

No Justice for Jamal

Trump Administration Covers for Saudi Crown Prince, Ignores U.S. Intelligence, and Refuses Bipartisan Congressional Demand for Facts in Jamal Khashoggi's Murder

On October 2, 2018, a team of Saudi Arabian hit men are alleged to have murdered *Washington Post* columnist and Virginia resident Jamal Khashoggi after luring him into Saudi Arabia's embassy in Istanbul, Turkey.

But instead of holding the Saudi government accountable, President Trump is covering for its crimes. He is doing this despite strong evidence backed by the U.S. intelligence community suggesting the involvement of Saudi Crown Prince Mohammed bin Salman (MBS) in directing the gruesome and premeditated murder, and in violation of a legally-mandated, bipartisan congressional requirement directing him to report on those Saudi leaders found responsible for the murder.

President Trump is ignoring the assessment of America's intelligence professionals.

☑ **The Central Intelligence Agency (CIA) and National Security Agency (NSA) link the crown prince to Khashoggi's murder.** On November 16, 2018, *The Washington Post* reported that "The CIA has concluded that Saudi Crown Prince Mohammed bin Salman ordered [Khashoggi's] assassination," a finding in which the CIA had "high confidence."¹

Following a December 4, 2018 classified briefing by CIA Director Gina Haspel, multiple senators indicated that the CIA's findings constituted overwhelming evidence of MBS's central role in Khashoggi's murder. Senator Lindsay Graham (R-SC) noted that "There is not a smoking gun - there is a smoking saw," while former Senate Foreign Relations Committee (SFRC) chairman Bob Corker (R-TN) stated, "I have zero question on my mind that the crown prince MBS ordered the killing. If he was in front of a jury, he would be convicted in 30 minutes. Guilty."² On December 13, members of the Senate unanimously passed a non-binding resolution finding MBS "complicit" in Khashoggi's murder on the basis of "evidence and analysis made available to this institution."³

On February 7, 2019, *The New York Times* reported that the NSA intercepted a phone call over a year before the murder in which the crown prince was said to have told a subordinate that he would stop Khashoggi's criticism of Saudi authorities "with a bullet."⁴

☑ **Trump believes Saudi denials over the U.S. intelligence community's assessments.** On November 20, 2019, the president released a written statement entitled, "Standing with Saudi Arabia," in which he noted "we may never know all of the facts surrounding the murder of Mr. Jamal Khashoggi. In any case, our relationship is with the Kingdom of

¹ https://www.washingtonpost.com/world/national-security/cia-concludes-saudi-crown-prince-ordered-jamal-khashoggis-assassination/2018/11/16/98c89fe6-e9b2-11e8-a939-9469f1166f9d_story.html?%E2%80%8Cutm_term=.b940c2f30d5b&utm_term=.3afa469a6e85

² <https://www.bbc.com/news/world-us-canada-46435819>

³ <https://www.congress.gov/bill/115th-congress/senate-resolution/714/text>

⁴ <https://www.nytimes.com/2019/02/07/us/politics/khashoggi-mohammed-bin-salman.html>

Saudi Arabia,” and “King Salman and Crown Prince Mohammad bin Salman vigorously deny any knowledge of the planning or execution of the murder of Mr. Khashoggi. Our intelligence agencies continue to assess all information, but it could very well be that the Crown Prince had knowledge of this tragic event – maybe he did and maybe he didn’t”⁵

President Trump ignored a legal requirement to determine and report on Khashoggi’s murderers.

☑ **Congress demanded answers.** On October 10, 2018, a bipartisan group of 22 senators, including the then-chairman and ranking member of the SFRC, triggered⁶ a never-before-used provision of the Global Magnitsky Human Rights Accountability Act of 2016 directing the president to report, by February 8, 2019, to the SFRC on those individuals the U.S. government believes killed Khashoggi.⁷ Leaders of the House Foreign Affairs Committee (HFAC) echoed the SFRC determination request in their own letter of October 12, 2018.⁸

On November 15, 2018, the government imposed targeted sanctions under the Global Magnitsky Act on 17 Saudi nationals it deemed responsible for Khashoggi’s murder. The designations included members of the alleged Saudi hit team, the consul general of Saudi Arabia’s Istanbul consulate, and royal court advisor Saud al-Qahtani, but did not include MBS or other senior Saudi officials.⁹

