

**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)

**UPDATE REGARDING THE UNITED STATES' IMPLEMENTATION PROPOSAL TO
ENSURE REMOTE ACCESS TO EVIDENTIARY PROCEEDINGS FOR VERIFIED
VICTIMS**

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 concerning the United States’ implementation proposal to ensure remote access for verified victims to evidentiary proceedings, consistent with the Court’s December 23, 2024 Order (Doc. 83), and the Court’s March 6, 2025 Clarifying Order (Doc. 95) (collectively, “the Court’s Orders”), interpreting the access that the victims are entitled to under Public Law 118-37, 138 Stat. 11 (2024) (“*Remote Access to Court Proceedings for Victims of the 1988 Bombing of Pan Am Flight 103 Over Lockerbie, Scotland*,” hereinafter, “the Victim Access Act”).

The Court’s Orders required that the government provide on or before April 7, 2025,¹ a “reasonable and specific implementation proposal” for handling the video and audio access for

¹ The Court originally required the government to provide its proposal on or before February 21, 2025, however, the government sought clarification (Doc. 89) from the Court concerning key aspects of the Court’s intent regarding its December 23, 2024, ruling (Doc. 83). The Court provided additional clarification on March 6, 2025, and required the government to respond by April 6, 2025 (Doc. 95). The government filed a motion for a one-day extension of this deadline (Doc. 97), which the Court granted by Minute Order on April 2, 2025. The government has

victims in the Pan Am Flight 103 case consistent with the Court’s Memorandum Opinion at pages 24-25 (Doc. 83). The government previously addressed the relevant issues in four parts and hereby updates that document (Doc. 98) with the following: (1) information about the process used to identify and verify victims; (2) a review of the successful implementation of remote audio access to non-evidentiary proceedings; (3) updated details about our plan for remote access at secure, fixed sites to the upcoming evidentiary hearing; and (4) an overview of the planned use of FBI monitors at remote fixed sites to address the Court’s Orders and concerns regarding security. The government also provides the Court with updates concerning the reasonableness, efficiency, and cost-effectiveness of its plan throughout this Update.

I. PROCESS USED TO IDENTIFY AND VERIFY VICTIMS

As explained in prior pleadings, the government identified those individuals who would qualify as a “victim” in this specific case, under the broadly phrased statutory definition found in Public Law No. 118-37(a)(1)(B), 138 Stat.11.

Initial Victim Questionnaire

Those efforts included reviewing victim information maintained in the Department of Justice’s Victim Notification System (“VNS”), and collaborating with the Federal Bureau of Investigation’s Victim Services Division (“FBI-VSD”), by designing a Victim Access Questionnaire (“VAQ”) that gathered information from victim-respondents, including each victim’s connection to the case, information about whether they wished to view or listen to the trial and other court proceedings remotely, their Personal Identification Information (“PII”) (*e.g.*, dates

provided oral updates to the Court concerning victim access concerning non-evidentiary hearings and provides this written Update concerning fixed-site victim access to evidentiary proceedings.

of birth, address), their geographic location, and information concerning the existence of any medical and/or logistical hardships. *See* (Doc. 68-2, 10/23/2024; pages 1-4).

The initial data generated from the VAQ identified 417 victim-respondents, including 244 victim-respondents within the United States, and 173 foreign victim-respondents. The government continues to believe the number of victims is higher, because the statutory definition of victim as defined by the Victim Access Act is broadly phrased, and because additional qualifying victims have continued to self-identify, even as the case continues to move closer to the August 24, 2026, trial date.

Second Victim Questionnaire

In response to the Court's Orders, the government together with FBI-VSD developed a second online application process for victims interested in remote access to non-evidentiary and evidentiary proceedings. The online application portal set forth the procedures by which a victim could gain remote access to the proceedings, similar to the explanations provided to the victims in the case of *United States v. Moussaoui* (*e.g.* Doc. 39-5). Interested individuals were required to (1) complete an application to establish their status as a victim, similar as was done in the *Moussaoui* case (*e.g.* Doc. 39-4); (2) review and sign a sworn certification affirming that they will follow this Court's Orders with respect to access to any proceeding, whether evidentiary or non-evidentiary; and (3) complete a survey with respect to whether and how they wish to view remote broadcasts of evidentiary proceedings.

