

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**ABU AGILA MOHAMMAD
MAS'UD KHEIR AL-MARIMI,**

Defendant.

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Case No. 22-cr-392 (DLF)

GOVERNMENT'S UPDATE CONCERNING VICTIM ACCESS ISSUES

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia (hereinafter "the government"), respectfully submits this update to the Court as undersigned counsel was unable to appear in person to report to the Court concerning victim access developments in the above-captioned matter on October 9, 2025, due to U.S. government shutdown limitations. The following update addresses the Court's victim access questions raised during the October 9, 2025, hearing.

Victim Access Issues to Date

At the most recent previous non-evidentiary proceeding of this case, held on June 5, 2025, the government was able to provide a small "Test Group" of cleared victims audio access to listen to court proceedings. The purpose of this effort was to ensure that the Court's Zoom for Government platform could securely work with the call-in capability established as it existed with the Court's IT system. Each victim who participated in that non-evidentiary hearing had completed two background requirements: completing a remote access questionnaire (which allowed the government to verify that they met the statutory definition for a victim in this case) and also executing a written certification that they would abide by the prohibitions of the District Court of

the District of Columbia from photographing, recording, or rebroadcasting court proceedings, including those held by telephone or videoconference. *See In re: Prohibition on Photographing, Recording, Broadcasting, and Livestreaming Judicial Proceedings*, Standing Order 24-31 (JEB) (September 18, 2024). The Court also graciously permitted one victim to remotely participate from Court via telephone. By all accounts, the Test Group appeared to be a success.

Thereafter, the government accelerated its victim access efforts on two fronts. First, it engaged in a more extensive gathering of data from the victim group to determine their interest and preferences regarding attending fixed site locations for future evidentiary proceedings. After designing a second FBI questionnaire, the government surveyed all victims who had registered on its Victim Notification System (“VNS”) and others identified by our colleagues in Scotland and through other sources. We published a questionnaire and obtained victim remote access information. We also asked victims to complete a signed certification form promising to abide by the D.C. Court’s rules prohibiting them from “photographing, recording, or rebroadcasting court proceedings, including those held by telephone or videoconference.” *Id. See* Standing Order, 24-31. The victim’s certification further acknowledged that any violations of the court’s prohibitions may subject them to sanctions, including contempt of court, as violations could have the potential to jeopardize the safety and well-being of witnesses, or interfere with the administration of justice.

Second, after a review of what worked for the Test Group effort, we informed the Court that we would be interfacing with the Court’s IT staff to discuss whether its Zoom for Government IT capabilities were capable of setting up a “ZFG event” which would permit the Court to host future evidentiary proceedings. We held an initial meeting, where the process was tested by the ZFG IT staff, with the Court’s IT staff, and all indications were that this “ZFG event” process had been favorable.

On October 7, 2025, the defendant filed a motion to continue the trial (ECF 171). On October 8, 2025, the United States opposed the defendant's motion to continue the trial date. (ECF 172). In light of this motion and other pending issues, the parties requested a status hearing, and the Court scheduled a hearing for October 9, 2025.

Given the quick scheduling of the status hearing, the government had only a few days to arrange for remote access for verified victims. The government was mindful that the Court has asked the government, rather than Court staff, to bear the administrative burden of facilitating remote access to the verified victims. To that end, the government promptly devised a solution different from the process previously used for the Test Group, which had required Court staff to input names and contact information for verified victims for the June 2025 hearing. Instead, the government used its own Webex account to create a secure, safe link between the Court's ZFG platform and the government's Webex platform. This solution allowed the government to assume the responsibility for notifying victims and verifying that only victims accessed the hearing, while ensuring that the Court's ZFG platform remained the entity in control of the courtroom event. The government's IT staff set up a Webex "webinar" to host the October 9, 2025, hearing, with the Court serving as a Panelist, and all others as participants.

