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Dedication

I dedicate this work to my beloved parents for their enormous support, love and encouragement, to my dearest sisters and youngest sibling.

Special dedication to my best friend Ikram, who has been the source of joy and support throughout this five years journey.

To all my friends with whom I spent this five years journey, thank you for everything.

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Abstract

The murder of Jamal Khashoggi, a prominent intellectual and media figure of Saudi nationality, has resulted in grave repercussions on international politics. The respected journalist had an intellectual weigh particularly in the United States (U.S.) was murdered in Turkey, at the consulate of his country of origin. The murder of the journalist has thrust Saudi Arabia, Turkey and the U.S. to the center of the global attention. Turkey has ensured by its strategy that the crisis took an international course, and thus exercised serious pressure on the Saudi and the U.S. administrations. Ankara aimed to bring the incident to full light and make sure that the punishment of those responsible takes place in the shortest term, investing all the means to do so. Saudi Government after a series of denials finally confirmed that Khashoggi was to die during a fight at the consulate with a group of Saudi intelligence agents. Implying that Crown Prince Mohammed bin Salman had not known of the murder; this led to conflicting reactions among experts and analysts; given the evidences pointing at the crime being carried by the highest order officials in the Kingdom. The international community, not satisfied by such announcement, took initiatives in the presence of both the U.S. and Turkey, and demanded the revelation of the identities of those who ordered the killing of Khashoggi.

Key words: Jamal Khashoggi, extrajudicial premediated murder, human rights, violations, bilateral relations, International Community, International law, USA, Turkey, Saudi Arabia.

List of Acronyms

CDLR	Committee for the Defense of Legitimate Rights
CIA	Central Intelligence Agency
CAT	Convention Against Torture
ECHR	European Convention on Human Rights
ICCPR	Covenant on Civil & Political Rights
MBS	Mohamed Bin Salman
MIRA	Movement for Islamic Reform in Arabia
NGO	Non-Government Organisation
UAE	United Arab Emirates
U.N	United Nations
U.K	United Kingdom
USA	United States of America
VCCR	Vienna Convention on Consular Relations
VCDR	Vienna Convention on Diplomatic Relation

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GENERAL INTRODUCTION

The human's right to life is an inherent vital necessity that the mankind recognizes and abides by the fact that one's life is precious; no human being should be oppressed performing any form of freedom. The foundation of rights granted to a common human being where no member of the human family deserves to be slaughtered or murdered while performing the freedoms of beliefs and speech.

Chiefly, the freedom of media where active members of the sector are supposedly under the protection of the journalists and human rights defenders all over the world. Journalists experience threats, attacks, arbitrary arrests and enforced disappearances or killings constantly in their quest to report the truth, even on lands which fall under purely Democratic authorities. These violations often times have been discussed under universal declarations of the human rights.

Observing closely the case of the prominent journalist Jamal Khashoggi, it became an international matter after his sudden disappearance upon entering the Saudi consulate in Turkey. The Saudi journalist's case garnered prominent international reactions which led to the involvement of different international parties in his case especially on the parts of Turkey and the US.

Jamal Khashoggi was one of Saudi Arabia's prevalent journalists and political reporters with a brilliant career that has lasted nearly 30 years. His career started off as a young as studying journalism in Indiana University, and went on to write for different newspapers but was known for his Afghanistan, Algeria and the Middle East coverage. Khashoggi was Prince's Turki Bin Faisal media adviser and close to the ruling family circle. The journalist however, was also known for his critical remarks questioning the Saudi's policies. Henceforth, with the Prince Mohamed Bin Salman (MBS) coming to rule, Khashoggi escalated his critical remarks addressing the prince's political practices given that

the prince had given a word for a number of social and economic reforms, but in fact were followed by a series of arrests ahead of the prince's ascension to the throne which Khashoggi described as *"the shaming of intellectuals and religious leaders who dare to express opinions contrary to those of my country's leadership"* (Khashoggi, 2018).

Eventually, the journalist's presence in the kingdom became endangered due to his frankness and continuous desire to promote freedom of speech and expression in his country. He fled over the USA as a self-imposed exile in September 2017 where he wrote columns for "Washington The Post". Moreover, his role at the newspaper in the opinions section made him more open about directly criticizing Prince MBS especially regarding the interventions in Yemen, devoting an article where he addressed his strategy of "crushing extremists" saying that he was purposefully targeting the wrong people. The journalist went on to criticize Saudi Arabia's oppression against the freedom of press in the kingdom and their interventions in Lebanon and his interest in the Islamic movement made him address Saudi's arrests against Muslim Brotherhood. Consequently, Al-Hayat newspaper completely cut ties with Jamal Khashoggi (Obituary: J. Kh Was a 'good Man and a Fine Journalist, 2018).

The aforementioned critical assertions of the journalist regarding the Kingdom and Prince MBS practices are considered to be the direct link to his death. The chance to assassinate the journalist broke in when he was in need for a paper to seal his marriage with his Turkish fiancée Cengiz, which he had to obtain from the Saudi Embassy in Turkey. Correspondingly, the obligation to pay the Saudi Embassy a visit twice during which the first went smoothly leaving him and his fiancée very delighted; however, news he would return to the embassy on October 2nd reached Riyadh instantly.

It is worth noting that the murder of Jamal Khashoggi was deliberately planned beforehand, the journalist was treated as a target, haunted and brutally killed. The preliminary

evidences put forward by the Turkish Intelligence forthwith linked his death to agents who were closely related to Saudi officials or have closely worked with the Crown Prince MBS. The fifteen Saudi team tracked by the Turkey Intelligence arrived to Istanbul on separate flights within the period of 29th September – October 2nd the day Jamal Khashoggi went missing and left Turkey soon after his disappearance was confirmed (UN Human Rights Council, 2019).

The Saudi Arabia narratives regarding the disappearance of the prominent journalist changed consistently. The days following his disappearance, the Saudi Authority issued statements claiming he had left the consulate without the provision of any evidence to back up the claims in spite of the Turkey Intelligence insistence on his death. The Saudi Arabia constant denials about their knowledge of the whereabouts of Jamal Khashoggi raised international interest in his case (Jamal Khashoggi case, 2017).

The Turkey and U.S intelligences release of evidences contradicting the Saudi claims, with the investigations carried out by CIA directly linking the death of the journalist to Prince MBS. Saudi Arabia responded with a series of contradicting explanations, although it expressed the will to provide a full cooperation with transparency regarding the case's investigations. Furthermore, the CIA released a series of conclusions affirming that the Crown Prince was heavily involved. The assessment put forward by the CIA concluded that such high scale operation would have been impossible to be carried out without the knowledge of MBS or any Saudi high authority. Correspondingly, the reports by the CIA augmented the pressure on President Donald Trump's comments regarding maintaining the same relations with Saudi Arabia, remaining unaffected by Khashoggi's case (Al Jazeera, 2017). Based on what has been mentioned, the research investigates the following questions:

- In what way(s) has the USA invested in the murder of Jamal Khashoggi?

Subsidiary Research Questions

- How could Jamal Khashoggi murder affect the American policy in the Middle East?
- What are the aftereffects of Jamal Khasoggi murder on the Saudi-USA-Turkey and relations?
- How could Saudi Arabia guarantee the acquiescence to the silence of US and Turkey Intelligence?

The proposed research investigates the prominent journalist's Jamal Khashoggi murder. It approaches the topic in terms of the stagnant involvement of the international parties and their reactions to his case namely Turkey, USA, Russia. Moreover, it aims at investigating the aftereffects of the journalist's murder on the international relations, seeking to closely observe the elementary reactions and their development as the process of inquiry progresses. Furthermore, the study will mainly revolve around the underlying modalities that led to the sudden silence of not only the US, but the Turkish authorities, Intelligence and concerned parties in the inquiry.

The choice of the topic was due to the high interest solicited in the aftereffects of Mohamed Khshoggi case, it is considered to be a hot debated topic given that it was followed by an echo that cuts through most of Saudi Arabia's international relations.

The study at hand aims to develop a thorough understanding of the events surrounding the case of Jamal Khashoggi, to identify causes and consequences of the journalist's premediated killing by referring back to the timeline of events and procedures taken regarding the murder. Moreover, it seeks to provide insights on the aftermath of his death while closely assessing the kind of domestic and international reactions and the kind of proceedings

employed by the different parties involved in what is considered to be a violation of human rights case to reach conclusions regarding the current state of inquiry on the case.

The focus on such critical and turning point in the history of human rights violations and of international relations given that the case of Jamal Khashoggi remains an active case and has yet to be solved, helps enrich the understanding of the international laws breached regarding the assassination of the journalist. In addition, it is interesting to legally capture the degrees of accountability on the parts of the Saudi domestic laws and compare it to that of other internationally-affected parties.

With regards to the methodology, the researcher will mainly rely on an analysis of various sources from websites, reports public statements, magazines and newspapers to try to form a holistic view in approaching the subject of inquiry. In addition, it will consider examining articles, journals and relevant papers with direct relations to the topic. Also, seek to review findings of other studies made by researchers relevant to the Khashoggi case.

The first chapter is titled **Jamal Khashoggi: Memory Lane** This chapter first provides an overview on Saudi Arabia stances on Democracy. This chapter also briefly sheds light on Saudi Arabia's political opposition within the regime and highlights its stance on freedom of speech to finish by a short account on the prominent journalist's life and how he advocated human rights.

The second chapter is entitled **Overlapping Framework**. It is concerned with providing some latest developments of inquiry findings on the Khashoggi murder. It is concerned with the international and actor's reaction and Saudi Arabia awaited admission of murder.

The third chapter, **The Aftermath of the Khashoggi Murder** aims at analyzing the repercussions Khashoggi Murder had on the International Relations. More particularly, the international community responsibility, to finish by the kind of sanctions matching under international law

Chapter One

JAMAL KHASHOGGI
MEMORY LANE

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1.1. Introduction

The Saudi ruling family Al-Saud, whose status was established by its close ties and support of the Wahhabi religious establishment and the Islamic law Shariah, is the primary source of legislation, but the actual legislation and implementation of policy is by other factors, such as political expediency, the inner politics of the ruling family, and the influence of politics, which remain strong in the modern kingdom. The kingdom has never had a written constitution, although in 1992 the king issued a document known as the Basic Law of Government which provides guidelines for how the government is to be run and sets forth the rights and responsibilities of citizens. The king combines legislative, executive, and judicial functions. Saudi Arabia has long been a monarchy that does not allow political parties or political advocacy, the king ruled for life and choice of the ruler was done with consensus among the royal family. Saudi's relations were to safeguard its sovereignty and further enhance its presence on a global scale. Its relations constitute a vital need for legitimacy.

