

***United States v. Abu Agila Mohamed  
Mas'ud Kheir Al-Marimi, 22-cr-392 (DDC)***

**February 11-12, 2026**

**Motion to Suppress Hearing**

**U.S. District Court, Honorable Dabney L. Friedrich**

**LAW ENFORCEMENT  
SECURITY TRAINING**

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**SPECIAL ASSISTANT U.S. ATTORNEY**

**TRIAL TEAM VICTIM ACCESS COORDINATOR | DISTRICT OF COLUMBIA**

# Case Background

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- On December 21, 1988, Pan Am Flight 103 exploded over Lockerbie, Scotland while en route from London's Heathrow Airport to John F. Kennedy International Airport in NY City. It was caused by a bomb placed in the left front cargo hold of the 747 American carrier.
- The explosion killed 270 people; 259 on board the aircraft, and 11 residents of Lockerbie were killed instantly in an inferno by falling airplane debris that destroyed an entire city block. 35 Syracuse University students studying abroad were among the 190 U.S. nationals killed.



# Case Background

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- Debris and wreckage covered 845 square miles with thousands of items collected for examination to determine the cause of the crash.
- The ensuing investigation revealed the destruction of PA 103 was caused by the detonation of an improvised explosive device placed inside a copper-colored suitcase stored within the aircraft's forward cargo compartment.



# Case Background

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- At the time, the Pan Am Flight 103 bombing was the deadliest terrorist attack against U.S. civilians in history.
- Today, it remains the second deadliest attack against U.S. civilians, second only to the 9/11 attacks.
- It remains the largest single terror attack on the United Kingdom. 43 UK citizens were killed.
- Citizens of 19 other countries were also lost.



# Case Background

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- The FBI joined Police Scotland early in the investigation of the bombing.
- In 1991, both the United States and Scotland charged two Libyan intelligence officers working for Muammar Qadhafi – Abdel Baset Al-Megrahi and Lamem Khalifah Fhimah.
- After years of sanctions against Libya and negotiations at the United Nations and elsewhere, it was agreed that Libya would allow Al-Megrahi and Fhimah to be tried before a Scottish three-judge Court sitting in The Netherlands (at Camp Zeist).



# Case Background

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- The trial of Al-Megrahi and Fhimah began in May 2000 at Camp Zeist in The Hague.
- A number of family members of the victims attended the trial (or portions of the trial) in person.
- Many others were able to follow the progress of the trial by accessing the “Lockerbie Trial Families Project Website” created by the Syracuse University College of Law & OVC-FBI by obtaining daily trial summaries, transcripts, & tracking progress of the trial.
- Others could attend remote locations in NYC and DC to listen & watch the Scottish Court proceedings.
- Following a trial lasting over 8 months, Al-Megrahi was convicted and given multiple life sentences. In 2009, however, the Scottish Court granted him compassionate release. He died in Libya in 2012.
- Fhimah was acquitted by the Scottish Court.



# The Current Case

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- In December 2020, following the development of new evidence, Defendant Mas'ud was charged by complaint in the District of Columbia.
- The charges are Destruction of an aircraft resulting in death in violation of 18 U.S.C. §§ 32(a)(2), 34, and 2, and §§ 32(a)(1), 34, and 2, and Destruction of a vehicle used in foreign commerce by means of an explosive resulting in death, in violation of 18 U.S.C. § 844(i).
- In November 2022, the defendant was indicted on the same charges.



# The Current Case

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- The defendant is alleged to have built the bomb that destroyed Pan Am 103.
- In December 2022, the defendant was brought to the United States from Libya to stand trial.
- Trial is set to begin on August 24, 2026, and is expected to last 6-8 weeks.



# The Victims

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- The family members of those killed on the plane and those killed in Lockerbie have been vocal, organized, and effective advocates for decades.
- They have advocated successfully for increased safety measures in the airline industry and for a stone memorial (cairn) at Arlington National Cemetery, among many other accomplishments.
- They have also advocated for justice for those responsible for the bombing of Pan Am 103.
- They closely followed the court proceedings in Scotland/The Hague, and they are closely following the current case.



# The Victims

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- Despite the passage of more than 37 years since the tragedy, the victims' grief remains palpable.
- These Court proceedings are likely to stir up many emotions in the victims who attend.
- Many of the victims who lost children, siblings, or spouses on the plane are now elderly.



# The Victim Access Act

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- In general, the law prohibits the transmission of federal trial court proceedings outside the courtroom.
- Given the prominence of this case, the advanced age and special needs of many victims, and the broad geographic distribution of the victims (21 countries), Congress enacted a law **to provide remote access to victims in this case only**.
- In January 2024, Congress passed the “Remote Access to Court Proceedings for Victims of the 1988 Bombing of Pan Am Flight 103 Over Lockerbie, Scotland” (or “the Victim Access Act”), Public Law 118-37, 138 STAT.11 (2024).