Prior to the hearing, the government sent a Webex link to the **95 verified victims** who had completed both the access questionnaire and the signed certification. On the day of the hearing, the government (including undersigned counsel) joined and monitored the Webex webinar to ensure only members of that verified victim group joined the webinar. In total, 37 verified victims joined the audio transmission of the October 9 hearing from across the globe and the United States. The government has preserved the list of victims who listened to the hearing, along with their sworn certifications. The feedback received from participants indicated that they were very

grateful to be able to listen to the hearing, that they could hear the Court “loud and clear,” but that the attorneys needed to speak directly into the microphones in order to be heard on the line.¹

Victim Access Issues Moving Forward

For future non-evidentiary proceedings, the government intends to use the same Webex webinar platform that worked well at the October 9 hearing. The only thing that will be required of Court staff will be to click a link to join the webinar as a panelist, as was done at that hearing.

As we move forward to the Court’s holding of evidentiary hearings, for which the Court has ruled that video transmissions will be available at fixed sites, subject to strict conditions imposed by the Court, the logistics will necessarily be different.

The government will continue to shoulder the considerable administrative burdens associated with this endeavor. First, the government will continue to collect, review, and vet responses to the remote access questionnaires and sworn certifications to verify additional victims who meet the statutory definition and who have agreed to abide by the rules imposed by this Court. Second, the government will select the number and locations of fixed sites to be operated in the United States and overseas. This determination will be based on the expressed interest and preferences of the victims in response to the questionnaire that we have circulated. Third, the government will bear all logistical responsibilities for operating fixed sites – including arranging for the facilities, staffing the locations, and monitoring the victims at each site. In the United States, we are planning to locate fixed sites at U.S. Attorney Offices. Government employees will be monitoring the process as outlined in our proposed plan, and pursuant to the Court’s

¹ In future proceedings, with the Court’s permission, perhaps counsel with a speaking role could wear lapel microphones, as they typically do for opening statements and closing arguments at trial, to allow them to be heard more clearly both in the courtroom and in the audio transmission.

Implementation Process and subsequent Orders. *See* (Doc. 82: 12/23/24, Pages 24-25); *see also* (Doc. 95: 3/6/95, Pages 1-3). For overseas victims, we have identified at least 2-3 potential locations in Scotland, one or two potential locations in England, and other potential locations in Europe. For these sites, our preference is to use secure government-type locations, with appropriate security in place as previously outlined. If such sites are not available, we will seek alternate sites where government representatives can strictly monitor access to the sites. We will update the Court as we finish our analysis of the questionnaires and are able to more firmly establish our respective locations.

As for the video transmission of evidentiary proceedings, the logistics will necessarily be different from the audio transmissions. The courtroom cameras that provide the video feed are linked to the Court's ZFG platform. As the Court will already be using this platform to broadcast the proceedings to any overflow courtroom(s) and the media room(s), it will be necessary to use this same platform for video transmission to the fixed site locations. Unlike the audio transmissions, however, which may involve many dozens of victims using individual links to access the proceedings, the video transmissions will be limited to the number of fixed sites and will be accessed only by the government personnel monitoring each site. In other words, if the government establishes ten fixed sites, then only ten government accounts will need to have access to the video transmission. We believe this approach minimizes the administrative burden on Court staff, especially as compared to the significant administrative burdens assumed by the government to identify, staff, and monitor these sites.

Conclusion

The government has approached victim access issues with great care to ensure that we are doing everything possible to meet the Court's mandates, fulfill Congress's intent in enacting the Victim Access law specific to this case, ensure fairness to the defendant, and address the needs of victims in this case. The government's "reasonable and specific implementation proposals" will enable a large number of victims an opportunity to remotely access the proceedings in this case. If any problems occur, that information will be brought promptly to the Court's attention by undersigned counsel assigned to handle Victim Access matters in this case.

In order to ensure smooth operations of remote audio and video transmissions going forward, undersigned counsel, Victim-Witness Program Specialist Yvonne Bryant, and others from the U.S. Attorney's Office plan to reengage with the Clerk's Office and Courtroom staff to conduct test runs and otherwise trouble-shoot potential technical issues in advance of court hearings. We hope that such ongoing discussions can minimize technical issues that might arise during actual hearings, so that we do not unduly impinge on the Court's time.

Respectfully submitted,

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