It is a common belief that the Saudi international foreign policy is set to safeguard its security and foremost the situation on the Arabian Peninsula to guard general Arab and Islamic interests and advance solidarity among the Islamic government, as well as maintaining relations with other oil-delivering and significant oil-expending nations. Nevertheless, the Saudi authority is not in favor of a growing provincial popular government, and frequently looks with worry on the likelihood that Arab governments or other preservationist states will be supplanted by radical, liberal, or populist governments. The Saudi Royal Family is reluctant to impart capacity to choose representative bodies in their own nation that it has looked to compel different governments to dismiss such possibility.

1.2. Saudi Arabia and Democracy: The Missing Link

With Saudi Arabia signing the UN Charter in 1945, it has been playing a conspicuous part in the International Monetary Fund, the World Bank, and Arab and Islamic financials and improvement organizations. It grants assistance and help to various Arab, African, and Asian nations as one of the biggest benefactors on the planet. Jeddah is the base of the Secretariat of the Organization of the Islamic Conference and its auxiliary association, the Islamic Development Bank, established in 1969. Saudi's Enrollment in the 11 part OPEC is in fact a monetarily Arab gathering (the Organization of Arab Petroleum Exporting Countries) which encourages coordination of Saudi oil strategies with other oil-trading governments. As the world's driving exporter of oil, Saudi Arabia has an exceptional enthusiasm for safeguarding steady and long-lasting immense oil assets, by aligning itself with sound Western economies which can ensure the estimation of Saudi monetary resources. For the most part, it acted to settle the world oil market and attempted to direct sharp value developments (Pike, par.01-05).

It is worthy of note that Saudi Arabia's open relations with other globally prominent nations in the world. The United States a constitutional republic and Saudi Arabia an ultraconservative Islamic monarchy have been allies despite their differences. The United States and Saudi Arabia share the same goal of safeguarding the security, and prosperousness of the Gulf area on a wide scope of local and worldwide related issues. Saudi Arabia assumes a significant role in providing a tranquil and prosperous future for the area and is a solid accomplice in security and counterterrorism endeavors and military, strategic, and financial contribution. It works intimately with U.S. military and law bodies to shield the two nations' national security interests. ("U.S. Relations With Saudi Arabia").

US-Saudi union has for quite some time been a ultimate priority of the Washington foreign policy, however as of recently it has gone under strain in light of the compassionate

catastrophe in Yemen and the Saudis' homicide of Washington Post journalist Jamal Khashoggi, whose children are American residents. Contrary to the norms of American presidents, Donald Trump has clung abnormally firmly to the Saudis while imparting nothing to the general public about his financial association and relationship with the Saudi government (Yglesias, par.1).

On the other hand, Turkey's relations with Saudi Arabia have been critical for quite a while, with significant discrepancies from the homicide of Saudi Journalist Jamal Khashoggi in the Saudi office in Istanbul to Turkey's help for Qatar holding the adversaries separated. Saudi Arabia and Turkey are two of the Middle East's three significant Sunni Muslim states, with Egypt being the third. While Cairo and Riyadh are close partners on a wide number of issues, Ankara's clashing foreign policy and backing of the Muslim Brotherhood has brought it into a variety of debates and not long after Mohamed Bin Salman was named the crown prince in 2017, he commenced his forceful foreign policy with an endeavor to disable Qatar, one of Turkey's closest territorial partners joined by Egypt, the United Arab Emirates and Bahrain. The Qatari government was accused of harboring pioneers from the Muslim Brotherhood, which Riyadh and numerous other Arab states see as a risk (Burak par.1-4).

Within the same regard, the Russian Saudi relations which are referred to as the two petroleum superpowers occupying about a quarter of the world's crude oil production. Saudi State Minister for Foreign Affairs Adel al-Jubeir said on Sunday that Saudi Arabia and Russia are eager to support their relations to mirror their monetary and political weight with paying a visit to the Kingdom by the Russian President Vladimir Putin on Monday, he stressed that the two nations shared conviction on vitality and oil issues, just as the security and dependability of the Middle East. He portrayed as "memorable" the visit by Custodian of the Two Holy Mosques King Salman bin Abdulaziz to Russia two years prior, in addition to regular visits to Russia by the Crown Prince Mohammed Bin Salman, Deputy Prime Minister and

Minister of Defense. These excursions have extended and fortified relations among Riyadh and Moscow in all fields ("Jubeir: Saudi Arabia, Russia Are Eager to Bolster Their Relations").

1.2.1 Saudi Arabia Political Opposition

The Muslim Brotherhood, a Sunni Islamist political association, and Hezbollah, the Lebanon-based and Iranian-upheld Shiite civilian group, are widely believed to be the opposing associations in Saudi Arabia. Different groups and people who dare to stand against the regime or call for political change, regardless of whether Sunni or Shiite, Islamist or secularist are bound to a confinement. A considerable lot of those captured in September 2017 had addressed or declined to vocally stop the government's goal to segregate Qatar over its relations with the Muslim Brotherhood and Iran including reformist priests like Salman al Awdah and Awad al-Qarni ("Saudi Arabia").

The rule of Al-Saud faces political resistance from Sunni Islamist activism and liberal pundits including an underground green party, the Shia minority especially in the Eastern Province in addition to ancestral and local particularistic adversaries such as that of the Hejaz. The Islamic activists have been the most protruding threat to the system and have executed various brutal terrorist acts in the country. However, open protests against the legislature, regardless of being peaceful, are not allowed. For instance, the 29th January 2011 protest where several nonconformists assembled in the city of Jeddah in an uncommon large gathering against the city's infrastructure inadequacies after floods broke through the city causing the murder of a number of individuals, the protest was halted by the police instantly and 30 citizens were captured. Moreover, in March 2018, crown sovereign Mohammed Bin Salman received extreme criticism from British resistance figures during his visit to the United Kingdom. Salman was blamed for supporting extremism financially in the UK,

abusing human rights domestically, and rupturing international humanitarian law in Yemen where millions are suffering starvation due to the war ("Politics of Saudi Arabia").

The discussion between the Islamists and liberals' in the Saudi society has been in progress since 1987, however in the wake of the Gulf War it has been the Islamist groups that have been the largest in number and the ones who maintained criticism towards the Kingdom. The author settled down six resistance figures and movements which are Sheik Safar al Hawaii and Salman al Auda, who are considered to be the two prominent ministers preaching censuring the Saudi system broadly known by the use of audio tapes. Muhammed al-Masaari and the Committee for the Defense of Legitimate Rights (CDLR) situated in London which spearheaded the utilization of post-modern communication correspondences such as the fax machine to convey messages among their existent followers in the kingdom. Saad al-Faqih and the Movement for Islamic Reform in Arabia (MIRA) diverged from the CDLR as well as Usama Bin Laden and the Advice and Reform Committee the opposition movement that is originally activist and Sheik Hassan al Saffar who is a profound leader of the Shia Reform Movement (Fandy 01).

The Islamic dispute existed before the Gulf War; it was that the unfavorable events that took place in the Saudi society that set the atmosphere for an increase in the spread of Islamist opposition. The war's effect was to augment the Kingdom's inability to shield itself against an Arab neighbor without a foreign military help despite the high expenditure on military hardware. The Islamist reasoning lays in that the Saudi rule had strayed away from Islam, realizing Western qualities to the detriment of Islamic values, due to the corruption among Saudi sovereigns and authorities. The reliance on the United States as well as giving up Palestinians rights through the American driven Arab-Israeli peace agreements. Fandy presumes that Saudi Arabia's politics is endangered more by globalization difficulties than by the political opposition itself. Although, these figures and movements all sprang out of mutual

experiences, have accordingly headed out in their own respective directions with minimal enthusiasm for unity or cooperation toward an organized program (Fandy 01).

1.2.2 Saudi Arabia Freedom of Speech

In spite of Saudi Arabia's present role as Chair of the UN Human Rights Council's board of specialists which chooses candidates for human rights components, there is viably no lawful assurance for freedom of speech in Saudi Arabia, it is worth of note that there isn't much to state about freedom of speech in Saudi Arabia other than it scarcely exists given that there is no Constitution, explicitly no Bill of Rights and the 1992 Basic Law doesn't give security to free speech it only rather requires all media and distributions abide by the feature of great discourse and the laws of the state, and directly disallows media associations from publishing anything that can be harmful to the national security or public international relations or anything which prompts internal issues. Moreover, Saudi Arabia does not commit to key universal human rights laws as well as the International Covenant for civil and Political Rights which ensures the privilege to serene freedom of speech, however as an active participant of the United Nations it is bound by the Universal Declaration on Human Rights as a major aspect of standard international law (Adriotis).

According to the Freedom House, the Saudi government firmly controls local media content and is in control of local print and satellite-TV publications, with individuals from the ruling family owning significant stakes in news outlets in numerous nations. Government authorities have restricted columnists, journalists and editors who distribute articles esteemed hostile to the strict foundation or the religious beliefs. A 2011 Royal declaration changed the press law to condemn any criticisms of the nation's mufti, the Council of Senior Religious Scholars, or government authorities; infringement can bring about fines and the shutoff of news outlets. Academic freedom is limited, and instructors observe whether class halls are in consistence with the suggested educational curriculum, for instance the prohibitions on

showing common ways of thinking and teaching about religions other than Islam. In spite of five changes on course books lately, prejudice in the classroom remains a critical issue as certain instructors embrace unfair and disdainful perspectives on non-Muslims and Muslim minority groups. The Saudi government firmly controls local media content and is in control of local print and satellite-TV publications, with individuals from the ruling family owning significant stakes in news outlets in numerous nations ("Freedom House").

The system has found a way to confine the impact of new media, disabling access to an excess of 400,000 sites that are viewed as improper or politically violating. In 2011, a law required all blogs and sites or online posted news or reports to have a permit from the Ministry of Information or fines and conceivable conclusion of the platform will be issued. In 2014, the General Commission for Audiovisual Media announced that YouTube programming which is not run by the state will be limited. Additionally, the Saudi government monitors authors and writers who utilize the web to communicate their personal views. Zuhair Kutbi, a constant publisher of online news and instructive platforms, was kept in July 2015 after his appearance on a show where he talked about political change in Saudi Arabia. Additionally in July, government authorities captured Waleed al Hussein al Dood a founder of a news site known for its negative commentaries on the Sudanese government and he stayed captured with no charges until late 2015 ("Freedom House").

With the restrictions for print and broadcast media, Saudi Arabia has one of the most elevated numbers of bloggers in the Arabic world. Individuals requesting a permit should be Saudi at least 20 years old and to have graduated from high school. They will be required to put forward 'reports vouching for their good behavior. Online paper writers and editors should be affirmed by the Ministry of Information and Culture and individuals blogging without a permission will pay a fine of up to 100,000 Riyal (\$26,665), and additionally a restriction for eternity (Woollacott par.1-3).

