

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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*This document relates to:*

All Actions

**DECLARATION OF ANDREW J. MALONEY III**

I, Andrew J. Maloney, III hereby declare under the penalty of perjury that the following is true and correct and in my personal knowledge:

1. I am a partner at the law firm of Kreindler & Kreindler LP and currently serve as Co-Liaison Counsel on the PEC for death and injury claims in the above captioned case.

2. Prior to joining the firm, I served as an Assistant U.S. Attorney in the S.D.N.Y. Criminal Division. During my years as a federal prosecutor I had occasion to work with many confidential witnesses (CW), some of whom were threatened by defendants or people associated with those defendants to prevent their testimony, and in at least one case, the witness was murdered.

3. During the past year, I have spoken with several third party witnesses with personal knowledge relevant to the 9/11 terror litigation who have expressed to me their fears of testifying against the Saudi government. In addition, during the past year, investigators hired by my firm have spoken with other third party witnesses with personal and relevant knowledge to this case. The investigators advised me that the witnesses had expressed their fears of testifying against the Saudi government. The third party witnesses specifically mentioned not only to me but our investigators that a basis for their fears of the Saudi government was the well-publicized

murder of Saudi Washington Post journalist Jamal Khashoggi inside the Saudi Consulate in Istanbul, Turkey in October 2018.

4. Within the last year, I was personally advised by a third party witness (CW1) that his/her family in the Middle East had been approached in person and directly threatened by Saudi government officials and/or their employees/agents within the past several months. More specifically, they were advised that if CW1 were to testify against the Saudi government, that there would be “serious consequences” for him/her and his/her family. CW1 understood that this meant that he/she and/or his/her family would be murdered.

5. On two other occasions within the last year, I spoke with another third party witness, CW2, who advised me that his/her family in Saudi Arabia had urged CW2 not to cooperate with the 9/11 investigation against the Saudi government and that they feared for their lives living inside the Kingdom. No specific person or threat was identified.

6. A third witness (CW3) within the last several months advised one of our investigators that he/she believed Saudi agents had been stalking him/her outside his/her residence shortly after his/her name surfaced during the litigation discovery. He/she indicated that he/she believed the Saudis were not only watching, but sending a message that they could get to him/her at any time and make him/her disappear.

7. A fourth witness (CW4) told one of our investigators that he/she was so afraid of the Saudis’ reach, that he/she was considering buying a bulletproof vest to prevent harm.

8. Several additional witnesses agreed to speak to our investigators only if their identities were kept secret for fear of Saudi retribution.

9. On October 26, 2017, an investigator working for the PECs concerning the 9/11 terror investigation met with and interviewed Saudi National and Washington Post journalist Jamal Khashoggi in the Washington D.C. area.

10. Attached as Exhibit 1 is a true and accurate copy of a Twitter posting of the then Saudi Ambassador to the United States, Prince Khalid bin Salman (brother to current Crown Prince Mohamed bin Salman), that his last contact with Jamal Khashoggi was on October 26, 2017, the same day he met with the PECs' investigator in Washington. The Twitter posting by Ambassador Salman reads:

As we told the Washington Post the last contact I had with Mr. Khashoggi was via text on Oct 26 2017. I never talked to him by phone and certainly never suggested he go to Turkey for any reason. I ask the US government to release any information regarding this claim. Posted Nov. 16, 2018 @ 6:45pm

11. Attached as Exhibit 2 is a true and accurate copy of the June 19, 2019 United Nations Office of the High Commissioner for Human Rights Press Release, entitled "Khashoggi killing: UN human rights expert says Saudi Arabia is responsible for 'premeditated execution.'" That press release summarizes the findings of the Report attached as Exhibit 3 as follows:

Saudi journalist Jamal Khashoggi was the victim of a premeditated extrajudicial execution, for which the State of Saudi Arabia is responsible.

His killing was the result of elaborate planning involving extensive coordination and significant human and financial resources. It was overseen, planned and endorsed by high-level officials. It was premeditated.

12. Attached as Exhibit 3 is a true and accurate copy of the June 19, 2019 United Nations Office of the High Commissioner for Human Rights Report entitled "Annex to the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Investigation into the unlawful death of Mr. Jamal Khashoggi."

13. Attached as Exhibit 4 is a true and correct copy of a March 17, 2019 article published in the New York Times entitled “It Wasn’t Just Khashoggi: A Saudi Prince’s Brutal Drive to Crush Dissent” which reports that:

Crown Prince Mohammed bin Salman of Saudi Arabia authorized a secret campaign to silence dissenters — which included the surveillance, kidnapping, detention and torture of Saudi citizens — over a year before the killing of Jamal Khashoggi, according to American officials who have read classified intelligence reports about the campaign.

