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Information on Khashoggi Case from Turkish President Erdogan Highlights Need for International Investigation

In light of new information released by Turkish President Recep Tayyip Erdogan about the apparent murder of prominent Saudi journalist Jamal Khashoggi, the Turkish government should seek cooperation from independent and impartial international investigators into the apparent extrajudicial killing of prominent Saudi journalist Jamal Khashoggi in the Saudi Arabian Consulate in Istanbul, the International Commission of Jurists (ICJ) urged today.

Turkish President Recep Tayyip Erdogan today told the Turkish Parliament that investigations suggested that Saudi officials had planned to kill Khashoggi and he called for all those responsible for the killing to be punished regardless of rank.

“Given the highly political nature of this case and its emblematic impact for journalists and dissidents around the world, Turkey should work with the United Nations to establish a special independent mechanism to carry out the investigation with a view to identifying the perpetrators and prescribing recommendations for appropriate accountability measures,” said Said Benarbia, ICJ’s MENA Programme director. “Alternatively, the investigation should be conducted by competent Turkish authorities, given that Turkey already has jurisdiction and an obligation to carry out an investigation.”

Investigations by Turkey to date suggest that the crime was planned, at least in part, in Saudi Arabia, and that perpetrators, evidence and witnesses are located in at least two countries. Turkish Foreign Minister, Mevlut Cavusoglu, stated today that Turkey is ready to cooperate with an international investigation into Jamal Khashoggi’s death.

“Given the gravity of the crime and the fact that evidence and perpetrators are located outside Turkey, Saudi Arabia and other States should cooperate with an international investigation and waive any diplomatic protections and immunities that may apply to State officials and premises. They should also hand over all forensic, video, audio and other evidence, facilitate investigators’ access to State territory and witnesses, including State officials, and provide the necessary support to locate, retrieve and identify other evidence such as human remains and trace evidence and to carry out an autopsy on Khashoggi’s remains,” said Said Benarbia.

The ICJ dismissed statements by Saudi Arabia that it would carry out an independent, impartial investigation of the apparent murder.

On 20 October 2018, after initially denying any involvement in Jamal Khashoggi’s enforced disappearance, the Saudi Ministry of Foreign Affairs issued a statement claiming Khashoggi died when a “fight broke out” in discussions with Saudi officials at the consulate.

“Saudi Arabia has provided no evidence to support its incredible claim two weeks on that Jamal Khashoggi died after a fight broke out. Their investigation into his death lacks transparency and independence. Given Saudi Arabia’s past record in countenancing complete impunity for officials involved in serious human rights violations, it is reasonable to expect that this investigation and will result in a cover-up in which those most responsible avoid accountability,” said Said Benarbia.

Saudi Arabia’s repeated denials that it had any knowledge of the fate of Khashoggi, followed by its claims that “rogue” State operatives were responsible for his death, indicate that any Turkish investigation will be unlikely to elicit any meaningful cooperation from Saudi authorities.

“The denials, obfuscation and scapegoating by Saudi Arabia reveals a contempt for human rights that’s indicative of its modus operandi,” said Said Benarbia. “Saudi authorities have repeatedly failed to carry out independent and impartial investigations into allegations that State officials have engaged in widespread arbitrary arrested and detention, torture and other ill-treatment and enforced disappearances, including of journalists, human rights defenders and critics of the government. Since Crown Prince Mohammad bin Salman was appointed in June 2017, repression of the exercise of human rights for political reasons has increased. Those convicted for exercising their lawful rights to freedom of expression, assembly and association face lengthy prison terms or the death penalty, after trials marred by fair trial rights violations.”

Background

Jamal Khashoggi entered the Saudi Consulate on 2 October 2018 and was not seen again. Reports indicate that he attended the Consulate on 30 September, and was asked by consular officials to return four days later.

According to a Turkish investigation, which has involved a search of the Saudi Consulate and Saudi Consul’s residence, Khashoggi was allegedly subjected to torture, including by being beaten and having his fingers severed, and mutilated by a 15-member Saudi hit-squad before being dismembered and taken away in bags. In addition to forensic and video evidence, Turkey is said to have relied upon audio recordings of Khashoggi and the perpetrators apparently obtained from a surveillance device or from other covert means.

On 15 October 2018, Saudi Crown Prince Mohammad Bin Salman ordered the Public Prosecutor to open an investigation into the fate of Jamal Khashoggi after he entered the consulate. When Saudi admitted Khashoggi died in the Consulate, it indicated that 15 members of the alleged hit-squad and three consulate officials have been arrested and five senior Saudi officials sacked, including two close to the Crown Prince—royal court advisor, Saud al-Qahtani, and deputy intelligence chief, Ahmed al-Assiri. Saudi officials have indicated their investigation will take at least one month.

Under international law and standards, including Articles 2 and 6 of the International Covenant on Civil and Political rights, Articles 2 and 14 of the European Convention on Human Rights, and Principle 9 of the [UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions](#) supplemented by the [2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death](#), a State’s duty to conduct a thorough, prompt and impartial investigation is triggered where it knows of an unlawful or potentially unlawful death. Where a State agent is involved, the matter should be referred to an independent, impartial judicial or other competent authority which can conduct a prompt, transparent and effective investigation. Similarly, Article 13 of the UN Declaration on Enforced Disappearances is triggered where a person is subject to an enforced disappearance, requiring a prompt and effective judicial remedy to determine the whereabouts and state of the person and identify those responsible, including the authorities involved in ordering and carrying it out.