The government has confined Saudi news sources and separated concessions in return for their opportunity. A significant number of rising female activists like Lujain al Hathloul, who called for the right to drive was jailed, whereas Saudi columnists in contact with foreign embassies were accused of being disloyal. The Saudi nation is among the nations with the worst freedom of press insurances globally as of now regardless of the Crown Prince who's an advocate of the of the West which is highly unlikely not going to change ("How Free Expression is Suppressed in Saudi Arabia" par.03).

1.3 Jamal Khashoggi

Jamal Ahmad Khashoggi was born in Medina on October the 13th 1958. His grandfather; Muhammad Khashoggi, Turkish descendent married a Saudi woman. Jamal Khashoggi was the nephew of the high-profile Saudi Arabian arms dealer Adnan Khashoggi, known for his part in the Iran Contra scandal, he was also the first cousin of Dodi Fayed, who was the companion of Diana, Princess of Wales. Khashoggi received his elementary and secondary education in Saudi Arabia and obtained a BBA degree from Indiana State University in the United States in 1982. His first wife was Dr. Alaa Nassif whom he had two sons with, Salah and Abdullah Khashoggi and two daughters, Noha and Razan. Two of them are U.S. citizens however all received their education in the U.S. began his career as a regional manager for Tihama Bookstores from 1983 to 1984. Later he worked as a correspondent for the Saudi Gazette and as an assistant manager for Okaz from 1985 to 1987 ("Jamal Khashoggi").

He continued his career as a reporter for various daily and weekly Arab newspapers from 1987 to 1990, including Asharq Al-Awsat, Al Majalla and Al Muslimoon. Khashoggi became managing editor and acting editor-in-chief of Al Madina in 1991 and his tenure in that position lasted until 1999. Khashoggi at a 2018 Project on Middle East Democracy forum called "Mohammed bin Salman's Saudi Arabia: A Deeper Look." on 21 March 2018 From

1991 to 1999, he was a foreign correspondent in such countries as Afghanistan, Algeria, Kuwait, Sudan, and in the Middle East. It is also claimed that he served with both Saudi Arabian Intelligence Agency and possibly the United States in Afghanistan during this period. He then was appointed a deputy editor-in-chief of Arab News, and served in the post from 1999 to 2003 ("Jamal Khashoggi").

1.3.1 The Revolutionary Journalist

It is important to look at what Khashoggi stood for and why this Saudi national was killed in his country's consulate in Istanbul. Khashoggi was the first mainstream Arab media organization journalist to cover the Arab volunteers battling against the Soviets during the 1980s in Afghanistan. He was asked to expound on the job of Arab mujahideen in Afghanistan and was invited by Osama Bin Laden who at the time Khashoggi did not know that well but were of a similar age and shared similar backgrounds. Khashoggi went to Peshawar in Pakistan, to travel inside Afghanistan afterwards where he encountered what he called enthusiastic Arabs who had faith and pride in what they were doing. Moreover, Khashoggi's political vision sought for a settlement between secularism and Islam, he had thought that an Islamic state would perhaps fall apart and will possibly shake the people's faith in the religion. He imagined a scenario where the Islamic state fails like Iran and at that point he assumed that the nation would question the religion itself, he mentioned that the Holy Quran stresses on religion being a matter of choice and is never imposed on others. 'There is no impulse in religion.' It's a matter of decision." (Peter Bergen, CNN National Security Analyst).

CNN described Khashoggi as a writer essentially carrying out his responsibility who advanced from an Islamist in his twenties to a progressively liberal when he reached his forties. Khashoggi said he had additionally dismissed the Islamist thought of making an Islamic state and had deviated from the strict foundation in Saudi Arabia. As indicated by

CNN he had grasped the Enlightenment and American thought of the division of church and state. The Irish Times writer Lara Marlowe stated that if Christian popular government was conceivable in Europe, for what reason could Arabs not be controlled by Muslim vote based system, Jamal inquired that may clarify his kinship with Turkish president Recep Tayyip Erdogan who comprised for the best of any desire for the majority of the Muslim rule government, until he excessively transformed into an autocrat ("Jamal Khashoggi").

In his writings for the Washington Post he dared to touch on several topics and issues in the kingdom, he criticized many of what the Crown Prince Bin Salman carried out as “revolutionary procedures”. In one of his columns, Khashoggi stated how people simply don’t dare to speak in the kingdom and how his country had witnessed the blacklisting of those who dare to raise their voices with the imprisonment of moderately critical intellectuals and religious figures, and the alleged anti-corruption crackdown on royals and other business leaders. Liberals, whose work was once censored or banned by Wahhabi hard-liners such as the censorship of various books at the Riyadh International Book Fair. Moreover, he advocated how women today should have the same rights as men and all citizens should have the right to speak their minds without fear of imprisonment (Khashoggi).

David Hearst writer for The Guardian stated how Khashoggi was worried about absolute democracy truths and freedoms. David Ignatius expressed that Khashoggi had developed the conviction of how democracy and freedom were the Arabs' best expectation and hope for cleansing the debasement and mismanagement he loathed and that he saw the pro-democracy based movement known as the Arab Spring of 2011 as a dream come true. Karen Attiah,, the Global Opinions manager for the Washington Post, hailed Khashoggi for maintaining his voice to advocate for freedom in the Arab world. And In January, Lawrence Wright asserted in a column for New Yorker that the killed Saudi writer had a hope for the Arab world to become liberated from oppression and persecution." (Giorgio; Omar 03).

Mr Khashoggi's difficulties started after his speech to an American research organization not long after Donald Trump won the presidential elections. He contended that Saudi Arabia ought to be legitimately apprehensive about a Trump administration when the kingdom was trying to strengthen its ties with the elected president. Presently, he was prohibited by the Saudi authorities that he was no longer able to write ("How Free Expression is Suppressed in Saudi Arabia"). When the Saudi rule came down with Mohamed Bin Salman becoming Crown Prince Mr. Khashoggi fled to Washington DC to openly express his views in the pages of the Washington Post paper. With the Crown Prince Mohammad Bin Salman propelling war in Yemen he ought to search for protesters and individuals who had openly requested rights (Jesse).

1.3.2 Advocating Human Rights

During his exile, Mr. Khashoggi was working, with individual activists and journalists on various ventures looking to ensure freedom and human rights in and beyond the Gulf area. They comprehended the twofold edged sword of the online world as both an incredible asset for freedom and an integral asset for control and publicity. They worked on projects to readily screen a suitable use of web based tools like social media to advance promulgation and control State media with the end goal being creating successful counter techniques and messages. before he was executed, Mr. Khashoggi had an enormous number of adherents and his articles for the Washington Post were subject to restriction and were considered as unsuitable criticisms. it is necessary to guarantee that other columnists and writers and activists are both ensured and upheld in their endeavors to counter instigation, contempt and risk, both on-line and disconnected (human Rights Council, UN).

In his works, Khashoggi had always pointed out the extraordinary dictator conduct of the Saudi Arabian ruling family and government, which trespasses worldwide standards and norms for human rights and standard of law in the ways that Saudi Arabia seriously limits

opportunities of freedom of speech and gathering. Human rights advocates and are normally held hostage, and some are condemned to long jail terms after arbitrary trials. The Arab Charter on Human Rights, which Saudi Arabia has approved, perceives that every individual has the right to life, that this right will be secured by law and that no one will be denied of his life. This declaration of rights, the Arab Charter affirms the United Nations principles, the Universal Declaration of Human Rights ("Saudi Arabia Accountability for Jamal Khashoggi").

The State Department stated how the killing of Saudi columnist Jamal Khashoggi by government specialists was an abuse of human rights yet it abstained from embroiling Crown Prince Mohammed Bin Salman who the CIA concluded, that he was probably the one to have called for it. In its yearly human rights report of human rights abuses in 200 nations, the State Department noticed that Saudi Arabia's ongoing investigations concerning Khashoggi's murder were still in progress, authorities did not penalize suspects blamed for the infringement of the journalist's human rights (Morello). The existing International human rights and laws in relation to insurances and protections of Journalists according to the existent International Declaration on Journalists protection, overlooked the International Obligations and national responsibility to take action (Dewinsya, et al.).

1.4 Conclusion

The Saudi Arabia relations are shaped by its interests to ensure its prosperity and safeguard its authority on both a national and a global scale. The amount of strength and power held by the ruling royal Saudi family goes beyond the control what the public shares and what the public is exposed to; Nevertheless, no matter how much the kingdom seems to be stable, it still suffer opposition and calls for political reforms. Observing the case of the prominent journalist Jamal who had a prolific career, he constantly criticized the Saudi regime

and pinpointed its brutal and unacceptable actions putting his life at risk and leading to his murder which is an abuse of a handful amount of human rights infringements.

Chapter Two

OVERLAPPING FRAMEWORK

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2.1. Introduction

He was commended by his peers as the most brilliant, spending most of his life with the burden of intolerance and political bigotry at his home country. His writings were the embodiment of hopes to bring an end to the repressions his nation suffers, to speak for his colleagues who were pinned away in prison for speaking out. Jamal Khashoggi, the voluntarily exiled who arrived to Istanbul early morning of October 2, 2018 walked into the Saudi consulate in Istanbul but was never seen out of the building ever since. A man regardless of his status or views, writings or what he advocates whose sole purpose was to successfully finish paper processes in the hopes of marrying his fiancée. Facts or speculations about the prominent journalist disappearance emerged in fragmented pronouncements with various labeling like ‘spy game’, ‘a plot’ and ‘a gruesome assassination’ eventually creating the bigger picture of a horrific murder. Although, the echo of his case reached the farthest corners of the world and incited international reactions to the facts surrounding his disappearance, justice has yet to be served.

2.2. Khashoggi Murder

Fast forward September 28th, after having met in a conference five month prior to his death, Khashoggi and Hatice Cengiz payed a visit to Istanbul’s civil-marriage in hopes to begin with marriage procedures, however, because Khashoggi was a Saudi citizen, a certificate was necessary from the Saudi government to prove he was unmarried which required a visit to the Saudi Consulate on that day. After leaving his cellphones with his fiancée since he was uneasy about leaving them with security guards, Khashoggi entered the consulate and was welcomed warmly but the document they needed could not be prepared instantly, he was told to return on October 2nd. Khashoggi then left for a flight to London to attend a conference. Upon the second visit to the consulate on the due date after a call which

instructed Khashoggi to arrive at 1pm, Cengiz was left outside again with his cellphone but Khashoggi never came out of the consulate. Nevertheless, it was never expected that a high-value target would simply arrive at the consulate; hence, they knew they would have to let him go but make him return. Before his plane boarded Turkey's airport, procedures to murder him were in already in progress (Ratliff).

