

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

REFERENCE:  
UA SAU 12/2018

8 October 2018

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances, Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 36/6, 35/15 and 34/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the disappearance of journalist Jamal Khashoggi and allegations of his murder at the Saudi consulate in Istanbul.

Mr. Jamal Khashoggi is a journalist. He had recently become a columnist for The Washington Post. He has been the editor of the Saudi newspaper Al Watan, from which he was removed twice by the authorities. He had previously worked as an adviser for Prince Turki al-Faisal, who served as the head of Saudi intelligence and as ambassador to the United States and the United Kingdom. He was a critic of Prince bin Salman and had entered into self-imposed exile in the United States.

According to the information received:

On 2 October 2018, Mr. Khashoggi entered the consulate of Saudi Arabia in Istanbul with a prior appointment to obtain documents certifying his divorce. His fiancée was waiting for him outside the consulate. He has not been seen since. His fiancée reportedly waited for him outside the consulate from 13:00 until after midnight and did not see him leave. She returned when the consulate reopened the next morning.

On 3 October, the Turkish foreign ministry summoned Saudi Arabia's ambassador and asked for an explanation about the disappearance.

On 7 October, Turkish officials demanded that Saudi Arabia explain Mr. Khashoggi's failure to exit the consulate.

Turkish officials have stated that the Government was waiting until the investigation was complete to disclose the evidence. Unnamed Turkish officials

have reportedly stated that investigators have said that a team of 15 Saudi agents had killed Mr. Khashoggi inside the consulate.

We express grave concern at the disappearance of Mr. Khashoggi and at allegations that he has been killed inside the Saudi consulate in Istanbul. We call on Saudi authorities to immediately allow an independent, impartial and international investigation to be carried out. We are particularly concerned that his disappearance takes place following an alleged smear campaigns by the authorities claiming that he is a foreign-backed agent. The disappearance and the allegations of the killing of Mr. Khashoggi would be inconsistent with the right of every individual to life and security and not to be arbitrarily deprived of his or her life as set forth in article 3 of the Universal Declaration of Human Rights (UDHR), and, if found to be connected to his dissenting voice and his work as a journalist, to the right to freedom of opinion and expression as set forth in article 19 of the UDHR. We reiterate our concerns raised at the reported crackdown on dissent by Saudi authorities.

We further note that the above-mentioned allegations appear to violate articles 2, 3, 7, 10 and 13 of the Declaration on the Protection of all Persons from Enforced Disappearance, articles 2 and 10 of which specifically set out necessary protection by the State; in particular, that no State shall practice, permit or tolerate enforced disappearances (article 2), that any person deprived of liberty shall be held in an officially recognised place of detention (article 10.1) and that an official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention (article 10.3).

We furthermore refer to the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (ECOSOC resolution 1989/65 of 24 May 1989). Principle 4 specifies that effective protection of persons at risk of being killed should be guaranteed through judicial and other means.

Principle 9 recalls the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. Furthermore, Principle 11 imposes that “in cases where the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure. [...] In particular, [members of such a commission] shall be independent from any institution, agency or person that may be the subject of the inquiry.”

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We intend to publicly express our concerns as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of murder of Mr. Khashoggi. The press release, attached herewith, will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Bernard Duhaime  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression