

Smoke without Fire?

Assessing the Impact of the UN Report on the Khashoggi Killing

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On October 2nd 2018, veteran Saudi journalist Jamal Khashoggi entered the Saudi consulate in Istanbul and was never seen again. In the following days and weeks, amidst accusations, denials, and deflections from Saudi Arabia's leadership, the disturbing details of Khashoggi's murder began to surface.

Introduction

In October 2nd 2018, veteran Saudi journalist Jamal Khashoggi entered the Saudi consulate in Istanbul and was never seen again. In the following days and weeks, amidst accusations, denials, and deflections from Saudi Arabia's leadership, the disturbing details of Khashoggi's murder began to surface.

Eight months later, a damning report by UN special rapporteur Agnes Callamard, has revealed that there is credible evidence linking Saudi Arabia's Crown Prince Mohammed bin Salman (MBS) and other high-level officials to the killing of Khashoggi. Saudi officials have dismissed the report, and continue to maintain a position of innocence through a show of apologies to Khashoggi's family, and seeking to placate the international community through questionable legal proceedings against those who have been accused of his murder by Saudi Arabia itself.

This is not the first report of its kind since the killing; a month after the incident, the CIA released its own findings which concluded that MBS had ordered Khashoggi's murder. However, a major concern is that the report will ultimately accomplish little other than to simply redirect attention to the killing. Many members of the international community, particularly those with close political and business ties to the kingdom, are reluctant to pursue action to make an example of MBS so that the same type of action is not pursued once again against dissidents and those deemed a threat.

Why was Jamal Khashoggi Targeted?

Jamal Khashoggi was a former spokesperson for Prince Turki al-Faisal, a former Saudi intelligence chief and Ambassador to London and Washington and maintained a sense of loyalty to the ruling family which did not make him a dissident, something he did not define himself as.

Khashoggi was a veteran journalist, who began his career as a correspondent for the Saudi Gazette, becoming the assistant manager for Okaz. From 1987 to 1990, he worked as a reporter for several Arab newspapers and magazines, including Al Sharq Al Awsat, Al Majalla and Al Muslimoon. He also worked as a foreign correspondent in several countries between 1991 and 1999, including Afghanistan, Algeria, Bosnia, and Sudan. All the while he maintained close ties with the Saudi intelligence services.

Until 2003, he worked as deputy editor-in-chief of Arab News and then briefly as the editor-in-chief of Al Watan which caused some disputes at that time with certain elements of the Saudi government. Following voluntary exile in London, Khashoggi became a media adviser to senior Saudi officials like Prince Turki Al Faisal Al Saud in 2003, the then ambassador to the United Kingdom.

With the emergence of MBS in 2015, things began to change for Khashoggi and he became outspoken against the new emerging power circle and its ensuing tactics. He was ordered to stop writing for newspapers and using his Twitter account by the adviser to the Saudi royal court, Saud al Qahtani which lead him to eventually leave Saudi Arabia for the U.S where he expressed his disapproval of the government and MBS.

He made it clear that he loved Saudi Arabia and at times even credited MBS for some of the "[positive changes](#)" such as the loosening of Saudi cultural restrictions. But as the Crown Prince consolidated his power with American and Emirati support, Khashoggi became more critical of the "[vanity projects of MBS](#)". Khashoggi did not represent such a threat that could justify the action adopted by the state to get rid of him but his knowledge of the inner mechanisms of state intelligence meant he had to be exterminated.

Khashoggi was also close to Washington DC insiders and had a platform with a prominent American newspaper which provoked anxieties in the Saudi regime, particularly those of MBS, and its important ties with the United States. Khashoggi represented a credible voice of nuanced critique in a city like Washington DC which the Saudis wanted to see free of any threatening voices which could turn members of Congress and other power brokers against their agenda.

UN Report Findings

Agnes Callamard, the Special UN Rapporteur on extrajudicial, summary and arbitrary executions, conducted an investigation into Khashoggi's murder in collaboration with forensic experts Duarte Nuno Vieira, criminal investigation expert Paul Johnston, and human rights specialist Helena Kennedy.

The 100-page investigation report is the most detailed account to date and provides crucial information on the final moments of the journalist who rose to prominence in the West in the 1980s following his profile of Osama bin Laden and who lived in self-imposed exile in the United States after falling out of favour with his close connections in the kingdom. According to Callamard, "Mr. Khashoggi's killing constituted an extrajudicial killing for which the state of the Kingdom of Saudi Arabia is responsible" and his kidnapping constituted "a violation under international human rights law." The credibility of the report was immediately called into question by Saudi foreign minister Adel al Jubair, one of the figures who initially denied Saudi's connection to Khashoggi's murder at the consulate, who blasted the findings as "nothing new".

Callamard's investigation began in January 2019 with visits to a number of countries, including Turkey, the US, France,

the UK, Belgium, Germany and Canada. There she met with various government representatives and Khashoggi's former colleagues and friends, conducting over one hundred interviews. The report details how Saudi officials were behind an extensive cover-up of Khashoggi's killing, eradicating evidence and preventing investigators from accumulating information, all of which was authorized by the upper echelons of power in the Kingdom.