“By the time Khashoggi's flight to London reached cruising altitude that afternoon, the plot to end his life was already in motion”

It came as harm to the crown prince's notoriety just when it started to fade, with nations and companies continuing trade with the kingdom. In later weeks, the Trump organization has attempted to slam through a deal of weapons to Saudi Arabia over protests in Congress. Adel al-Jubeir Saudi minister of state for foreign affairs denied the report in tweet saying that it was filled with contradictions and baseless allegations which “challenges its credibility” adding that Saudi judiciary was the only qualified party to handle the Khashoggi case (Keaten and Batrawy).

Murder details are an interpretation of audio recordings transcripts which are interpreted differently; the following account is heavily based on the interpretation of the UN report. The report relied on evidences provided by the Turkey Intelligence and six other countries Intelligences.

It was reported that news of Khashoggi's visit to the consulate and his return on October 2nd, reached Riyadh within an hour. Two calls were made at 14:22 from a security guard at the consulate with Mr. Abdulaziz Mutreb who informed the Saudi communication office instantly. Saudi Arabia's Consul General, Mohamed Alotaibi in Istanbul proceeded with the recruitment of individuals from the Saudi protocol to carry with what he called “a special and top secret mission” that will need four-five days training starting the next day,

accommodation and travel arrangements would also be included. After having coordinated with individuals and agreeing on various separate flight plans, two Istanbul Consulate security attachés boarded for Riyadh and the Saudi officials who inspected the Consulate for bugs on September 27th left on a separate flight. October 01, 2018, the security attachés were accompanied by three Saudis who used to directly work in the crown Prince's office (Naif Hasan Alarifi, Mohamed Saad Alzahrani, Mansour Othman Abahussain) identified later on as members of the team accused of the murder, where they stayed for hours inside the consulate then returned to their hotel. A call by (AA) and (SA) and an unrecognized individual, according to the report contained *"They will have something to do on my floor next to my office. Their work inside will take two or three days. The name of the man who will come is Mr. Maha, and the commission is a Saudi commission; they will enter with the pass of the head of the commission."* (Callamard, 16-18).

October 2nd at as early as 3:30 nine Saudi officials, landed in Istanbul on a private plane affiliated to jet charter company based in Riyadh, the flight plan was first canceled then re-scheduled with a diplomatic permission. Between 10 and 11am, five of the fifteen Saudi officials went to the Consul General's Residence, whereas the other ten headed to the Consulate. According to the report, a conversation inside the Consulate between Mr. Mutreb and Dr. Tubaigy minutes before Mr. Khashoggi's arrival was caught discussing if it would be *"be possible to put the trunk in a bag?"* Dr. Tubaigy replied *"No. Too heavy."*, he hoped it would *"be easy. Joints will be separated. It is not a problem. The body is heavy. First time I cut on the ground. If we take plastic bags and cut it into pieces, it will be finished. We will wrap each of them."* *"Leather bags."* references to cutting skin were made (Callamard, 18-20).

Upon Mr. Khashoggi's entrance he was invited by the Consul General into his office in the second floor and was told that an Interpol order issued to send him back to Saudi

Arabia. Khashoggi stated how no cases against him existed that he had people waiting for him outside. According to the recordings, Mr. Mutreb wanted him to type a message to his son “*Type it, Mr. Jamal. Hurry up. Help us so that we can help you because at the end we will take you back to Saudi Arabia*”. Around 13:33, Mr. Khashoggi noticed a towel where they replied that they would anesthetize him. Assessments of the recordings by six countries intelligences imply that Khashoggi was injected with a strong sedative by the forensic doctor Salah Tubaigy, and suffocated with plastic bag based on the Sounds of struggle followed by “Did he sleep?” “*don’t remove your hand; push it.*”, there were also references to a rope; however, it could not be determined if it was used to move Khashoggi’s body. Sounds of movement and heavy panting and plastic sheets wrapping could also be heard in the recordings; moreover, the sound of a saw at 13:39 while the Saudi officials were dismembering his body was captured. Still all details remain unclear as they based on 45minutes recording out of seven hours (Callamard, 20-22).

CCTV cameras according to the report caught a consular van and a vehicle leaving the Consulate’s garage at 15:00 and arriving at the Consular Residence where three men carried unidentified plastic trash bags and a suitcase. In addition, Mr. Almadani who appeared to have Khashoggi’s clothes on and Mr. Alqahtani were seen leaving the Consulate’s backdoor, took a taxi to the Blue Mosque where he changed, to eventually return to the hotel. On October 5, Turkish inquiry was granted a permission to search the Consulate however it was not able to conduct it due to diplomatic immunity concerns; on the same day at 9:41 unknown consular staff drove the vehicle which seemingly transported Khashoggi’s body to a carwash. The Saudi team members left Turkey on separate flights. (Callamard, 22-24; “Khashoggi Killers — Report | News | DW | 30.03.2019”).

2.3. International and Actor's Reactions

Saudi government representatives' declarations reflected the Saudi contention that a murder did not occur at the first place, when adequate evidence that it was premediated killing exists, a Saudi team arrived in Istanbul with the necessary means do so. Whereas, Saudi officials decisions raised the plausibility that Saudi Arabia might execute the men who carried out the killing whereas protecting those who requested it. The kingdom has denied any association with its crown ruler, Mohammed Bin Salman, and his associates, who investigators say were likely behind the murdering. Broad outrage sparked in Washington among legislators and intelligences, who considered the murder as a reprehensible act by a longtime American accomplice. Nonetheless, President Trump has protected Saudi Arabia and Sovereign Mohammed all through, praising them as essential allies of United States whereas the white house refrained from commenting on Saudi Statements (Habbard).

Senator Jack Reed of Rhode Island stated in prior inspection by the Central Intelligence Agency that such operation would be impossible to carry without the knowledge of Crown Prince Mohammed Bin Salman. The kingdom's procedures regarding the case has augmented the concern that Turkey has denounced Saudi Arabia of obstructing the course of investigations, "*the kingdom's actions could amount to obstruction of justice*", stated U.N rapporteur (Habbard).

Jean-Yves Le Drian French Foreign Minister commented that his nation condemned the killing of Mr. Khashoggi while requesting an intensive examination into the case "France condemns this murder in the strongest terms. However, many questions remain unanswered". Spain's government said it was "dismayed" by the news of Khashoggi's passing, and was called for by the U.N to conduct a careful and transparent investigation so that justice is served. Saudi Arabia's account of Khashoggi's passing were not convincing for the Danish

Prime Minister Lars Lokke Rasmussen, Bloomberg reported quoting Rasmussen *“The fact that the Saudis last night confirmed that he died, after previously insisting he left the consulate alive, shows that we haven't been told the full truth, and we must insist on getting that,”* . Stamp Rutte, the Dutch Prime Minister considered Khashoggi's death as a heavily shocking incident and both have called for a thorough inquiry into his passing by the United Nations and foreign Western powers (“World Reacts | Saudi Arabia News | Al Jazeera”).

After Saudi state media announced that King Salman had requested the arrangement of a ministerial committee, headed by Crown Prince Mohammed Bin Salman to re-establish the intelligence services, its allies in the Middle East rushed to praise upon such measures. Egypt lauded Saudi's Lord Salman for taking "decisive" procedures, saying it was certain that inquiry into Khashoggi's passing would uncover the truth, stating the Egyptian Foreign Ministry *”Egypt sees that the brave and decisive decisions and actions taken by the Saudi King over this matter align with his majesty's approach that respects the principles of law and applications of effective justice”*. The United Arab Emirates (UAE) has also backed up king Salman "directives and decisions ... on the issue of Kashoggi", through the UAE's state-run WAM news agency. Bahrain, in the meantime issued a statement saying that Saudi Arabia "will remain a state of justice, value and principles", as reported by Al Arabiya TV. Yemen moreover according to the state news agency, lauded the decisions of King Salman (“World Reacts | Saudi Arabia News | Al Jazeera”).

2.3.1 Turkey

In a BBC news report by Lowen, explained that there has been consistent implications and frequently grotesque spills through the Turkish government media to heighten situation severity on Riyadh. Turkish President Recept Tayyip Erdogan procedures aimed to show that it was not a Turkey versus Saudi Arabia matter; relationship was as well vital, in spite of the fact that as of then it was already strained, it was to encourage Prince Salman to act without

straightforwardly accusing him. Mr. Erdogan did not address Prince Salman by name in his statements to parliament so as not to put MBS on his level. The goal was to create a split between the king and son, however, accomplishing it was not within Riyadh, but Washington. Mr. Erdogan seizes the moment when the Saudis were on the pursuit to dispose of a man named by a pro-government columnist "an enemy of Turkey". And the fact that the planes of the Saudi affirmed the hit squad refueled in Cairo and Dubai in the way to Riyadh will instigate complicity, Mr. Erdogan's procedure was, in any case, hazardous. Estranging the still-powerful MBS might take off Saudi Arabia ruled by a man with a profound hate against Turkey for a long time to come. Hence, Turkey tried to deal with the crisis as an international matter given that the President Erdogan announced that Turkey will launch an international investigation to look in to the case (Lowen).

Turkish specialists rejected assumptions about Khashoggi fleeing the kingdom's office. The case was between Saudi Arabia's refusal to reveal the destiny of Khashoggi and the releases by Turkey in certain arrangements to keep the issue at the bleeding edge of universal news, including clarifications on the dissolution of the body and highly critical murder details. Highest Turkish authorities were involved in observing the case of khashoggi's disappearance since the beginning to reveal all details without considerations to the political or the economic impact or the individuals involved being of a high authority. This could have been due to the importance of the situation since the crime occurred on Turkey's territory as a serious infringement of its sovereignty tainting the country's image. Turkey handles the situation ethically, as an absolutely legal and criminal matter. Additionally, there may have been political objectives for president Erdogan and his party regarding the progression of the issue, considering inner political profits on the one hand, and diminishing weight on the Turkish administration on the other, particularly after the Turkish lira crisis and the discharge of the American pastor (Omar 04-06).

"Turkey will uncover whatever happened. No one should have doubts about that," Celik told reporters in Istanbul. The Turkish President Recep Tayyip Erdogan was keen to solve the case by all implies, Celik added. The AK Party official said Turkey will not accuse anybody earlier to completion of inquiries, but nothing ought to be hidden and joint Turkish-Saudi group completed an investigation into the case after inspecting the home of the Consul general as well as the Saudi Consulate in Istanbul as highly critical measurements; however, this procedure took place after pressures from the U.S. Congress, CIA and Turkish Intelligences (Mehmet).