At least some of the clandestine missions were carried out by members of the same team that killed and dismembered Mr. Khashoggi in Istanbul in October, suggesting that his killing was a particularly egregious part of a wider campaign to silence Saudi dissidents, according to the officials and associates of some of the Saudi victims.

Members of the team that killed Mr. Khashoggi, which American officials called the Saudi Rapid Intervention Group, were involved in at least a dozen operations starting in 2017, the officials said.

14. Attached as Exhibit 5 is a true and correct copy of an May 9, 2019 article in Time Magazine entitled “The CIA Sent Warnings to at Least 3 Khashoggi Associates About New Threats From Saudi Arabia” and published online at <https://time.com/5585281/cia-warned-jamal-khashoggi-associates/> which reports that “[t]he CIA and foreign security services are warning friends and colleagues of Jamal Khashoggi that their efforts to continue the pro-democracy work of the slain Saudi journalist has made them and their families the targets of potential retaliation from Saudi Arabia. . . .”

15. Attached as Exhibit 6 is a true and correct copy of an article in the Middle East Eye entitled “Exclusive: Saudi dissidents in US warned by the FBI after Khashoggi killing” and published online at <https://www.middleeasteye.net/news/exclusive-saudi-dissidents-us-warned-fbi-after-khashoggi-killing> which states that “[t]he FBI visited Saudi dissidents in the United States and others connected to Jamal Khashoggi in the weeks after the journalist's murder to warn them of a potential threat to their lives from the Kingdom.”

16. On November 15, 2018, the U.S. Treasury Department sanctioned seventeen Saudi government officials for the killing of Jamal Khashoggi. The team of assassins was led by Saud al-Qahtani, “a senior official of the Government of Saudi Arabia who was part of the planning and execution of the operation.” Attached as Exhibit 7 is a true and correct copy of the Treasury Department press release published online at <https://home.treasury.gov/news/press-releases/sm547>.

17. Lobbyists for Saudi Arabia actively worked against the passage of the Justice Against the Sponsors of Terrorism Act (JASTA) to stop the 9/11 terror litigation. The lobby effort was managed by Saad al-Qahtani, the purported mastermind of the Khashoggi execution. Attached as Exhibit 8 are true and correct copies of Foreign Agent Registration Act filings. After JASTA became law, the Saudi lobby used deceptive activity in an attempt to repeal and undermine JASTA. Attached as Exhibit 9 is a true and correct copy of the transcript of an interview on National Public Radio published online at <https://www.npr.org/2018/12/15/this-is-crossing-the-line-saudis-co-opted-veterans-voices-to-lobby-congress>. In 2016-2017, unregistered foreign agents attempted to dupe U.S. military veterans into advocating against JASTA and paid all travel expenses, including stays at the Trump Hotel in Washington and set up meetings for them with members of Congress in an effort to repeal JASTA, while failing to reveal to the veterans that it was the Saudi government that was behind this lobbying effort to stop the 9/11 families. Attached as Exhibit 10 is a true and correct copy of a Complaint filed by various 9/11 Families (who are Plaintiffs in this case) with the Department of Justice.

18. Attached as Exhibit 11 is a true and correct copy of a November 6, 2019 press release of the United States Attorney’s Office for the Northern District of California entitled “Two Former Twitter Employees And A Saudi National Charged In Plot To Provide Saudi

Government With Information About Users” and “Defendants Allegedly Acted as Illegal Agents of a Foreign Government by Providing Information About Twitter Users to Representatives of the Kingdom of Saudi Arabia” published online at <https://www.justice.gov/usao-ndca/pr/two-former-twitter-employees-and-saudi-national-charged-plot-provide-saudi-government> which states that the criminal complaint (attached as Exhibit 12) shows that “Saudi agents mined Twitter's internal systems for personal information about known Saudi critics and thousands of other Twitter users” and that

representatives of the Kingdom of Saudi Arabia and the Saudi Royal Family sought the private information of Twitter users, including their email addresses, IP addresses, and dates of birth, of persons some of whom published posts deemed by the Saudi Royal Family to be critical of the regime. This information could have been used to identify and locate the Twitter users who published these posts. The complaint alleges that Alzabarah and Abouammo were compensated for their illicit conduct, including the provision of a luxury watch, cash, and other benefits in exchange for their agreement to violate Twitter policies by accessing and providing the information. Almutairi is alleged to have arranged meetings, acted as a go-between, and facilitated communications between the Saudi government and the other defendants.

19. Attached as Exhibit 12 is a true and accurate copy of the November 5, 2019 Criminal Complaint filed in the case *United States of America v. Ahmad Abouammo; Ahmed Almutairi, a/k/a Ahmed Aljbreen; and Ali Alzabarah*, 3:19-mj-71824-MAG (N.D.C.A. Nov. 5, 2019).