The report provides harrowing details of Khashoggi's final moments acquired from recordings in which Khashoggi can be heard being told by Saudi officials how Interpol had issued an order for him to return to Saudi Arabia, (which Khashoggi dismissed as a lie). The recordings in question go on to record how he was subsequently sedated, with the sound of what is likely a plastic bag ruffling in the background, which was then allegedly used to suffocate Khashoggi before he was dismembered and taken out of the consulate in black bags.

Following the operation, teams of Saudi officials with forensic expertise arrived at the consulate, leaving the scene and the building "unreasonably clean," according to Turkish investigators. The secret trial of 11 Saudis in connection with the killing is criticized by Callamard as "clouded in secrecy and lacking in due process" with the names of the defendants and any evidence against them remaining undisclosed and blame-deflection by senior figures discrediting the whole process.

More significantly, none of those tried were from the 15-man hit squad identified by Turkish authorities. Nor did it consist of Saudi officials who have been sanctioned for their involvement in the killing, such as Saud al-Qahtani, a top aide to MBS who has been previously linked to the what was effectively the kidnapping of Lebanese Premier Saad Hariri in 2017 as well as the detention of princes and businessmen at the Hotel Ritz Carlton as part of MBS's crackdown on alleged corruption. For Callamard, the fact that al-Qahtani was subsequently removed from his position is proof that Saudi authorities view him as partly responsible. Unsurprisingly, Saudi Arabia did not cooperate with Callamard's investigation and refused to respond to any questions or to her requests to visit the kingdom.

In the report, Callamard appeals to the international community to sanction all officials linked to the murder, including MBS and his assets abroad, "until and unless evidence has been produced that he bears no responsibility for the execution of Mr. Khashoggi." The recommendations listed endorses those made by another UN special rapporteur this year who called for the international community to stop arms sales and surveillance technology to Saudi Arabia.

Turkey has been one of the main actors investigating the

murder, however, Callamard believes the United Nations' Human Rights Council and Security Council should not wait for Turkey to initiate an international criminal investigation before beginning its own, particularly given how Saudi Arabia's own investigation has proven to be unreliable. "The secretary-general himself should be able to establish an international follow-up criminal investigation without any trigger by a state," she states in the report. The report also highlights the obstacles faced by Turkish authorities from the Saudis, preventing them from investigating the consulate and the consul-general's residence. According to a public prosecutor, it was "like anger management because they didn't let us conduct an inquiry. We had to push and push to be allowed in".

Reactions to the UN Report

Much of the reaction to the report's findings expressed a lack of surprise towards the finding of MBS' culpability. Khashoggi's former editor at The Washington Post, Karen Attiah, [expressed her appreciation](#) of Callamard's work but also her grief and anger at experiencing his loss once again.

Turkish President Recep Tayyip [Erdoğan](#) reacted to the report by calling out those responsible for [Khashoggi's](#) killing, stating that they will "pay the price and be held accountable." Speaking at the G20 summit in Japan, Erdoğan also stated how "[serious money](#)" is being paid by someone to suppress investigations into the murder.

Following its release, Turkey's foreign ministry also called on all UN member states and international institutions to insist on carrying out the recommendations made in the [report](#), adding that the [report](#) confirmed the findings made by Turkish authorities.

Speaking at the 41st session of the UN Human Rights Council, Khashoggi's fiancé Hatice Cengiz, [underlined how the report](#) was proof that the Saudi government destroyed evidence related to the murder during its investigation. "There is no legitimacy left for the investigation being carried out in Saudi Arabia. Therefore, the necessity for an international investigation arises again."

Sadik Arslan, the Turkish ambassador to the UN in Geneva, [called on the international community](#) to support Callamard's recommendations and highlighted how Turkey has supported Callamard throughout her investigation and shared all information related to the murder with her.

The Washington Post, Khashoggi's former workplace, reacted to the "gruesome new Khashoggi revelations" by arguing that they reinforce the "ugly bargain Trump has

struck with Saudi Arabia.” The international Federation of Journalists backed the report’s call for an [“independent and impartial inquiry”](#) and [Amnesty International expressed](#) its thanks to Callamard for her investigation and report and highlighted its importance in the face of the unwillingness “of others with the requisite authority to launch an independent international investigation into this heinous crime.”

As a result of the report, a resolution was put forward in the US Senate to cut off arms sales to the Saudis, in addition to a further 22 resolutions aimed at reducing arms sales to Saudi Arabia. However, after the first resolution was vetoed by President Donald Trump, Senator Tim Kaine, one of the main sponsors of the resolution, stated that ultimately the [“President will turn a blind eye to the Saudis”](#).

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Despite its findings and recommendations, there is wide-spread recognition that little will be done to hold those responsible to account. Some of the report’s recommendations include establishing an independent investigation, and Saudi Arabia issuing a public apology and greater support for freedom of expression and free press in the Gulf region. It also calls upon the UN Secretary General and FBI to establish a tribunal into the killing, and for countries to ban the export and sale of surveillance technology to Saudi Arabia.

