

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ABU AGILA MOHAMMAD MAS'UD
KHEIR AL-MARIMI

Defendant.

No. 22-cr-392 (DLF)

ORDER

On December 23, 2024, the Court issued a Memorandum Opinion and Order regarding the implementation of Pub. L. No. 118-37, 138 Stat. 11 (2024) (the “Victims Access Act”). *See* Mem. Op., Dkt. 83. The Court ordered the government to ensure that “evidentiary and trial proceedings are made accessible to identified victims (a) at courthouses across the United States and (b) at secure locations outside the United States, such as U.S. embassies.” *Id.* at 24. Before the Court is the government’s Motion for Clarification. Dkt. 89.

1. Designated Secure Viewing Locations

To avoid access and control issues, the government proposes using certain secure government facilities as designated secure viewing locations, in lieu of U.S. courthouses and U.S. embassies. Gov’t Mot. at 2–3. Within the U.S., the government recommends using FBI or U.S. Attorney’s Office buildings. *Id.* at 3. In foreign countries, the government proposes the use of foreign government facilities such police stations, law enforcement offices, and courthouses. *Id.* at 5. In light of the government’s assurances that these alternative locations will be secure, access-restricted, and actively monitored by security personnel, the Court finds the government’s proposed approach reasonable. It thus tentatively will permit the use of alternative secure

designated viewing locations, subject to its forthcoming review of a specific implementation proposal that demonstrates that such locations will indeed be secure, access restricted, and monitored by trained representatives of the Department of Justice.

2. Zoom for Government Platform

The Court's Memorandum Opinion provided that evidentiary and trial proceedings will broadcast live to designed secure viewing locations for identified victims. These live broadcasts may be conducted over the Zoom for Government platform.

3. Time-Delayed Access to Proceedings

The government requests permission to preserve audio and video recordings of trial proceedings to replay those recordings, in secure access locations, for victims located in different time zones. Gov't Mot. at 7–8. But as the Court explained in its Memorandum Opinion, legal precedent and judiciary policy strongly disfavor preserving video and audio recordings of criminal trial proceedings. Mem. Op. at 5–9. Such recordings may damage the integrity of proceedings, chill the quality of witness testimony, and violate a defendant's constitutional rights. *Id.* at 18–19. The Court carefully weighed the risks of the illicit and unauthorized dissemination of any recording, against the legitimate interests of impacted victims, but ultimately concluded that even with safeguards, the risks were too significant to permit recording. *Id.* at 20. For those same reasons, the Court will not authorize any recordings of the proceedings.

4. Closing Arguments and Rendering of the Verdict

The government asserts that closing arguments and the rendering of the verdict are non-evidentiary proceedings, and accordingly, it asks the Court to authorize direct-to-victim access of those proceedings through the Zoom for Government Platform. The defendant opposes the government's request. The Court will defer its ruling on this request.

Accordingly, it is

ORDERED that the government's request to designate alternative secure access viewing locations is **GRANTED**. In its specific implementation plan, the government shall provide a complete list of such locations for the Court's final review. It is further

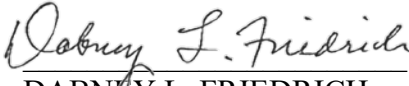
ORDERED that the government's request to use the Zoom for Government platform to live broadcast trial proceedings contemporaneously to the designated secure access locations is **GRANTED**. It is further

ORDERED that the government's request to preserve recorded trial proceedings is **DENIED**. It is further

ORDERED that the government's request for additional time is **GRANTED**. The government shall file a reasonable and specific implementation plan on or before April 6, 2025.

SO ORDERED.

March 6, 2025


DABNEY L. FRIEDRICH
United States District Judge