20. Attached as Exhibit 13 is a true and correct copy of a 2019 report entitled “Freedom on the Net 2019 – Saudi Arabia” published online by the U.S. Department of Justice at <https://www.justice.gov/eoir/page/file/1234871/download>. The report states that:

Surveillance is rampant in Saudi Arabia. The government justifies the pervasive monitoring of nonviolent political, social, and religious activists by claiming that they are protecting national security and maintaining social order. The authorities regularly monitor websites, blogs, chat rooms, social media sites, emails, and text messages.

21. Attached as Exhibit 14 is a true and correct copy of a January 22, 2020 press release of the United Nations High Commissioner for Human Rights entitled “UN experts call for investigation into allegations that Saudi Crown Prince involved in hacking of Jeff Bezos’ phone.”

22. Attached as Exhibit 15 is a true and correct copy of a report of the United Nations High Commissioner for Human Rights entitled “Analysis of the Evidence of Surveillance of Mr. Bezos’ personal phone – Key Technical Elements” published online at <https://www.ohchr.org/Documents/Issues/Expression/SRsSumexFreedexAnnexes.pdf>, which presents a “Brief Timeline of Key Events” including the following:

<b>November 2017</b>	Pegasus-3 spyware is acquired from NSO Group by the Saudi regime, specifically the Saudi Royal Guard.
<b>April 4, 2018</b>	Mr. Bezos attends dinner with the Crown Prince, in the course of which they exchange phone numbers that correspond to their WhatsApp accounts.
<b>May, 2018</b>	The phone of Saudi human rights activist Yahya Assiri is infected with malicious code. Yahya Assiri was in frequent communication with Mr. Khashoggi.
<b>June, 2018</b>	The phone of Saudi political activist Omar Abdulaziz is infected with malicious code, via a texted link on Whats App. Omar Abdulaziz was in frequent communication with Mr. Khashoggi.
<b>June, 2018</b>	The phone of an Amnesty International official working in Saudi Arabia is targeted for infection via a WhatsApp link that it is determined leads to an NSO Group-controlled website.
<b>June 23, 2018</b>	The phone of Saudi dissident Ghanem al-Dosari is targeted via a text link leading to NSO infrastructure.
<b>June 23, 2018</b>	A second phone of Saudi dissident Ghanem al-Dosari is targeted via a text link leading to NSO infrastructure.
<b>December 20, 2019</b>	Twitter suspends 88,000 accounts linked to Saudi spying case, saying that the accounts were associated with “a significant state-backed information operation” originating in Saudi Arabia.



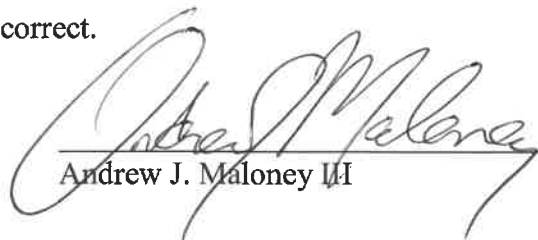
23. Attached as Exhibit 16 is true and correct copy of a January 17, 2020 letter from the Federal Bureau of Investigation (FBI) to Senator Ron Wyden attaching an August 29, 2019 FBI Intelligence Bulletin entitled “Saudi Officials Almost Certainly Assist Saudi Citizens Flee the United States To Avoid Legal Issues, Undermining the US Judicial Process” published online at <http://www.documentcloud.org/documents/6661439-FBI-Saudi-Declassified.html> . The Bulletin states that with “high confidence” the FBI made the assessment that Saudi government officials “almost certainly assist U.S. based Saudi citizens in fleeing the United States to avoid legal issues” including “rape, child pornography and manslaughter. . . .”

24. A U.S. citizen doctor has been imprisoned in Saudi Arabia on unspecified charges since 2018. Saudi Arabia seized the family’s passports, tortured the doctor and refused to respond as to the reasons for his detention. Attached as Exhibit 17 is a true and correct copy of a New York Times article published online at <https://www.nytimes.com/2019/03/13/world/middleeast/saudi-arabia-torture-walid-fitaihi.html>.

25. At least three other U.S. citizens have complained to the Secretary of State that their family members are currently imprisoned in Saudi Arabia on unspecified charges. Attached as Exhibit 18 is a true and correct copy of a NBC News piece published online on February 20, 2020 at <https://www.nbcnews.com/think/opinion/saudi-arabia-imprisoning-our-relatives-while-mike-pompeo-u-s-ncna1140116> . That article states that “[a]s long as this culture of impunity persists, no American in Saudi Arabia is safe.”

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: New York, NY  
February 21, 2020

  
Andrew J. Maloney UI