



Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
+1 212 909 6000

February 10, 2021

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Open Society Justice Initiative v. Central Intelligence Agency, et al.*, No. 19 Civ. 234 (PAE); and *Open Society Justice Initiative v. Department of Justice, et al.*, No. 19 Civ. 1329 (PAE)

Dear Judge Engelmayer:

We write on behalf of Plaintiff the Open Society Justice Initiative (“OSJI”) in the above-referenced actions brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552. We write with reference to Defendants’ letter dated February 8, 2021, ECF No. 194 (the “February 8 Letter”) and the Court’s Order dated December 11, 2020, ECF No. 178, which requires the parties to “file a status letter. . . as to the next steps in this litigation” by February 12, 2021.

In the February 8 Letter, Defendants indicate their request for an extension for providing a *Vaughn* index related to the CIA report concerning the killing of Jamal Khashoggi, as ordered by the Court, *see* December 8, 2020 Opinion and Order at 29, ECF No. 176; December 11, 2020 Order, ECF No. 178, is due to “the ongoing process of review the administration is currently engaged in . . . to make a final decision about the exemptions applicable to this record.”

As we previously brought to the Court’s attention, *see* Plaintiff’s Memorandum of Law in Opposition to the Government’s Motion for Partial Reconsideration, ECF No. 191 and Declaration of Ashika Singh, ECF No. 192, Director of National Intelligence (“DNI”) Avril Haines has committed to releasing an unclassified report on Mr. Khashoggi’s murder, as required by statute. On February 5, 2021, White House press secretary Jen Psaki affirmed, “[t]he murder of Jamal Khashoggi was a horrific crime. We are prepared to release an unclassified report with full transparency for Congress. This is the law, and we’ll follow the law.”¹

¹ Press Briefing by Press Secretary Jen Psaki and Council of Economic Advisers Member Jared Bernstein (Feb. 5, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/02/05/press-briefing-by-press-secretary-jen-psaki-and-council-of-economic-advisers-member-jared-bernstein-february-5-2021>.

These changes in policy from the prior administration have significant implications for this case. ODNI's declassification of information relating to the Khashoggi murder will have implications for records that have previously been withheld by the four remaining defendants—State, Defense, CIA and ODNI—in this case. Importantly, because State is still processing responsive records, it will also have implications for future productions in this case.

Plaintiff respectfully requests a status conference, ideally to be held in the week following March 10, 2021, the day the *Vaughn* index relating to the CIA report is now due. An update from the government regarding the status of its internal review and any additional decisions on declassification, as well as Plaintiff's position on the implications of the government's decisions, could benefit the Court in its determination of next steps.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Catherine Amirfar

Catherine Amirfar
[REDACTED]

Ashika Singh
[REDACTED]

DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
[REDACTED]

Amrit Singh
[REDACTED]

James A. Goldston
OPEN SOCIETY JUSTICE INITIATIVE
224 West 57th Street
New York, New York 10019
[REDACTED]

Attorneys for Plaintiff

cc: Counsel of record (by ECF)