# The Victim Access Act

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- The Victim Access Act directs that “reasonable efforts be made to make remote video and telephonic access to proceedings in the case available to victims” in this case.
- It also states that this remote access be provided “without regard to the location of the victim.”
- The Victim Access Act also affirmed that the Court retains the discretion to limit access where necessary to maintain the integrity of the criminal proceedings.



# The Court's Orders

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- The Court has issued two Orders setting forth and clarifying the requirements to protect the integrity of court proceedings while providing remote access to victims.
- For non-evidentiary hearings (i.e., no witnesses testifying), the audio of the court proceedings has been made available in real-time to verified victims who call into a number provided by the government.



# The Court's Orders

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- For evidentiary proceedings (i.e., where one or more witnesses will testify), the Court has ruled that the proceedings will only be broadcast to designated fixed sites that have adequate security, equivalent to a courthouse.
- Only victims who meet the statutory definition and have been verified by the government can have access to the proceedings.
- Victims must complete a Sworn Certification Form acknowledging that they will not “photograph, record, broadcast, livestream, tape, re-tape, reproduce, or transmit in any way” the court proceedings.



# VERIFIED VICTIMS AND SWORN VICTIM CERTIFICATION FORMS

## CLEARED VICTIMS

- Victims will meet the definition and will be cleared to attend the legal proceedings **before** showing up to your fixed-site, as they have already been cleared by the USAO if they have been put on your list that you have been given at your fixed-site, that means they have (1) confirmed their eligibility as a verified victim; (2) they have completed the logistics questionnaire and they have indicated the closest location for them to attend; and (3) they have signed and completed the Sworn Victim Certification Form.

### 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

UNITED STATES v. ABU AGILA MOHAMMED MAS'UD KHEIR AL-MARIMI

DC22-CR-392-DLF

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 ■

Captcha ■

I'm not a robot



# The Court's Orders

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- The Court has ordered the government to provide monitors for each fixed viewing site (that's you).
- Each FBI agent assigned to a fixed site is ordered to:
  - Actively monitor access to the viewing site and ensure that access is restricted only to victims, as defined by the Victim Access Act, who have been verified by the government and appear on a list provided by the U.S. Attorney's Office.
  - Enforce the Court's ban on all cell phones and other electronic devices inside the secured viewing area.
  - Enforce the Court's ban on any audio- and/or video-recordings of court proceedings.



# The Court's Orders

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- In order to fulfill these court-ordered obligations, each FBI monitor is expected to:
  - Check the identifications of all victims who appear at the viewing site and ensure that it matches a verified victim on the list provided by the USAO.
  - Conduct appropriate checks to ensure that victims do not bring any cell phones or other electronic devices into the viewing room.
  - Require victims to sign a sheet reaffirming their agreement to abide by the terms of the Court's Orders.
  - Actively monitor the viewing room during court proceedings to ensure there are no violations of the Court's Orders.



# The Court's Orders

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- In order to ensure that the government takes its responsibilities seriously, the Court has required this training for all FBI monitors.
- Similarly, the Court requires that all FBI monitors sign a form certifying their acknowledgement that they are subject to the Court's contempt powers for willful violations of the Court's Orders.



# Victim Witness Advocates

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- Because these court proceedings are likely to stir up various emotions in the victim group, the government has assured the Court that it will provide trained victim witness advocates to each fixed site viewing location to help the victims deal with trauma.
- The fixed viewing sites each include a break-out room where victim witness advocates can have a private conversation with a victim.
- These victim witness advocates are permitted in the viewing areas. You should notify them if you observe a victim experiencing emotional distress.
- The POC for all victim witness advocates is Yvonne Bryant at the USAO-DC



