for formal accountability, such as a tribunal.

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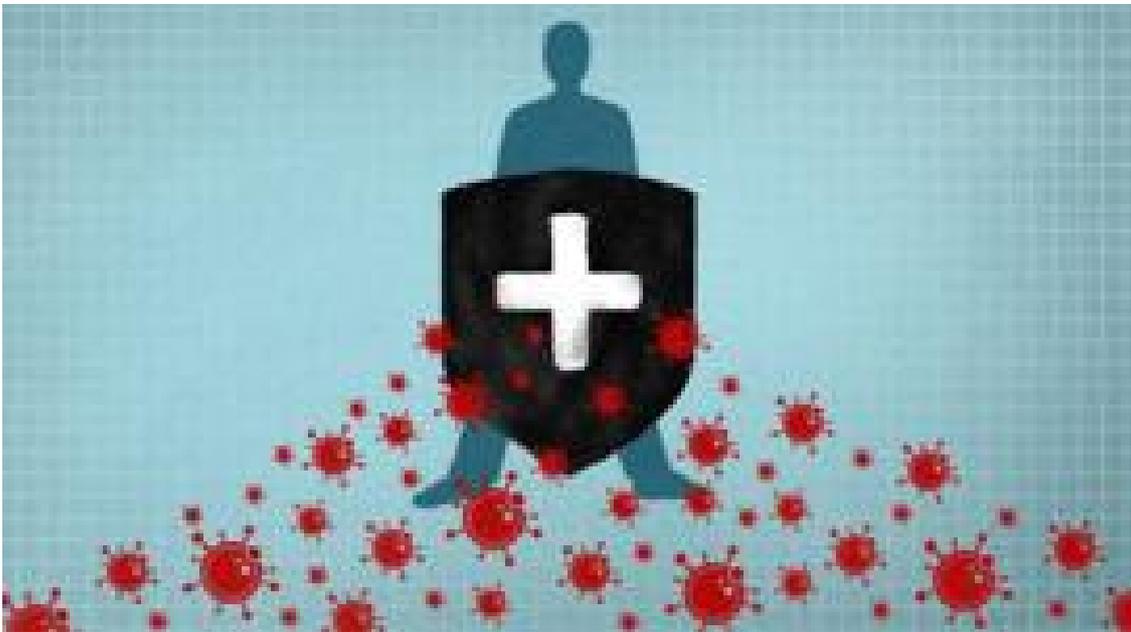
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