The online portal was made available to potential victims in the same manner that the VAQ was previously administered, and the links to the portal were made available through DOJ's and FBI's websites, and sent to victims through DOJ's Victim Notification Service, and circulated by our Scottish law enforcement partners to foreign victims. As was the case with the VAQ, we

employed other tactics, such as social media postings, to ensure that the portal was made available to the widest possible audience to reach all potential victims who qualify under the Victim Access Act.

Victim Identification

The application to access the proceedings asked each respondent to identify their status as set forth in the definition provided by Congress in the Victim Access Act, which defines the term “victim” with respect to crimes associated with the bombing of Pan Am Flight 103 to mean any individual:

- (A) who suffered direct or proximate harm as a result of the bombing of Pan Am Flight 103 that occurred over Lockerbie, Scotland, on December 21, 1988, and was present at or near the scene of the bombing when it occurred, or immediately thereafter; or
- (B) who is the spouse, legal guardian, parent, child, brother, sister, next of kin, or other relative of, or who is determined by the applicable district court of the United States to be an individual who possesses a relationship of similar significance to, an individual described in subparagraph (A) or an individual otherwise described in this subsection.²

In addition to specifying their victim status, this first portion of the application required the victim-respondent to confirm personal identifying information, such as full name, date of birth, current address, telephone number, and email address for use in verifying their identity throughout the proceedings.

Once an individual applied through the online portal, a member of the USAO-DC’s Victim Witness Division assigned to handle this case reviewed the application to determine whether the applicant met the statutory criteria for eligibility. If the applicant met the statutory definition of

² Under the Victim Access Act, the term “victim” excludes any individual who participated or conspired in the crimes associated with the bombing of Pan Am Flight 103.

victim based on the assertions contained in the application, the government made reasonable efforts to verify the information provided in the application. Generally, if the applicant was in the victim database and the contents of the application satisfied the victim definition in the Victim Access Act, the applicant was deemed eligible for remote access to the proceedings.

Where an applicant did not appear to satisfy the “victim” definition in the Victim Access Act, further due diligence was undertaken. For example, when an applicant has claimed a relationship to a decedent that is outside the specific statutory definition but is nonetheless significant, the government has applied to the Court in an under seal, *ex parte* filing to seek the Court’s authorization for that applicant to gain remote access to the proceedings. The government anticipates continuing this practice in the future as needed.

The government is responsible for notifying all applicants whether they have been determined by the Court to be eligible for remote access to the proceedings. The personal identifying information provided by applicants shall not be made public nor disclosed to the defendant or his counsel.

Sworn Certification

The Court has imposed a sworn certification requirement as a condition precedent to remote access to the proceedings in this case. *See* (Doc. 82, page 24); *see also* (Doc. 95, pages 1-2, Doc. 98, page 5). Each applicant and verified victim have been required to produce a “sworn victim certification form on which [they] acknowledge their legal obligations” to not photograph, record, broadcast, livestream, tape, re-tape, reproduce, or transmit in any way the legal proceedings. (Doc. 82, p. 24). Thus, the government has had each victim applicant attest to the following:

SWORN VICTIM CERTIFICATION

VIEWING ZOOM FOR GOVERNMENT VIDEO AND AUDIO NON-EVIDENTIARY, NON-TESTIMONIAL PROCEEDINGS AND ATTENDING FIXED SITE PROCEEDINGS IN THE PAN AM FLIGHT 103 CASE