The President delivered a speech on October 23, 2018 stressing on the fact that Khashoggi was killed *"We expect the same sensitivity and conscience of humanity from all parties in the matter, especially the Saudi Arabian administration"*. He quickly made public details of the Saudi plot with Turkish intelligence releases of CCTV footage of Saudi officials entering the Consulate, and audio recordings shared with France, U.K and USA indicating that Mr. Khashoggi was murdered and dismembered inside the Consulate which has made Saudi Arabia after three weeks of denials and downplaying the murder as a fistfight gone wrong, confirm that he was killed by lower-order Saudi officials (Karama & Şimsek).

Within this regard, Saudi prosecutor declared charges against 11 of 21 suspects on November, 15, 2018. Five suspects had faced the death penalty in a trial behind closed doors that lasted about a year, where the prosecutor did not announce the suspects. Prosecutor's Office noted that the hit squad was sent to convince Khashoggi to return to his homeland and Crown Prince had not awareness of the matter. In light of this the Saudi Royal Court banned its Advisor Al-Qahtani from leaving the country and the U.S. Treasury Department imposed sanctions on 17 Saudis, within the Magnitsky Act. Nevertheless, this was not enough for Turkey as the Turkish Foreign Minister Cavusoglu considered the Saudi Attorney General's

statements as unsatisfactory. “We find these steps positive but insufficient. Also, those who gave the instruction and actual Qahtani instigators must be revealed.” (Fahim).

In an account by the Daily Sabah, Turkish court passed a 117-page indictment arranged by Istanbul prosecutors charging 20 Saudi officials associated in the horrifying premeditated murder which got acknowledged by Istanbul's Heavy Penal Court No. 11. “Red notices” detention requests issued via the Interpol for all of them, documents have also been carried to hand them over to Turkey. Saudi Arabia rejected to cooperate and grant Turkish investigators access to the accused in Saudi Arabia or to return to Turkey (Habbard 02).

Riyadh insisted that the kingdom's courts are the correct place for them to be tried, human rights advocates doubt that Saudi Arabia’s justice system will ever punish the charged there (Gall; Fraser). The prosecution by the court states that suspect M. Abbahussain, general and intelligence officer in Saudi Arabia who worked the office of MBS and was instructed by al-Asiri to bring Khashoggi back to the nation and to kill him in the event that he resisted. It included that Abbahussain gathered a 15-man hit squad for the operation and assigned tasks among the squad (intelligence, coordination, negotiation). Moreover, he instructed for Khashoggi to head to the working office inside the Consulate and made plans for all the possibilities before, amid, and after the murder. The prosecution charges al-Asiri and Saud al-Qahtani with “instigated premeditated murder with monstrous intent.” declared Chief Prosecutor Irfan Fidan's office, and it looks for exasperated life sentences for both who, in fact, were earlier cleared of charges by the Saudi court (Fahim; Fraser). In addition, it accuses 18 other Saudi nationals who were in agreement over murdering Khashoggi and suggested life sentences for each (Agency).

The trial was unlikely to take place since Turkish law demands the presence of the defendants; however, due to the situation’s gravity a trial took place in March 2019 and was

the very first public legal inquiry into Khashoggi's death. The 20 defendants charged in the murder were represented by a number of lawyers appointed by court, who said they were not able to reach their clients. Nonetheless, all nationals of Saudi Arabia were in attendance. Witnesses who testified in the hearing included Turkish employees who worked at the Saudi Consulate or at the residence of the Saudi consul general, Mohammed al-Otaibi. Zeki Demir, a handyman testified that he was told to light a wood-burning oven at the residence. Specialists speculated before that Khashoggi's body may have been dismembered in the stove. Another employee, Emrullah Oz, a driver, said he and other employees were requested not to come to the residence the day Khashoggi was killed due to renovation works. The trial in Turkey referred to many of the unanswered questions in the case such as the whereabouts of Khashoggi's remains and that the Saudi hitmen group dismembered his body after killing him (Fahim; Gall; Agency).

2.3.2 United States

"So I hate the crime and I hate what is done and I hate the cover-up," Mr. Trump said. "And I will tell you this, the crown prince hates it more than I do."

The United States reactions to the gruesome murder of MR Khashoggi were more like a Trump vs U.S. Congress and U.S. intelligences. President Trump landed on his clearest declarations of 'what America First' implies to him. America First isn't outlined to maintain American standard of foreign policy of liberty, democracy, human rights, the rule of law or freedom of speech and press. America First is in terms of America's business, trade and financial economic interest whereas other issues are commentary (Wolpe).

In an interview for the CBS NEWS and as we quote directly, Mr. Trump's answer when asked who should be held accountable, *"Maybe the world should be held accountable! We live in a very vicious place! You look at what is happening in so many different countries,*

I could name many countries...There are many people saying good things about the Crown Prince. He vehemently denies it. My policy is very simple, America first! Keep America great again! And that's what I'm doing." The president has long settled on his defense of the Saudis, saying that the financial relationship between the two countries is vital. Mr. Trump questioned how people ask him to give up hundreds of thousands of jobs and that USA wouldn't have allies if he went by such standard, although CBS news pointed out that CIA intelligences established that Saudi Crown Prince Mohammed bin Salman ordered the murder. Mr. Trump insisted that it never concluded so (Watson).

The statement has resulted in a large public debate as stated by the Open Society Justice Initiative, the senators have expressed that such claim about CIA report¹⁰ was unfounded. Senator Jack Reed stated the CIA concluded that the crown prince of Saudi Arabia was directly involved in the assassination of Khashoggi. Wall Street Journal editorial expressed "*we are aware of no President, not even such ruthless pragmatists as Richard Nixon or Lyndon Johnson, who would have written a public statement like this without so much as a grace note about America's abiding values and principles,*" he added that it was not an acceptable act to see a U.S President talk about commercial deals with the Saudis in a statement about a murder. On November 20, 2018, former CIA Director John Brennan requested that the Congress declassifies the report (Goldstone 02-03).

Moreover, Trump administration refrained from replying to the Congress request to supply a report to condemn who were responsible of the slaughtering of Mr. Khashoggi. The Senators announced in October that more investigation and information should be conducted on the part of the White House, where an administration official stated that the president had all the right to turn down the request and refuse to act. On Saturday Baroness Helena Kennedy, member of UN international specialists who headed to Turkey to look into the case, reported to the BBC that the crime was arranged at the most elevated diplomatic levels. But

Saudi authorities claim he was killed by a "rogue" group, not acting on the prince's orders. An administration articulation said Mr. Trump "maintains his discretion to decline to act on congressional committee requests when appropriate". However, senators reported to the New York Times the president has breached the Magnitsky Act, which needs a reaction within 120 days to demand from Senate committee pioneers, that due date was on Friday ("Jamal Khashoggi Murder:").

According to Aljazeera reporter Roberts, United States Democrat members Ron Wydensaid and Representative Tom Malinowski held a news conference to report on procedures and force the US intelligence to publicly release the report on the journalist Jamal Khashoggi, they were also joined by Khashoggi's fiancée Cengiz. Wayden said he was currently conjuring methods within the Senate Intelligence Committee for congressional release of information within the report and that a senate vote would likely be required. In a partial response to the law passed by Congress, trump administration conveyed a classified form of what the US intelligences had as information about the murder on February 20. Moreover, a provision accompanied by an annual defense bill demanding for an open report from the US intelligences to identify the individuals responsible of killing khashoggi and who requested the operation according to Wayden "The law left no ambiguity. The law was very specific about what needs to be public," (Roberts).

December 13, 2018, the Senate collectively held the Crown Sovereign responsible for murder through signing a resolution. The presidential report mandated under the Worldwide Magnitsky Act due to February 8, 2019 was not conducted; in which the Trump administration appears to be covering up on the Saudi government. On October 15, 2018, President Trump supported Saudi Arabia statements that the murder was "rogue operation" contradicting evidences where U.N. special rapporteur stated, "*...inconceivable that an operation of this scale could be implemented without the Crown Prince being aware,*

at a minimum, that some sort of mission of a criminal nature, directed at Mr. Khashoggi, was being launched”, adding that the Saudi investigators might have forensically cleaned the crime scene impeding the course of justice. Signs that Trump Administration dismissed the case could be inferred, especially when on November 28, 2018 the Secretary of State Mike Pompeo told correspondents that he has read every piece of intelligence; there was no direct reporting connection to the crown prince. Moreover, President Trump’s dismissive behavior upon meeting with Crown Prince Mohamed Bin Salman where he stated that he had not raised a new report to the U.N. simply because he believe it "was heavily investigated by everyone" (Finnegan; McGary; NGO 02-03).

In light of the murder of the Saudi U.S resident journalist, Trump administration sealed a nuclear transfer deal to Saudi Arabia sparking the Congress outrage and increasing concerns regarding the Saudis and Trump’s defense of the kingdom. In addition, the concerns regarding the war in Yemen and Saudi Arabia seeking nuclear weapons with little supervisions on these agreements (Finnegan2).

2.3.3 Russia

Russian President Vladimir Putin as news of murder by Saudi officials broke out required that his governments waits for investigation results to issue any comments. Critics of the Kremlin were not that surprised of Russia refraining to issue any kind of judgment given its horrifying record, often blamed of carrying out its own assassinations overseas, such as Anna Politkovskaya one a prominent Russian investigative reporter. In public declaration since Khashoggi’s disappearance, Moscow has sought to downplay the case and generally denied to go past acknowledging official Saudi statements. The Kremlin spokesman Dmitry Peskov rejected that he provides any comments on the surfacing facts of the murder. Mark Katz, government professor at the George Mason University commented that it was apparent President Putin would not show interest in the case after what happened in Britain referring to

the attempted killing of former Russian military intelligence officer Sergei Skripal, in UK which has been blamed on Russia (Chance).

Russia's position came at a time when the economic and political relations between the two originally rival countries were steadily improving; Moscow wants to maintain it says nothing to jeopardize it. Putin was prepared to take advantage of the situation despite that it was unlikely for them to replace America and the West as essential ally said Katz, specialist in Russia-Middle East relations. Commercial factors were likely behind Russia's muted reaction, Russia announced that Saudi Arabia was making a \$5 billion investment in a natural gas project in the Russian Arctic. Moreover, a delegation of billionaire Russian elites was sent to a financial conference that's being boycotted by Riyadh's key allies in the West. With top international business leaders withdrawing from the Saudi Future Investment Initiative conference in Riyadh "Davos in the desert," Russia sent a delegation to commend on the Kingdom and to snatch lucrative deals, Kirill Dmitriev, head of the Russian sovereign wealth fund and responsible of the \$10bn fund told CNN ahead of the conference. The deputy foreign minister Mikhail Bogdanov has also issued a number of statements, that Saudi-Russian relations have not been affected by the killing (Chance; Hall).

