

United States Senate

WASHINGTON, DC 20510

October 30, 2018

The Honorable Daniel Coats
Director of National Intelligence
1500 Tysons McLean Drive
McLean, Virginia 22102

Dear Director Coats:

The disturbing disappearance of journalist Jamal Khashoggi from the Saudi consulate in Istanbul and his subsequent murder have sparked global outrage. The perpetrators must be publicly-identified and held accountable, particularly in light of varied Saudi attempts to attribute Mr. Khashoggi's death to a failed interrogation, rogue agents, and a fist-fight. These developments instill further urgency in gaining an accurate account of the events preceding the murder as members of Congress, business community leaders, and other global actors reevaluate alliances and relationships with Saudi Arabia. As investigations continue, Congress must understand the circumstances of Mr. Khashoggi's disappearance. In order to fulfill our oversight obligation, we request a classified briefing regarding the implementation of the duty to warn determinations articulated in Intelligence Community Directive 191 (21 July 2015) and its specific application to the Jamal Khashoggi case.

Press accounts claim that the Intelligence Community was aware that Saudi Arabia had plans to abduct Mr. Khashoggi in retaliation for his criticism of the government. Specifically, the *Washington Post* stated: "U.S. intelligence intercepted communications of Saudi officials discussing a plan to capture him."¹ Under Directive 191, the Intelligence Community has a duty to warn individuals or groups about threats of intentional killing, serious bodily injury, and kidnapping. The Directive is a clear message to the American people that the U.S. government takes targeted threats seriously and prioritizes the protection of individuals as a matter of national security. Consequently, questions regarding whether Mr. Khashoggi was notified of known threats to his life have raised serious concerns.

As Director of National Intelligence, you are responsible for oversight of the Directive and mediating any disputes regarding its implementation. The Intelligence Community must clearly account for any known threats levied against Mr. Khashoggi and whether the Directive was triggered appropriately and followed accordingly. We ask that you make available the following information:

¹ Loveday Morris, Souad Mekhennet, and Kareem Fahim, "Saudis are said to have lain in wait for Jamal Khashoggi," *Washington Post* (Istanbul, Turkey), October 9, 2018, https://www.washingtonpost.com/world/saudis-lay-in-wait-for-jamal-khashoggi-and-left-turkey-quickly-sources-say/2018/10/09/0e283e2e-cbc5-11e8-ad0a-0e01efba3cc1_story.html?utm_term=.74060ce013df.

- 1.) Briefing on Threats to Jamal Khashoggi: It is critical that Congress understand whether the Intelligence Community had advance knowledge of a Saudi threat to U.S. resident Jamal Khashoggi. We request clarification of whether the Intelligence Community identified such a threat prior to Khashoggi's disappearance and the nature of this threat. If a threat was identified, please provide any documentation or information regarding the triggering and implementation of Directive 191. Additional information regarding any communication of threat information to Jamal Khashoggi—including the method, means, and substance—and the timeliness of this communication must also be disclosed. If the duty to warn was waived, an appropriate justification—as articulated in Directive 191—must be provided.
- 2.) Procedures and Policies Regarding Implementation of Directive 191: While the directive requirements are explicit, the case of Mr. Khashoggi has raised concerns regarding its application. These concerns center on whether the definition of “kidnapping” includes situations in which governments of individuals acting under the color of law may engage in human rights abuses. We request documentation—including determinations and waivers—regarding Directive definitions, procedures, as well as information related to the training provided to employees, who are responsible for the threat assessments that inform the duty to warn determinations of the Directive.
- 3.) Information Regarding Invocation of Directive 191: We request background data regarding the number and instances of threat assessments that have triggered duty to warn obligations since the promulgation of Directive 191 on July 21, 2015; the instances in which the duty to warn was waived; and the justifications invoked for such waivers.
- 4.) Intelligence Analysis on Saudi Arabia: We request an update intelligence assessment on Saudi Arabia including political dynamics within the royal and suppression of dissent both domestically and internationally.

While we understand that responses to these questions will contain both classified and unclassified information, we ask that you publicly provide all unclassified information in addition to a classified briefing or classified addendum. Given the time-sensitive nature of this matter and its relevance to ongoing investigations, we request your immediate attention to this request and appreciate your prompt cooperation.

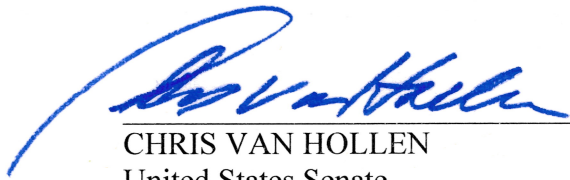
Sincerely,



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United States Senate

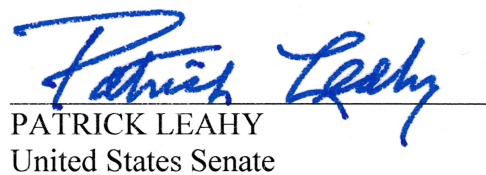


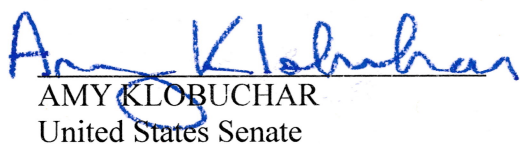
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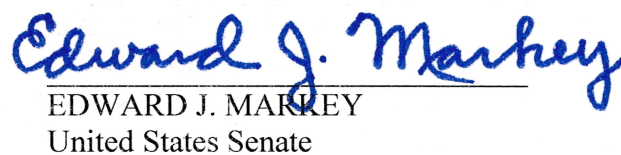

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