# The Motion to Suppress Statements

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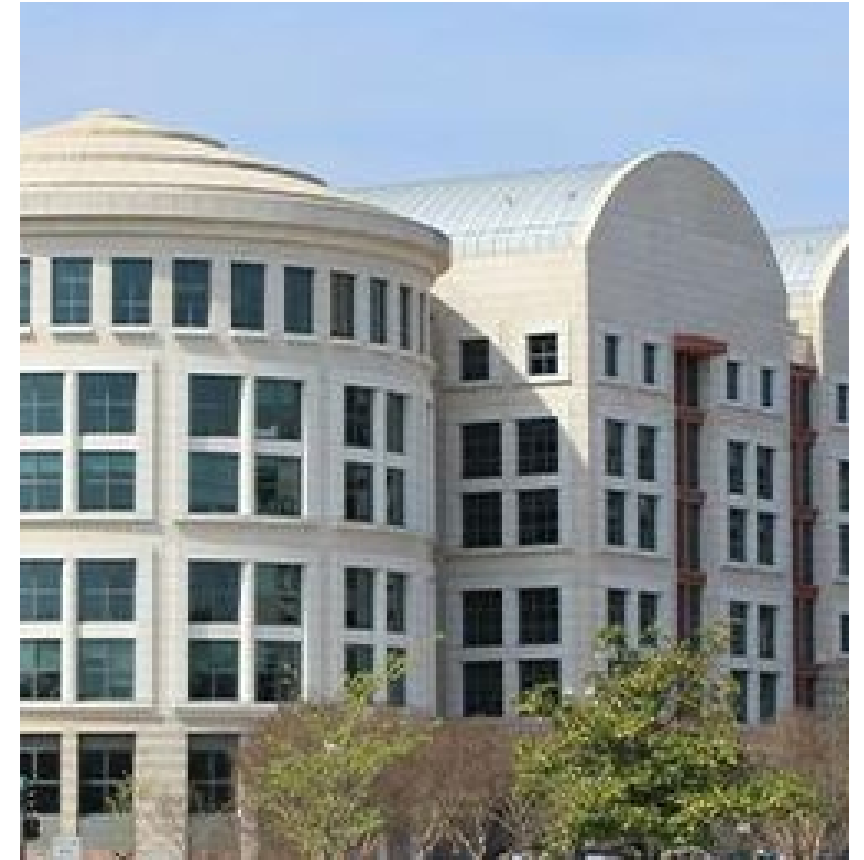
- The hearing that will be held beginning on February 11, 2026, will be the first evidentiary hearing held in this case.
- The government has designated three fixed sites in the United States and one in Scotland as the “test group” for this first evidentiary hearing.
- The designated fixed sites are: at USAOs in Brooklyn, Boston, and Toledo and at a police station in Dumfries, Scotland.
- Two FBI monitors and at least one victim witness advocate have been assigned to each fixed site.



# The Motion to Suppress Statements

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- The hearing that will be held is not a trial, but it is a very important hearing in this case.
- The Defendant has provided a statement to a Libyan law enforcement official that the government will seek to introduce into evidence at trial to implicate him in the charged crimes.
- The Defendant is seeking to suppress the statement and claims it was coerced and not voluntarily made.
- The US opposes this motion and believes the statement was voluntarily made and admissible.
- The US will present testimony from at least one witness at the hearing. The defense will also have an opportunity to present evidence, if it wishes.



# The Motion to Suppress Statements

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- Although the hearing is expected to last two days, court proceedings are always unpredictable. It can last longer or shorter.
- Expect that Court will take place from 9:00 am through 5:00 pm (Eastern Standard Time) (2:00pm through 10p.m. in Scotland).
- There will be one lunch break, and possibly comfort breaks each day. We cannot anticipate the times for any breaks.



# The Motion to Suppress Statements

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- The District Court of District of Columbia will control the Zoom for Government electronic feed into the three sites in the U.S. Attorney's Offices in the United States and the one site in Scotland.
- In the USAO sites, it will be the responsibility of the Victim Witness Advocate to arrange for appropriate IT personnel from the USAO establish the connection needed to receive the broadcast of the proceedings.



# FBI Monitors – Review of Responsibilities

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- Check the List of Verified Victims provided by USAO-DC:
  - Each attendee must be on the list and show a valid photo identification to enter the viewing room.
  - Each attendee must sign the sheet acknowledging they will abide by the Court's Orders before entering the room.



# FBI Monitors – Review of Responsibilities

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- Each attendee will be subject to a security search before entering the viewing room.
- ALL cell phones, laptops, and other electronic devices, including smart watches, are prohibited from the viewing room.
- Use of a box or storage area outside the room should be encouraged.
- If any attendees leave the viewing room (e.g., on breaks, lunch, or to meet with a victim advocate), they will be subject to another search upon re-entering the room.



# FBI Monitors – Review of Responsibilities

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- If any problems arise at the fixed site you are monitoring, you should immediately contact:
  - Special Assistant U.S. Attorney Jerome J. Teresinski, Trial Team Coordinator for Victim Access Issues.
  - 216-633-1961. [Jerome.Teresinski2@usdoj.gov](mailto:Jerome.Teresinski2@usdoj.gov)
- Specifically, if there are issues of non-compliance (e.g., a victim does not want to give up their i-Phone, refuses to cooperate with your instructions), contact Jerry immediately.
- He may decide that we may need to let the Court know that the fixed site is not compliant.



# FBI – Supervisory Special Agent POCs

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- For any Legal issues you may have within the FBI, feel free to contact Ryan Hatch, FBI, Legal Office of General Counsel [REDACTED]
- + Legal Attache (LEGAT), London, Assistant Legal Attache (ALAT) Kim McGreevy [REDACTED]
- For Scotland, POC is Paul Grainger, Detective Superintendent Crime, Public Protection, Edinburgh, City Division Police Scotland.
- (NOTE: WFO SSA Todd Tunstall is the POC for the FBI [REDACTED])





**QUESTIONS?**

