

Khashoggi's brutal killing could lead to charges against Crown Prince Mohammed bin Salman

Khashoggi's brutal killing could lead to charges against Crown Prince Mohammed bin Salman under international law. But experts say the Saudis will 'never go along.'



A composite image of Saudi journalist Jamal Khashoggi and Saudi Crown Prince Mohammed bin Salman. Associated Press/Virginia Mayo; Nicolas Asfour - Pool/Getty

- The killing of Saudi journalist Jamal Khashoggi could potentially lead to charges against Crown Prince Mohammed bin Salman under international law.
- But experts say that would never happen without an independent investigation.
- Sherine Tadros, head of the UN office for Amnesty International in New York, says the UN needs to head an independent investigation into Khashoggi's death.
- But even if an independent investigation was carried out, experts say Saudi Arabia would work to ensure he wouldn't face any consequences.

The troubling killing of Saudi journalist Jamal Khashoggi could potentially lead to charges against Crown Prince Mohammed bin Salman under international law, experts say, if an independent investigation is carried out.

But experts say Saudi Arabia would work to ensure no matter what that he wouldn't face any consequences.

Khashoggi, who wrote for The Washington Post and was often critical of the Saudi government, disappeared after entering the Saudi consulate in Istanbul on October 2.

After weeks of denials, the Saudis acknowledged he was killed in the consulate.

The Saudis have since acknowledged that Khashoggi's killing was "likely" premeditated but have attempted to distance the crown prince from the incident.

But multiple accounts have suggested that the crown prince, informally referred to as MBS, orchestrated the events that led to Khashoggi's killing. Khashoggi was reportedly killed in a brutal fashion that involved torture, and reports indicate his body was dismembered.

Some believe MBS could, and should, possibly face justice in civil and criminal courts.

'The acts against Mr. Khashoggi are serious violations of international human rights law'

Stephen Rapp, the former US State Department ambassador-at-large for war crimes issues, recently told The Washington Post that the killing amounted to "serious violations of international human rights law, including the law to protect the individual from torture and forced disappearance."

International law and precedent could allow prosecutors in several countries to bring charges against MBS, and Khashoggi's family could also potentially bring a case against him in civil courts, Rapp told The Post.

For example, the UN Convention against Torture, of which Saudi Arabia is a signatory, could pave the way for charges to be brought against MBS or other Saudi officials.

Countries that are signatories of the convention, via the principle of universal jurisdiction, could refer a case to the International Court of Justice, or ICJ. The court could pursue an order for Saudi Arabia to prosecute or extradite MBS and the other officials suspected of being involved, Rapp said.

Rapp also said that even if MBS didn't know about the operation, as the Saudis have claimed, he could still be viewed as culpable under US and international law due to what's known as "command responsibility," because of his authority and responsibility over those involved.

But not all legal experts are convinced such scenarios are realistic.

‘The Saudis will never go along’

Bradley P. Moss, a Washington, DC-based lawyer specializing in national security, said the possibilities outlined by Rapp could be done “in theory.”

“Realistically speaking, however, virtually none of these options will be likely to come to fruition absent significant pressure from the US (and President Trump in particular),” Moss told Business Insider.

Moss said there’s no reason to believe the Saudis would allow MBS to be extradited to face justice on the international level or in Turkey, where the killing occurred.



President Donald Trump has defended Saudi Arabian Crown Prince Mohammed bin Salman amid allegations his government had Washington Post reporter Jamal Khashoggi killed.

Jonathan Ernst/Reuters

“The ability to prosecute someone of MBS’ level of seniority and authority is contingent on the approval of that person’s country, and the Saudis will never go along with that idea voluntarily,” Moss added.

But Moss did say that if global arrest warrants are issued for MBS, he could be “largely confined to Saudi Arabia for many years for fear of extradition.”

“It may be that MBS personally faces sanctions of some kind by the United States and other countries, and that Saudi Arabia as a country faces some political and financial pressure for a few years,” Moss said. “That is likely to be the extent of what occurs though.”

‘The first step of course is an actual credible investigation’

Sherine Tadros, head of the UN office for Amnesty International in New York, says the UN needs to head an independent investigation into Khashoggi’s death

before discussing potential charges against MBS or other Saudi officials.

There are two current investigations into Khashoggi's killing: one by the Turkish government and the other by the Saudi government. Neither have been particularly transparent, and many of the reports surrounding Khashoggi's death have been based on leaks from Turkish officials.

"What we have are two so-called investigations," Tadros told Business Insider.

"The Saudis keep changing their mind," Tadros said. "They don't even know where the body is, yet they are sure that nothing is linked to the crown prince."

Tadros said if it turns out MBS was involved in Khashoggi's death, then Amnesty would love to see "justice go all the way to the top."

"But the first step of course is an actual credible investigation," Tadros said, adding that the Turkish investigation has been "highly politicized" and the way in which they've leaked information is "highly suspect."

Tadros said the "best shot we have" at true justice is a "UN investigation that will be transparent, not politicized, and credible."

UN Secretary-General Antonio Guterres said he was "deeply troubled" after Riyadh confirmed Khashoggi was killed in the consulate, and called for a "prompt, thorough, transparent" probe into the incident.

'There's a war on freedom of expression, and freedom of speech, and credible journalism'

Tadros said the most "realistic" way for such an investigation to occur is for Turkey to write a letter to Guterres formally requesting a probe.

But Tadros also said both Turkey and Saudi Arabia have reasons to be against a full and independent investigation.

"At the end of the day the Saudis have clearly had a very destructive hand in the events that went on inside of that consulate," Tadros said. "They don't want to see

a real investigation happen.”

She also said Turkish President Recep Tayyip Erdogan’s troubling record on press freedom might make him reluctant to set a precedent in which the UN investigates crimes against journalists on Turkish soil. But Turkey this week said it would cooperate if the UN and other international bodies call for an independent probe.

Khashoggi’s killing has “garnered so much incredible attention,” Tadros said, that she’s deeply concerned about the message sent “to dictators and leaders who attack journalists on a day by day basis if nothing happens.”

“There’s a war on freedom of expression, and freedom of speech, and credible journalism, and I think we are losing that war,” Tadros said.

SEE ALSO: Here’s everything we know about the troubling disappearance and death of Saudi journalist Jamal Khashoggi

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