2.4. Saudi Arabia Admission

The Saudi's have not given much attention to critics which was considered as another strategy to divert suspicions from the Crown Prince. The fact that it took twenty days to confirm what Turkish and other countries intelligences have been saying and not allowing for authorities to inspect the diplomatic buildings confirms the allegations against Saudi Arabia. Meanwhile, Turkey has been busy investigating Consular staff who provided information that further dismissed Saudi clarifications. Consequently, Turkey has been uncovering more information about what occurred within the consulate each day. ("Jamal Khashoggi: All You Need to Know").

The more information proceeds to develop by day, the more the case was far from being closed, in spite of the endeavors to put it to rest. Instead of being a case of manslaughter, evidences indicated that it was a poorly-executed premeditated plot to murder Mr. Jamal Khashoggi. Saudi's stalling to admit that it was murder can be seen through the course of the different statements it released. On October 3, 2018 Saudi Arabia's authorities issued a statement confirming Khashoggi was missing; however, it claimed that he left the building shortly after. In the meantime, İbrahim Kalın a representative of the Turkish President explained that Khashoggi was still inside the consulate based on reports by the Turkish authorities. ("Jamal Khashoggi: All You Need to Know").

October 4, 2018 Saudi Arabia declared that they are following the news of Khashoggi's disappearance and are working with Turkish authorities to locate him. Turkey's foreign ministry summoned Saudi Arabia's envoy to Ankara nonetheless the Minister denied any information about his whereabouts and that he would inform authorities once there are more information. ON, October 5, 2019 the Crown Prince MBS said in an interview with Bloomberg that the Turkish government can inspect the Saudi consulate general in İstanbul. He reacted to suggestions of Khashoggi perhaps being in Saudi Arabia saying, "If he was in Saudi Arabia, I would know" (OĞUZ, AKCA, and TÜRKCA 05-06).

Oct 09, 2018 Saudi officials allowed the Turkish Intelligence to inspect the consulate in İstanbul found to be forensically cleaned. On October 12, 2018 the Saudi Foreign Ministry agreed to create a "joint action team," stating that the kingdom was keen "to sustain the security and safety of its citizenry, wherever they might happen to be." October 13, 2018 Saudi Arabia's interior minister dismissed the claims of orders from the highest Saudi Officials to kill Khashoggi, saying they were "baseless allegations and lies". Turkish President Recep Tayyip Erdogan had a phone call with Saudi King Salman on October 14, 2018 where he stressed the need for a joint working group to look into the disappearance of

Khashoggi. Fast forward to October, 20, 2018 Saudi Arabia finally admitted that Jamal Khashoggi was killed in the consulate. The prosecutor declared their investigation showed that he was killed during a fight due to a conflict to persuade him of his return to Saudi Arabia when things went “very wrong” and Khashoggi was said to have been killed due to a “brawl” and that 18 Saudis have been charged in connection with the case (OĞUZ, AKCA, and TÜRKCİ 06-08).

2.5. Conclusion

Khashoggi accompanied by his fiancée went to the Saudi consulate to obtain divorce papers so that he could re-marry unknowingly, that his murder was being weaved in disguise. The White House’s attitude towards the disappearance and murder of Khashoggi deteriorates US’s self-assumed moral authority. Trump administration remained hesitant as leaks and new information continued to emerge. Trump was inclined to the Saudi version of the story even when evidences indicated the opposite. For more than two weeks, Saudi Arabia consistently denied any knowledge of Khashoggi's whereabouts, until concrete evidences surfaced causing international agitation inciting Saudi Arabia to finally confirm he death amidst its failing attempts to cover-up and put the case at rest.

Chapter Three

THE AFTERMATH OF THE KHASHOGGI MURDER

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3.1. Introduction

Indeed the murder of the respected journalist Mr. Jamal Khashoggi caused a grave fracture in global and regional politics in terms of both method and impact and it is expected to continuously set the agenda of Middle Eastern politics in the upcoming period. The gruesome killing of a prominent intellectual and renowned Saudi media figure sparked mounting political reactions in the world, as it is a breach of diplomatic norms and the principles of international relations. Criticisms of the human rights violations had, at first, put Saudi Arabia under a number of political implications on domestic, regional and international levels, overshadowing Riyadh's alliances and its ability to implement its own foreign policy in the wake of global pressure.

3.2. The Impact of Khashoggi Murder on the International Relations

It is worth considering the analyses that elaborate on how the Saudi Arabian Foreign Policy has been said to be based on international reactions, as its state seems to lack clear strategies of foreign policy. The lack of a clear political plan leads to numerous pivotal case studies, such as the Khashoggi's crime, to be put to rest without the Saudi administration dealing with its political consequences. Legitimacy of the Kingdom domestically and internationally is due to the Islamic identity it claims to have as the guardian of the Islamic state and official representative of Islam in the world. Saudi Arabia exploits its religious identity, political relationship with the USA/Israel, and regional disputes in the Middle East to survive politically ("Policy Brief N.01" 02-04).

Saudi Arabian foreign policy appears to be based on short-term policies, highlighted in its stances on Muslim Brotherhood and the Arab Spring and the fact that it allowed for the term terrorism become associated with the faction of Sunni Muslims as terrorists to allow for U.S interventions in the region...etc. Such measures were assumed to be due to the Kingdom

outright rejection of any Arab government rising as a model Diplomatic state which ,consequently, would undermine its role in the region especially due to the negative role it played in diminishing neighboring regions roles such as Iraq and Lebanon. Within this regard, Saudi Arabia had successfully got rid of its opponents inside and outside the Kingdom, that it seems unlikely to challenge the authority of MBS and the US-Israeli-Saudi alliance. Probably, the sole factor that might influence Saudi Arabia is the public opinion and the media since the international community as entirety is aware of who ordered to kill Mr. Khashoggi Saudi Arabia is still obliged by public opinion to clarify the case (“Policy Brief N.01” 02-04).

We have previously mentioned how Turkish authorities were the most vocal about the case of Khashoggi due to several reasons. However, into observing the Turkish-Saudi relation, prior to the murder of Mr. khashoggi the countries indeed had a lot of clashing visions regarding several political matters. President Erdogan constantly preached about calling for justice “even if some people don’t like it.” regarding the Khashoggi case and the 2013 expelling of the leading Muslim Brotherhood representative former Egyptian President Mohammed Morsi. Turkey has also given shelter to Brotherhood members as opposed to Saudi Arabia. Birol Baskan, a scholar at the Middle East Institute in Washington, stated how the bilateral relations were not as bad as they were immediately after Khashoggi’s death, this came after the Saudi allegations on Turkey for causing unrest in the region when it publicly leaked murder audio transcripts stating that it was part of a “triangle of evil,” together with Iran and radical Islamist groups to target MBS. Turkey has been aiding Iran, in the Syrian conflict and stressed its relations with Qatar, a supporter of Muslim Brotherhood through its military base there; all which are nemesis countries of Saudi Arabia (“Policy Brief N.01” 04-05).

Turkey reacted legitimately against Saudi Arabia, as the bilateral relations, regional politics involvements, and Saudi Arabia vital position and power in the Middle East have held

Ankara from directly clashing with Riyadh. Therefore, Turkey's main concern was to take judicial or legal measures simply because it does not wish to deteriorate the future of bilateral relations, it instead, discussed the case at the international level. Turkey is not enthusiastic to win over Saudi Arabia; but seems eager to win few points especially with the CIA report that reveals the Saudi Crown Prince Muhammad bin Salman being responsible of Khashoggi's murder, which Turkey had knowledge about since the beginning (Seibert).

Saudi Arabia is a solid ally of the United States; they share the same territorial interests with Saudi Arabia being a major contributor to the steadiness of the U.S economy. Saudi Arabia has often depended on the United States to intervene and solve the problems within the Arab nations; it additionally often caused conflicts to allow American intervention for the sake of maintaining U.S protection system. The two nations are jointly cooperating to safeguard each other's interests; therefore, the murder of Jamal Khashoggi is not expected to create much of an effect on the Saudi-American relations nor would Turkish-US relations have any effect on it. The Trump administration placed Riyadh in the center of its Middle East strategy and granted the kingdom support amidst regional and foreign reactions to the civil war in Yemen and the sanctions against Qatar (Telci 12-18).

Nonetheless, the U.S was stuck in a difficult position amidst concrete evidence about the direct involvement of the Saudis in the murder with leading media figures in U.S heavily criticizing the regime. Trump's initial statements have swung from support for Prince Mohammed to threatening "severe punishment". The U.S. Congress and the House of Representatives tried to force Trump to act against Saudi Arabia, both Republicans and Democrats called for an investigation under the Global Magnitsky Human Rights Accountability Act into the disappearance of Khashoggi. Members of the US Senate Council on Foreign Relations and House of representatives have been the most outraged that Senator Lindsey Graham threatened to "sanction the hell out of Saudi Arabia." Such backlash from

the U.S caught the Saudi's off guard. Saudi Arabia's domestic politics, combined with its critical regional position, have created a debate in the U.S Congress about the nature and extent of U.S. interests in the kingdom and U.S. security commitments to Saudi Arabia's defense (Blanchard; Reinhard, O'Connell, and Hamburger).

Congressional criticism of Saudi human rights practices also has grown more intense. An increasing number of Members have expressed their disagreement about the Saudi policy in Yemen and the regime's human rights practices that they voted to bring changes in related U.S. policies putting at risk several U.S-Saudi projects such as the "Middle East Strategic Alliance" known as the Arab NATO and "agreement of the century" which was aimed to resolve the Palestine-Israel conflict. However, less attention was given to the economic aspects of U.S.-Saudi relations or to the risks by the Saudi government's Vision 2030 project, an economic transformation plan with an objective to develop the private sector activity and non-oil linked sources of economic profit and revenue. The Republicans and the Democrats tried to cut short U.S. military aid and weapon sales to the Kingdom but with billions of dollars at risk, the powerful defense industry aided the Saudi lobbying framework to split the Republicans, Congressional votes during those recent months did not represent the majority needed to override the president's vetoes ("Policy Brief N.01" 04-05; Telci 12-18; Blanchard; Reinhard, O'Connell, and Hamburger).

Trump's support for Saudi Arabia was apparent at the recent G-20 summit of world leaders in Osaka, where Trump expressed that he was "very angry" about Khashoggi's murder. He also made remarks praising the crown prince for standing against extremists and giving women opportunities to drive (Reinhard, O'Connell, and Hamburger).

