

US Intelligence Being Sued for Failing to Warn Khashoggi of Threat

By [Middle East Monitor](#)

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US spy agencies are being sued for failing to warn slain Saudi journalist Jamal Khashoggi that he was facing threat and danger. The Knight First Amendment Institute at Columbia University, which “defends the freedoms of speech and the press in the digital age”, filed the lawsuit yesterday at the US District Court for the District of Columbia over intelligence agencies’ failure to uphold a US government policy.

The agencies are being sued under what is known as Directive 191, a government policy that requires American institutions to warn individuals of “impending threats of intentional killing, serious bodily injury or kidnapping”. Details of the lawsuit reported by the *Washington Post* state that before [Khashoggi’s killing](#),

“US intelligence agencies apparently intercepted communications in which Saudi officials discussed a plan to capture Khashoggi.”

Last month the *Post* reported that the Crown Prince of Saudi Arabia, Mohammed Bin Salman, ordered an operation to lure [Khashoggi](#) back to Saudi Arabia from Virginia and then detain him, according to US intelligence intercepts of Saudi officials discussing the plan.

The extent to which US intelligence was aware of the nature of the threat faced by Khashoggi also came under scrutiny last weekend when the CIA concluded that Bin Salman – also known as MBS – personally ordered the killing of Khashoggi. Their conclusion contradicted the [Saudi government](#) and President Donald [Trump’s denial](#) that the de facto ruler was involved.

According to the *Post*, the Knight Institute filed a Freedom of Information Act request seeking records related to the murder of Khashoggi. It sent requests to the CIA, FBI, National Security Agency, State Department and the Office of the Director of National Intelligence.

The institute sought documents concerning any duty to warn and actions taken with respect to Khashoggi. So far none of the agencies have released any records, which have forced the institute to file a suit in US District Court for the District of Columbia in an attempt to force them to comply.

“Our request for information about agencies’ compliance with the ‘duty to warn’ was urgent when we filed it, but it has become even more so in light of the White House’s shameful efforts to minimise the gravity and significance of this reporter’s murder, and to shield from responsibility the people who

authorised it," said Jameel Jaffer, executive director of the Knight Institute.

Yesterday, the Committee to Protect Journalists filed its own FOIA request calling for the release of the same records sought by the Knight Institute, *the Post* reported.

"It's absolutely essential that the US government makes public what it knew about threats to Jamal Khashoggi before his murder," CPJ Executive Director Joel Simon said.

The Knight First Amendment Institute has a winning track record in their efforts to hold the US government to account. In 2017 the institute sued President Trump for blocking users from his Twitter account. In their case against Trump, the plaintiffs argued that Trump's Twitter account is a public forum and that blocking access to it was a violation of their First Amendment rights. In May a judge ruled in favour of the group.

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