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I, _____ do hereby agree, that I will not photograph, record, broadcast, livestream, tape, re-tape, reproduce, or transmit in any way (via the internet or telephonically), the video and/or audio productions of the non-evidentiary, non-testimonial, court proceedings that I am being permitted to view on the "ZOOM FOR GOVERNMENT PLATFORM" (ZFG) as a recognized official Victim in the Pan Am Flight 103 case (cited above), that is being litigated in the U.S. District Court before the Honorable Dabney L. Friedrich, U.S. District Judge. I am being permitted to view these proceedings on my own personal electronic devices via the ZFG platform irrespective of my physical location consistent with Public Law 118-37, 138 STAT. 11 (2024). I am aware that the Court has prohibited any reproduction whatsoever of the ZFG proceedings that I will be viewing, and my viewing of these proceedings is a privilege, and that I shall act consistent with the rules set out by Judge Friedrich, and the U.S. Courts of the D.C. Circuit.

Likewise, I hereby acknowledge that if I participate in the fixed-site viewing of the testimonial portion of this trial, I will also abide by the courts admonition to refrain from taking any photographs, broadcasting, livestreaming, taping, re-taping, or transmitting in any way (via the internet or telephonically), the video and/or audio productions of the testimonial court proceedings that I would be viewing at the fixed site that I will be attending. I am aware that I will be held in contempt by this Court if I violate this admonition of the Court.

I am further aware that any violations of these prohibitions have the potential to jeopardize the safety and well-being of witnesses and participants in judicial proceedings and may otherwise interfere with the administration of justice.

Accordingly, I understand that if I violate any of the above listed prohibitions, I may be subject to sanctions, including contempt of court, removal from the ZFG Platform viewing room, denial of entry to future ZFG proceedings, or any other sanctions as deemed necessary and appropriate by the Court.

Signature ■

Date ■

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Admonitions about these requirements are reiterated prior to the start of any remote broadcast, even those that are non-evidentiary (and will apply for any victim who has been verified for access to remote fixed site evidentiary proceedings).

II. ACCESS TO NON-EVIDENTIARY PROCEEDINGS

Beginning on October 9, 2025, the audio of all public non-evidentiary proceedings in this case has been broadcast to verified victims using the government's Webex platform to link to the Court's Zoom platform. All victims verified by the government as described above – and who have filled out both their access questionnaire and their certification to refrain from copying or reproducing any of the legal proceedings – have been notified prior to each such non-evidentiary hearing of their ability to listen remotely to those proceedings. Verified victims are given a call-number on the day of the hearing. The Webex portal is monitored by the government to ensure

that only verified victims access the Webex system. The number of victims using this remote access opportunity has been as follows: October 9, 2025 (37 verified victims attended); November 12, 2025 (18 verified victims attended); January 12, 2026 (21 verified victims attended). These broadcasts have taken place without any reported security incident or breaches of any kind.

III. REMOTE ACCESS TO UPCOMING EVIDENTIARY PROCEEDING

In order to properly establish reasonably efficient, cost-effective, and appropriate locations for fixed viewing sites to be operated in the United States and overseas for verified victims to remotely view evidentiary hearings and future trial proceedings, additional detailed information had to be obtained from the verified victim group who had filled out both portions of the VAQ Part I (Verification of Victim Information), and Part II (the Admonition against Copying any of the Proceedings).

Follow-Up Questionnaire Concerning Victim Attendance at Fixed Sites

The second questionnaire that was distributed obtained specific detailed follow-up information about whether each victim wanted to attend evidentiary hearings and trial proceedings remotely or in person and, if remotely, the closest major city to where they lived and the city of their preference to their physical location.

Survey Response Numbers

To date, 96 verified victims have responded to the follow-up questionnaire described above. Of those, 41 have stated their preference to attend court in person in Washington, D.C. Fifty-five (55) individuals have indicated that they cannot attend any evidentiary hearings and/or the trial in Washington, D.C. because of hardship, responsibilities, age, distance, cost, and/or length of time, and have sought to view the evidentiary and trial proceedings remotely in the United States or overseas.