Before the Khashoggi case, Turkey-U.S relations were pressured over Turkey's Brunson imprisonment, Trump administration was in a dire need for its discharge to appeal to

its evangelical voters prior to the midterm elections in the United States. The tensions escalated after President Trump's financial sanctions and tariffs with political practices against Ankara leading to the downward of the Turkish Lira. John Bolton's Trump's security advisor commented that Turkey's currency crisis would be solved if Brunson was to be released, which was a public threat against Turkey. In addition, Trump's administration imposed sanctions on the Turkish Ministers of Interior and Justice for the mistreatment of Brunson, however, the US had to rely on the same two ministers for insights on the case of Khashoggi since they were responsible for following legal procedures. Thus, it was not Khashoggi that updated the relationships of Turkey and the US but the Brunson case. Nevertheless, it was the case that proved to the US that giddy policies on Turkey could have negative consequences on the White House, leading the administration to a sea of contradictions (Koc).

Erdogan assumed that interactions with Washington on the Khashoggi case would likely improve the relationship with the U.S. Trump proceeded with sending Secretary of State Mike Pompeo to discuss the case with Erdogan in Istanbul but it is worth of note that NBC reported Erdogan had used the meeting to once again, pressure Pompeo to extradite Gulen (Suspected responsible of the 15th July Coup d'état in Turkey, Pennsylvania resident). Trump administration remained a supporter of MBS, unlike what Erdogan had hoped given the concrete evidences by Ankara and its media coverage. Significantly, as the Khashoggi case in no longer the center of media coverage, it was difficult to judge the extent of the impact it had on the U.S-Turkish bilateral relations. It was quite apparent that Erdogan's disappointment in Trump's firm refrainment to sanction MBS was matched by Trump's reciprocal disappointment in Erdogan for going after an issue with such determination. Obviously, Turkey enjoyed the uncommon positive press coverage it received in the U.S. as it stood against those responsible of the Khashoggi murder, but as the U.S. media shifts its

attention to Trump's legal problems attention drifts back to all the issues on the U.S.-Turkish agenda (Aliriza).

3.3. International Community Responsibilities

As enunciated in the Vienna Convention on Diplomatic Relation (VCDR), foreign embassies and diplomatic agents are granted several trespasses. The related Vienna Convention on Consular Relations (VCCR), on the one hand, grants consular facilities and personnel more limited legal protections, such difference has fundamental applications for Khashoggi inquiry. In line with this, consular Saudi officers who perform consular tasks (not the staff) are protected from any sanctions. Nevertheless, the VCCR does not prohibit the Turkish government from obliging Saudi consular personnel to serve as witnesses given their testimony would not relate to their consular work. It is worth of note that VCDR immunities only apply when Turkish authorities have been notified by Saudi Arabia about the individuals' prior arrival; consequently, Turkey can freely investigate, arrest, or formally ask for Saudi Arabia's aid in doing so. Turkey could also expel the Saudi Consul General from Ankara through the persona non grata declaration or recall its own back from Riyadh as diplomatic means of showing dissatisfaction. These measures would not remedy inquiry problems but would discipline the Saudis for their stubbornness and wrongdoings which few in the international community would object. Turkish authorities, however, have not taken any of these procedures; instead it sought international support which may generate enough pressure on the Saudi authorities (Anderson).

GENEVA June 19, 2019 stated how the Khashoggi's case was a premeditated extrajudicial execution according to the UN Special Rapporteur on extrajudicial, summary or arbitrary killings report, Saudi Arabia is responsible. The report stated how it was worrying due to the little international legal, political and diplomatic response the case it received despite several states' sanctions. No international body or other State has offered to reconcile

between parties to negotiate effective access to the crime scene which would have helped to reduce the crisis and protect the Vienna Convention and human rights or prevent retaliation. Instead, Member States have solely considered their own national interests. The international community and international legal and human rights community have to enquire and elaborate on the necessary constructive perspectives on the case (مجلس جنيف للحقوق والحريات) ; "Investigation of, accountability" 03-04).

Both Turkey and Saudi Arabia claimed jurisdiction over the murder, however, how could such clash of claims be solved, and by whom to make sure that accountability for violation and justice to Mr. Khashoggi is due. Significantly, given the impact of the crime and the endless international legal and geopolitical issues it created, jurisdiction should be dealt with through international processes. Universal jurisdiction should be claimed over the crime due to six violations of international law, listed by the UN report “the prohibition against arbitrary deprivation of life, a fundamental principle of international law; the prohibition against extraterritorial use of force as enshrined in the UN Charter; the requirement that states use consular missions for official purposes; the prohibition against torture, under the terms of the Convention Against Torture, ratified by Saudi Arabia, and the prohibition against enforced disappearance, the protection of freedom of expression”. Hence, it is the role of the international community to negotiate justice mechanisms. Furthermore, conducting a study and establishing a prevention and accountability Special Procedures, Task Force and a Standing Instrument for the Criminal Investigation into Allegations of Targeted Killing (Callamard 02; Callamard 03; "Investigation of, accountability" 04-05).

In order to qualify the execution of Mr. Khashoggi to the level of an international crime requiring universal jurisdiction, a number of arguments were made based on Agnes Callamard U.N. report. She stated that the crime affects the peace and safety of more than one state; it shocks the conscience of humanity; it is derived from an international treaty or from

customary international law; its violation attracts the criminal responsibility of individuals. She explained how the execution of the crime is uncommon and highly serious given it comprises the following elements: cross-border, use of a consulate, extraterritorial use of force, a journalist in exile in the US and Turkey, a possible act of torture, a continuing disappearance, persistent international impact, in addition to the aforementioned complications regarding its investigation and prosecution to date amounts to an international crime. However, it remains unknown which States should claim universal jurisdiction. The Special Rapporteur is inciting on States to step in and initiate measures in order to exercise jurisdiction under international law. All States are obliged by International Law to promptly bring to justice individuals identified as individually responsible by an independent, impartial and effective investigation into the extrajudicial murder of Jamal Khashoggi (Russo; Callamard 86-87).

3.3.1 United Nations

The UN Human Rights Council (“UNHRC”), the Security Council or the UN Secretary General bear the responsibility of demanding a follow-up criminal investigation into Mr. Khashoggi’s execution. The UN should largely devote its efforts to the case of human rights and international conflict. Within the Khashoggi case lays a set of violations of fundamental human rights as well as of international law that the procedures initiated by Saudi Arabia fail to address. The Human Rights Council, the Security Council or the UNSG should take it into consideration and carry with an international follow-up criminal investigation. Notwithstanding the argument that for the UNSG to undertake an international criminal investigation, Turkey must formally request this kind of investigation; the UN should not link the rights of Mr. Khashoggi neither to his presence on the Turkish soil at the time of his killing nor to his country of citizenship being responsible for his execution. Intervention of

the UNSG should not be restricted to such agendas, although, it is practically and politically important for the States concerned to cooperate to serve accountability (Callamard 85-87).

Nonetheless, the Secretary General should possess the ability to carry an international follow-up criminal investigation without waiting for accordance by a State and any state should also be able to report concrete claims on the violation of Khashoggi's right to life to the UN Secretary General or any other UN responsible. The success of any investigation requires that both Turkey and Saudi Arabia cooperate, and any other State whose intelligence or other services may be in possession of evidence. The international criminal investigation should be granted access to the empirical evidence which the Special Rapporteur was not able to inspect; it should address the legal issues and contexts not inquired adequately. Criminal investigation in addition should lay down proposals towards judicial accountability and procedures may include the establishment of an extraordinary ad hoc tribunal or a hybrid tribunal (Callamard 85-87).

3.3.2 Amnesty International

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. Their vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. They are independent of any government, political ideology, economic interest or religion and are funded mainly by their membership and public donations. Amnesty aims to draw the attention to human rights abuses and campaigns in acquiescence with international laws. It works to stir public opinion to pressure governments where abuse takes place as stated by Wikipedia and the Amnesty International website.

As response to the Saudi public prosecution's inquiry findings that Jamal Khashoggi died after a 'fist-fight' inside the Saudi consulate in Istanbul, Samah Hadid, Amnesty

International's Middle East director of campaigns expressed how shocked and saddened by the confirmation of the journalist's death adding that the investigation findings by the Saudi authorities was not trustworthy and marks a terrible record to Saudi Arabia's human rights. She called for The Turkish government to request that the UN Secretary-General carry out an urgent investigation into Khashoggi's death and the circumstances surrounding it. "This appalling assassination within the grounds of the Consulate amounts to an extrajudicial execution. It has sent a shockwave among Saudi Arabian human rights defenders by reinforcing the notion that Saudi Arabia can act with total impunity using its embassies and consulates as safe havens from prosecution anywhere around the world", she added. (Hadid).

The Amnesty International issued an oral statement to UN Human Rights Council Forty-First session 24 June - 12 July 2019, where they first commended on the Special Rapporteur Callamard for her investigation and report on the extrajudicial execution of Jamal Khashoggi emphasizing how others with the indispensable authority did not launch an independent international investigation into the gruesome crime. The statement went on to address the State of Saudi Arabia responsibility under human rights law for the 'enforced disappearance,' 'torture,' and 'extrajudicial execution'. The statement also addressed how the criminal justice of the Saudi system's inadequacy, and domestic criminal trials against certain unnamed defendants behind closed doors which augment the amount of executions against the innocent without due process, while covering the involvement of the highest order Saudi officials; requires more than this Council's response to the crisis, that it also needs States, including members of this Council, to speak and act out by abiding to the law. The Amnesty International expressed that it was time for the Council to establish a monitoring mechanism on the human rights situation in Saudi Arabia and relying on facts laid by report (Amnesty International: Oral Statement Item3).

On the first year memorial of Mr. Khashoggi's death October 01, 2019 the NGO renewed their call for justice stating that they welcome the appeals, pledges and implementations carried by some states over the past year and consider them the right track to achieve accountability for the murder of Khashoggi, however, the amnesty required for more tangible actions to be followed by the U.N and Saudi Arabian authorities. The demands on the part of the U.N Council are stated as follows: Take action to ensure that a further impartial, prompt, thorough, independent and effective criminal investigation into the murder of journalist Jamal Khashoggi is opened; Ensure that all perpetrators of the crime, including those at the head of the chain of command, are identified and prosecuted in a fair and transparent trial without recourse to the death penalty; Establish an immediate moratorium on all arms sales and exports of surveillance technology to Saudi Arabia; Co-sign the joint statement led by Australia on behalf of 23 UN Member States by 11 October; Introduce and endorse a UN resolution establishing a monitoring mechanism over the human rights situation in Saudi Arabia; and Urge the authorities in Saudi Arabia to implement the recommendations below (Amnesty International Public Statement).