On November 20, 2018, the SFRC’s then-chairman and ranking member issued a follow-up letter addressed to President Trump making clear that the determination required under the Global Magnitsky Act should specifically address whether the president believes that the Saudi crown prince was responsible for Khashoggi’s murder.¹⁰

☑ **Trump continues to cover for the Saudi crown prince and refuses to respond to Congress.** On February 8, 2019, a senior administration official announced that President Trump refused to comply with the congressional mandate, stating “Consistent with the previous administration’s position and the constitutional separation of powers, the President maintains his discretion to decline to act on congressional committee requests when appropriate.”¹¹ In letters addressed to SFRC leaders on February 8, Secretary of State Mike Pompeo declined to address the determination requirement, while stating that he and the president have stressed the importance of establishing accountability for Khashoggi’s killing.¹²

Multiple members of Congress from both political parties strongly criticized the administration’s refusal to formally determine responsibility for Khashoggi’s killing:

- Senator Marco Rubio (R-FL) stated that the non-determination “violates the law.”¹³
- Senator Cory Gardner (R-CO) noted that “There’s no excuse. They must submit [the determination].”¹⁴

⁵ <https://www.whitehouse.gov/briefings-statements/statement-president-donald-j-trump-standing-saudi-arabia/>

⁶ <https://www.foreign.senate.gov/press/chair/release/corker-menendez-graham-leahy-letter-triggers-global-magnitsky-investigation-into-disappearance-of-jamal-khashoggi>

⁷ <https://www.justsecurity.org/61030/explainer-senates-letter-khashoggi-global-magnitsky-act/>

⁸ <https://foreignaffairs.house.gov/2018/10/royce-engel-press-for-swift-action-following-disappearance-of-jamal-khashoggi>

⁹ <https://www.state.gov/secretary/remarks/2018/11/287376.htm>

¹⁰ <https://www.foreign.senate.gov/press/ranking/release/menendez-corker-demand-determination-on-saudi-crown-prince-role-in-murder-of-jamal-khashoggi>

¹¹ <https://www.politico.com/story/2019/02/08/trump-jamal-khashoggi-1159502>

¹² <https://twitter.com/RobbieGramer/status/1094034834035494912>

¹³ <https://www.politico.com/story/2019/02/11/gop-trump-ignored-khashoggi-report-1164487>

¹⁴ Ibid.

- On February 9, HFAC ranking member Michael McCaul (R-TX) released a statement noting “The [Pompeo] letter does not meet the requirements of the Global Magnitsky Human Rights Accountability Act.”¹⁵
- On February 14, Senator Robert Menendez (D-NJ) released a letter to Pompeo reiterating the determination requirement, and requesting all records in the State Department’s possession related to analysis of the killing.¹⁶
- Also on February 14, SFRC Republicans and Democrats released separate letters addressed to Pompeo concerning the administration’s refusal to provide a determination. In their letter, SFRC

Republicans requested that Pompeo “update Congress, as requested in the Committee letter dated October 10, 2018 and required by the Global Magnitsky Act, on the President’s determination with respect to any foreign person responsible for the Khashoggi murder, including with respect to the highest ranking officials in the Government of Saudi Arabia.”¹⁷

- SFRC Democrats accused the administration of being in violation of the law, demanded that the administration comply immediately with its obligations, and presented Pompeo with a list of seven questions concerning steps the administration has taken to arrive at a determination, including surrounding the role of senior Saudi officials in Khashoggi’s death.¹⁸

¹⁵ <https://republicans-foreignaffairs.house.gov/press-release/mccaul-statement-on-administrations-response-to-magnitsky-act/>

¹⁶ <https://www.foreign.senate.gov/imo/media/doc/02-14-19%20RM%20letter%20to%20Pompeo%20re%20Khashoggi%20doc%20request.pdf>

¹⁷ <https://www.foreign.senate.gov/press/chair/release/chairman-risch-and-sfrc-members-send-letter-to-pompeo-request-information-on-khashoggi-murder>

¹⁸ <https://www.foreign.senate.gov/imo/media/doc/02-14-19%20RM%20Leahy%20SFRC%20Dems%20letter%20to%20Pompeo%20re%20Khashoggi.pdf>