For viewing in the United States, the government has determined that United States Attorney's Offices ("USAOs") are the most cost-effective locations, as well as the locations best suited to meet the standards set forth by the Court for security. *See* Doc. 95 at 2-3. For the verified victims who expressed an interest in attending fixed sites for remote viewing of evidentiary proceedings and trial, below is a rough breakdown of their geographic locations, organized by the closest USAO for those in the United States:³

United States Attorney's Offices – United States

Office Location	Number of Victims	Office Location	Number of Victims
NYC: EDNY, SDNY, White Plains, EWR, NJ)	17	USAOHN (Cleveland, Toledo, Detroit, MI)	7
Boston, Massachusetts	6	NDIL (Chicago)	2
EDPA	4	EDCA (LA, Irvine, Santa Clarita, Santa Ana)	3
WDPA	4	NDCA (San Fran)	1
WDNY (Syracuse)	2	OR	1
WDWA (Seattle)	4	ND USAO	1
		USAO-HI (Honolulu)	2

United Kingdom – Scotland and England | Other

Office Location	Number of Victims	Office Location	Number of Victims
SCOTLAND	10	The Netherlands	1
Dumfries/Lockerbie/Aberdeen		Krakow, Poland	1
Glasgow	7	Belfast, Northern Ireland	1
Edinburgh	5		
ENGLAND			
London	7		
Birmingham	2		

³ The numbers shown in the tables exceeds 55 because some victims expressed a preference for more than one fixed site.

Proposed Test Group for the Motion to Suppress Evidentiary Hearing

When the government began implementing its plan to make audio available remotely to verified victims for non-evidentiary hearings, we chose a “test group” of verified victims for the first such hearing, after which we successfully expanded access to the whole list of verified victims. We plan to take a similar approach to fixed viewing sites with respect to the upcoming evidentiary hearing scheduled to begin on February 11, 2026, on the defendant’s motion to suppress statements.

Fixed Sites in the United States

We have obtained the support of the Executive Office of the U.S. Attorney (“EOUSA”) to assist us in our inaugural efforts to provide selected fixed sites for victims to remotely view the evidentiary proceedings to be held on the defendant’s motion to suppress statements. Based on the results of the follow-up victim questionnaire cited above, as a “test group,” we have established fixed-site locations at three select USAOs in the United States: (1) the Eastern District of New York (EDNY, Brooklyn, to include victims from North Jersey, NYC, and Central Jersey); (2) the District of Massachusetts (Boston USAO, to include victims from parts of Connecticut closest to Boston); and (3) the USAO for the Northern District of Ohio at Toledo (to include victims from the Ohio, Detroit, and Western Michigan areas).

For the three identified USAOs, we have worked with EOUSA to secure appropriate physical space, equipment, and access. For each designated USAO, we obtained a dedicated viewing room with an appropriate screen. As discussed further below, access to each viewing room will be monitored by two FBI Special Agents and at least one USAO victim-witness employee. Each viewing screen will receive its feed from a USAO laptop. The Court would need to send out only three links via Zoom for Government (“ZFG”) for the United States fixed sites:

one to each designated USAO. The cost of these USAO fixed sites is minimal and will be borne by EOUSA and/or the respective USAOs.

Fixed Site Outside the United States

For victims outside the United States, we are prepared to establish one foreign location for our “test group” – in Dumfries, Scotland (near Lockerbie). Victims from all parts of Scotland (Edinburgh, Glasgow, other cities) and England (London, Manchester areas) have been contacted and been given the option to travel to Dumfries, Scotland, to participate in the fixed location that will be operational for the motions hearing that will commence on February 11, 2026. We have selected this site with input from our Scottish colleagues, who have indicated that the Dumfries site is an ideal location security-wise for viewing evidentiary proceedings. The host location will be at a police station: Cornwall Mount, Dumfries, DG1 1PZ. The viewing room will be a secure lecture theatre within the police station which has a projector with a large white wall that may be used as a screen. The projector is linked to a computer, so the Court’s ZFG link may be sent directly to the Police Scotland link (laptop computer). A photograph of this location is attached. *See Exhibit A.* There will be no cost to the U.S. government for use of this facility.