Demands on the part of Saudi authority as stated by Amnesty International were as follows: Return the remains of Khashoggi's body to his family; Invite independent international experts to oversee investigations into his murder; cooperate in good faith with all UN mechanisms; and ensure that those responsible for his death are brought to justice; Immediately and unconditionally release all human rights defenders, writers, journalists and prisoners of conscience in Saudi Arabia whose detention is a result of their peaceful and legitimate work in the promotion and protection of fundamental human rights; Establish a moratorium on the death penalty, including as punishment for crimes related to the exercise of the rights to freedom of opinion and expression, and peaceful assembly; Guarantee in all circumstances that all human rights defenders and journalists in Saudi Arabia are able to carry

out their legitimate human rights activities and public reporting without fear of reprisals; and Ratify the International Covenant on Civil and Political Rights, and bring all national laws limiting the rights to freedom of expression, peaceful assembly and association into compliance with international human rights standards. The public statement was signed by nineteen advocates from the international scene (Amnesty International Public Statement).

3.4. Actions and Sanctions

The Khashoggi murder was indeed a violation of Turkey's rights under diplomatic and consular law, holding Saudi Arabia accountable for these violations is without doubt righteous for the international law to focus on violations of rights related to the state where he was killed, but would equally fail to legally focus on the moral outrage over Khashoggi's killing. The most severe violations of international law at stake were Khashoggi's right to life, forcibly disappearing him, in addition to the freedom of expression, the inhuman treatment due to the way he was murdered and the dismemberment of his body, yet little explicit references to Khashoggi's human rights were made. Probably, the direct references to his human rights were those of the U.S government acts under the Global Magnitsky Act where it imposed sanctions on 17 Saudi individuals 'for serious human rights abuse resulting from their roles in the crime' and considered the murder as an 'arbitrary deprivation of life'. With regards the international scale, the UN Special Rapporteur for extrajudicial, summary or arbitrary executions, Agnes Callamard, investigation into Khashoggi's death (Milanovic).

In light of what has already been mentioned, the Khashoggi case had many layers to it as it comprised a conflict between diplomatic and consular immunities, on the one hand, and state procedural obligations under the right to life, on the other. This leads to first, the fact that Saudi Arabia is not a party of the ICCPR (Covenant on Civil & Political Rights) and not a party to the U.N Convention for the Protection of All Persons from Enforced Disappearance, however, being party to the Convention Against Torture (CAT) human rights treaty, a

regional convention within the Arab League which could have served as the direct protection to Khashoggi's right to life (and freedom of expression). The revised 2004 Arab Charter on Human Rights, to which Saudi Arabia has been a party since 2009, Article 5 of the Arab Charter quotes the language of Article 6(1) ICCPR: '1. Every human being has the inherent right to life. 2. This right shall be protected by law. No one shall be arbitrarily deprived of his life.' Article 32(1) of the Charter 'guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries.' Saudi Arabia is obliged to respect this right to life which cannot be through the ICCPR, since Saudi Arabia has never joined by it; the relevant obligations can instead derive from the Arab Charter or from customary international law (Milanovic).

Article 1 ECHR (European Convention on Human Rights) stipulates that states parties (Turkey) will 'secure to everyone within their jurisdiction the rights and freedoms' in the; Article 2(1) ICCPR states that each state party (United States and Turkey) 'undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant.' Finally, Article 3(1) of the Arab Charter is similar to that of the ICCPR, but is different on two elements: each state party 'undertakes to ensure to all individuals subject to its jurisdiction the right to enjoy the rights and freedoms set forth herein'. However, a consensus exists that customary law protects human's right to life where an extrajudicial execution is an apparent violation of it. First, the state members' negative duty of respecting the right to life through enforcing potential lethal forces on individuals without a justification. The right to life is not absolute and any force has to be necessary, satisfies a concrete aim (e.g. protection of the lives of others), or a measure of last resort. Second, The states' positive obligation to protect the right to life even against threats from third parties, private person or some other state which is the core of the Article 6(1)

ICCPR/Article 5 Arab Charter; whereas the negative obligation incites states not to act in a way that amounts to ‘an unjustified deprivation of life’. Third, the positive obligation to investigate any allegation of ‘an unlawful deprivation of life’, carried by state agents or third parties. Article 6 states that investigations must always be ‘independent, impartial, prompt, thorough, effective, credible and transparent’, full indemnity is required in the case of the violation taking place (Milanovic; Ritter).

Within this regard, Saudi Arabia’s negative obligation is not practicing lethal force against individuals without justification when it does not for sure possess such justification. Second, the positive obligation to secure Khashoggi’s right to life on the part of the United States and Turkey when there is prior knowledge about the threats to his life by Saudi Arabia. Third, the positive obligation to carry out an investigation into Khashoggi’s killing which is the duty of the three states to cooperate for a holistic effective investigation (Milanovic; Ritter).

Saudi Arabia (as the sending state), Turkey (as the receiving state), and the United States (as a third state) are all parties to both the VCCR and the VCDR. Regarding the immunity of the host state of the agents, Article 41(1) VCCR states ‘Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.’ Article 41(2) ‘provides for the committal of a consular officer to in cases of a grave crime’. Moreover, under Article 29 VCDR: ‘The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention.’ In sum, while the immunity of a diplomat is absolute as far as the VCDR is concerned and that of the consular officer is limited in cases of a ‘grave crime,’ this term’s definition is not clear enough in the Convention. It is important to note that Saudi Arabia violated its obligations towards Turkey under Article 55 VCCR by allowing its consular agents to carry out procedures that disobey the Turkish domestic law, by essentially

permitting its consular officials to be used in an operation incompatible with the exercise of consular functions (i.e. murder). Hence, Turkey is in violation of its duty towards Saudi Arabia to respect the immunity of its consular premises under Article 31 VCCR, by enforcing electronic surveillance such as listening devices (Milanovic; Ritter)

3.5. Conclusion

The impact of Khashoggi's murder on Middle Eastern politics was apparent in the bilateral relations. The future of relations between Turkey, Saudi Arabia and the United States is of vital importance for the future of geopolitics. Accountability for Khashoggi's killing does not alter that his right to life was not efficiently protected by international law as it should have been, the murder was a violation of his rights under international law and not the rights of the Turkish state. As long as sanction threats against senior officials are nothing more than empty words without actions, Khashoggi's murder will remain a brutal page in history books, the international community should not make excuses when a next victim of state impunity occupies the media. International law is not an arranged set of rules ordered hierarchically and does not possess central legislative authority. There exist some norm conflicts which are genuine, and cannot be evitable through elucidation in the sense that no 'meta-rule' exists which can make individuals prioritize a conflicting norm over another.

General Conclusion

Jamal Khashoggi was first a former Ambassador to London and Washington who had to maintain loyalty to the ruling family which was not something that defined him as a person. Khashoggi became outspoken against the new emerging power in 2015 with MBS coming to rule along with his unfavorable tactics. Khashoggi was obliged by the Kingdom's royal court to stop writing for newspapers or using his Twitter account. Leading him to leave Saudi Arabia for the U.S as a self-exile, he was able to express his critical speech against the government and MBS freely on the American Washington Post which had triggered the Kingdom overwhelmingly for him to be targeted eventually by the highest order Saudi officials.

Following his disappearance, Tukey proceeded with investigations into the case, to announce that there was evidence suggesting Khashoggi may have been murdered and has not left the Saudi Consulate in Istanbul. Turkey has handled the case with an utmost attention for diplomatic and bilateral relations courtesy. It had accused Saudi Arabia of not being transparent and cooperative with the investigation; observing the initial claims of the Saudi authorities that Khashoggi left the consulate from the back door and how the Saudi's refused to cooperate on different aspects of inquiry on the case in addition to the series of changed narratives of the Saudi authorities.

Even after the Saudis admitted that Khashoggi was murdered inside the consulate by Saudi agents, the Trump administration's comment on the Saudi regime's admission was that it was a good first step and further stated how the Saudi's story was convincing. Nonetheless, amid the global and U.S Senate pressure, he called for a deeper and transparent investigation just for this to change when he was demanded arms sales sanctions on Saudi Arabia, Trump stressed the U.S.-Saudi relations and even went on the commend on MBS and proceeded to dismiss CIA investigations and UN report which laid concrete evidence about the involvement of the Crown Prince.

Although measures were taken by the Saudi's of putting to trial 11 of the involved individuals in the murder while the Saudi prosecution did not publicly address any names, such procedure was considered as breach of law since it did not live up to international standards of transparency. Eventually some form of justice will be applied once the political climates changes and interests shift. MBS may have garnered many of the world's influential figures today may be remembered very differently due to the fate of Jamal Khashoggi. It is the duty of the international community to ensure due justice is met, by seeing Saudi Arabia and MBS held to account in international courts.

Some procedures by Turkish authorities were not due to the need to respect consular privileges and immunities and were in violation of the duty to effectively investigate the killing. Saudi Arabia on the other hand, directly refused handing the suspects to Turkey, and has not been cooperating in sharing evidence; therefore, Saudi Arabia was in violation of its duty to cooperate.

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ملخص

نتج عن مقتل جمال خاشقجي ، المفكر والإعلامي البارز من الجنسية السعودية تداعيات خطيرة على السياسة الدولية. الصحفي المحترم كان له وزن فكري خاصة في الولايات المتحدة (الولايات المتحدة) وقد قُتل في تركيا في قنصلية بلده الأصلي مما دفع مقتله بالسعودية وتركيا والولايات المتحدة إلى مركز الاهتمام العالمي. أكدت تركيا من خلال استراتيجيتها أن القضية اتخذت مسارًا دوليًا ، وبالتالي مارست ضغوطًا جديدة على الإدارات السعودية والأمريكية. هدفت أنقرة إلى تسليط الضوء على الحادث بالكامل والتأكد من أن معاقبة المسؤولين عنها تتم في أقصر مدة ، مستثمرة كل الوسائل للقيام بذلك. أكدت الحكومة السعودية أخيرًا ، بعد سلسلة من النفي ، ان وفاة خاشقجي كانت خلال معركة في القنصلية مع مجموعة من عملاء المخابرات السعودية و اوحى بأن ولي العهد الأمير محمد بن سلمان لم يكن على علم بجريمة القتل مما أدى إلى ردود فعل متضاربة بين الخبراء والمحليلين. بالنظر إلى الأدلة التي تشير إلى الجريمة التي تم حملها من قبل كبار المسؤولين في المملكة. ولم يكتف المجتمع الدولي بمثل هذا الإعلان ، فقد اتخذ مبادرات بحضور كل من الولايات المتحدة وتركيا ، وطالب بالكشف عن هويات الذين أمروا بقتل خاشقجي