Callamard is concerned that Saudi Arabia may continue to take similar action against individuals it deems a threat to its ongoing rebranding, which seeks to portray an image contrary to the allegations of abuses and violations regularly recorded by human rights groups and observers.

Indeed, new threats have already surfaced: Palestinian critic, [Iyad al Baghdadi](#), was tipped off by the CIA this year after it received intelligence that the Saudis had ‘marked him’. This raises questions as to how many other individuals are at risk of being targeted. As such, host nations of vulnerable individuals need to do more to ensure their security.

The only form of commendation afforded to Saudi Arabia is the recognition of its restructuring of its intelligence services following the killing. However, while in theory the changes decrease the likelihood of rogue operations – the official Saudi line on the Khashoggi killing – they will ultimately do little to improve the overall approach towards dissidents, journalists and political activists. The findings of the report should present new challenges for states that have close ties to the Kingdom. With war with Iran looming on the horizon, the close relationship between US President Donald Trump and MBS means the Trump administration will seek to maintain strong relations with all allies in the region, particularly with Saudi Arabia. Since the killing, resolutions put forward by

Congressmen against the country’s arms sales to Saudi and for limiting support for the Saudi-led coalition in Yemen have been vetoed by the President. Last month, the Trump administration made approximately [US\\$8 billion in weapons](#) sales to Saudi Arabia and the United Arab Emirates using a legal loophole allowing him to bypass Congress’ approval.

It is common knowledge that this is not the first, nor the last time, leaders with bloody track records have failed to be held to account by states who instead choose to maintain normalized relations on the account of self-interests; the US being no exception to this rule. “Cut out the political science lectures,” [Kissinger once said](#) in reply to the atrocities being reported to him in Chile following the overthrow and killing of Socialist president Salvador Allende for the favoured Augusto Pinochet. Subsequent transcripts between Pinochet and Kissinger showed the depth of “friendship” despite Pinochet’s violent repression. The same notion of ‘friendship’ was echoed by Donald Trump, in his recent praise of MBS at the G20 summit in Japan in which MBS was hailed by Trump for doing a [“spectacular job”](#) as “a friend of mine”.

The same can be said for the oppressive regime in Syria of Bashar al-Assad who, despite the last eight years of barrel-bombing and chemical warfare against the civilian population, is likely to be reinstated within the Arab League of States and be welcomed back into the international fold. Likewise Myanmar’s de facto Prime Minister, Aung San Suu Kyi, despite evidence of ethnic cleansing against the Rohingya, has faced little consequences for not doing enough to prevent the killing; not even having her Nobel Peace Prize stripped. Egyptian president Abdel Fattah al-Sisi, who has maintained a repressive crackdown on dissidents, journalists and any political opposition still enjoys invitations to summits like G20. Khashoggi will also not be the last journalist to be targeted. From Anna Politkovskaya in Russia to Marie Colvin, targeted by the Assad regime, journalists being killed for carrying out their work will continue to be commonplace so long as penalization of states found culpable do not prove consequential.

Next year, Saudi Arabia will host the G20, presenting itself as a reliable international partner, in order to reiterate that their relations have normalized, an exercise many world leaders will undoubtedly play along with. It is unlikely that Saudi Arabia’s G20 allies will take Saudi Arabia to task by appealing to The Hague. It also remains to be seen whether Turkey will use that card at any point in the near future. However, following a court ruling, the [UK government however has agreed](#) not to grant any new licenses for weapons exports to Saudi-led coalition in Yemen.

Callamard believes due justice can be served via an international criminal investigation headed by the UN Secretary General, and comprised of experts selected

POLICY OUTLOOK

to lead the actual investigation. The targeted sanctions against certain Saudi officials are, however, seen as a “distraction” from the key questions surrounding the responsibility of high-ranking officials connected with the killing. Sanctions should also be applied to the Crown Prince himself and all personal assets held abroad until contrary evidence proves his innocence.

So long as the threat of sanctions against senior figures remain nothing more than empty words and relations between states take precedence, Khashoggi’s murder will simply be another brutal page within history books. As it stands today, the international community will have no excuse when the next victim of state impunity occupies the headlines.

History has also shown that, although it may take decades, eventually these crimes often end up catching up with their perpetrators. Despite his cozy relationship with the US and years of impunity, Pinochet was eventually indicted for human rights violations in 1998. Commander of the Bosnian Serb forces, Ratko Mladić was first [indicted by a tribunal in 1995](#), but managed to evade courts [until 2011](#) and was then [convicted](#) in The Hague in 2017 for genocide, war crimes and crimes against humanity committed during the Bosnian War. Justice in the international system may lack the required support at times, but eventually some form of justice is often applied once the political climates changes and interests transition. MBS may have the support of many of the world’s influential figures today, but as quickly as his rise to prominence and notoriety, he may very well be remembered very differently in the end for what was done to Jamal Khashoggi. It must now rest on the states who have investigated to ensure due justice is met, by seeing Saudi Arabia and MBS held to account in international courts.