Two FBI Special Agents will be present at the Dumfries, Scotland, location, along with Scottish Police Officers familiar with the case, to ensure that only verified victims attend and that no one is violating the Court’s Orders. The hours of 2:00-10:00 pm (local Scottish time commencing on February 11, 2026), will not pose a problem for building access. The attendees will have full use of amenities; and tea/coffee will be available in the viewing room. There will be a Victim Witness Coordinator present provided by the Scottish government for any victims who need extra counseling support during the hearing, and there will be a break-out room area available for more privacy.

For all fixed-site locations in the United States and Scotland, your undersigned will remain “on-call” as a point-of-contact should any problems arise needing any immediate intervention with the Court, including, if necessary, shutting down the broadcast to a particular site if there is non-compliance reported at that site.

IV. TRAINING OF FBI MONITORS AND SECURITY ISSUES

Consistent with the Court’s Orders, the government has been taking steps to ensure that the designated fixed viewing locations in the United States and overseas will be “secure, access-restricted, [and] actively monitored,” and that the government personnel monitoring those locations have been trained and accountable to the Court. *See* Doc. 95, Order, Page, 1-3.

FBI Monitors

To fulfill its obligations under the Court’s Orders, the government is providing two FBI Special Agents assigned to each fixed site location inside and outside the United States (and a foreign law enforcement official overseas), along with a trained Victim Witness Advocate, to ensure that access to each viewing room will be limited to verified victims only. For the fixed sites in the United States, the two FBI agents will be assigned from each field office that is geographically located closest to the designated USAO. In Scotland, the two FBI agents will be assigned from FBI’s Washington Field Office and will be temporarily detailed to support the foreign site. The FBI will bear the costs associated with these agent assignments.

The FBI agents who monitor the viewing rooms will check the identification of each attendee when they arrive at the location, ensure they are on the list of verified victims, and require them to sign a form that reaffirms their agreement to abide by this Court’s Orders. The victims will not be permitted to have phones or electronic devices (other than hearing aids) in any of the viewing rooms. Prior to assuming their duties as FBI monitors at a remote fixed viewing site, each

agent will sign an acknowledgment indicating that they are aware of the Court's Orders, have received training on those Orders, understand their responsibilities to fulfill those Orders, and understand that they will be subject to the Court's contempt powers if they willfully violate the Court's Orders. *See* Exhibit B, FBI Monitor Certification Form.

On January 29, 2026, the government held a training session for FBI agents, foreign law enforcement, and Victim Advocates who will be staffing the fixed site locations. The training provided background on the case and the Victim Access Act and focused on carrying out the security procedures mandated by the Court's Orders. *See* Attached at Exhibit C, PowerPoint Training Slides. For anyone who missed that training, an additional training course will be held on Monday, February 2, 2026.

Victim Advocates

As noted, our plan is to provide Victim Advocates at each designated fixed site viewing location. We plan to have a break-out room at each designated USAO to ensure that if a victim needs extra care to privately express their feelings concerning any trauma they are experiencing, they will have the opportunity to do so in the presence of trained professionals.⁴

V. CONCLUSION

The government respectfully submits these "reasonable and specific implementation proposals" to provide verified victims with remote access to the upcoming evidentiary hearing at a "test group" of three USAO sites and one site in Scotland. If any violation of the Court's Orders occurs, that information will be brought immediately to the Court's attention by the undersigned

⁴ For trial, the government plans to supplement the USAO Victim Advocates with support from the National Organization of Victim Assistance ("NOVA"). Following the upcoming evidentiary hearing on the motion to suppress statements, the government will assess the results from the "test group" and update the Court with its proposal for future evidentiary proceedings and trial.

counsel, who is assigned to handle Victim Access matters in this case, and immediate steps will be taken to remedy any such violation. Matters concerning Victim Access issues will be raised *in camera*, *ex parte* to the Court.

Respectfully submitted,

JEANINE FERRIS PIRRO
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