

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

UNITED STATES OF AMERICA,	)	
	)	
v.	)	No. 1:22-cr-392 (DLF)
	)	
ABU AGILA MOHAMMAD	)	
MAS'UD KHEIR AL-MARIMI,	)	
Defendant.	)	

**MR. AL-MARIMI'S RESPONSE TO THE GOVERNMENT'S SECOND
NOTICE OF SUPPLEMENTAL EVIDENCE FOR
MOTION TO SUPPRESS HEARING**

On March 12, 2026, the government filed with the Court a proffer and two exhibits regarding Jamal's alleged "carbon copy" of what he has said is Mr. Al-Marimi's confession. Concluding that proffer, the government averred that "the Officer's willingness to respond quickly to the Court's inquiry and send the videos further demonstrates his willingness to provide information as requested, despite being under no obligation to do so; that willingness underscores the government's argument that the Court should view favorably the Officer's credibility". ECF No. 369 at 3. But those bold statements belie the evidence and common sense.

The government mentions that the "carbon copy" in Government's Exhibits E and F contains the underlines Jamal said he did not make, but the government's proffer on that point all but invites the Court to ignore the significance of Jamal's own testimony about those underlines. The following points clearly refute Jamal's assertion that Government's Exhibits E and F could be a "carbon copy" of his original report of Mr. Al-Marimi's alleged confession:

1. Jamal testified that in the end of 2014 or the beginning of 2015, he hand-delivered the original copy of his investigation report—which included an alleged confession from Mr. Al-Marimi—to Al-Siddique Al-Sor, who was then the head of investigations for the Libyan Attorney General’s Office. *See First Day PM Tr. at 79, 81-82; Second Day 2:00 PM Tr. at 25.*
2. After Jamal handed the original report to Al-Siddique Al-Sor in the end of 2014 or the beginning of 2015, Jamal never saw the original copy again. *See Second Day 2:00 PM Tr. at 40 (“Q: After you gave the original of the report that you wrote of your interrogations to Mr. Al-Siddique Al-Sor, did Al-Siddique Al-Sor ever give you back the original? A: No. Q: Did you ever touch the original report again after you gave it to Al-Siddique Al-Sor? A: I never saw them again.”).*
3. Jamal testified that Government’s Exhibit 500 (the copy of Mr. Al-Marimi’s alleged confession that Al-Sor produced to western law enforcement officials in January 2017) contained underlines that Jamal did not make. *See First Day PM Tr. at 25 (“Q: Did you see any changes to the text that you wrote or to the signatures the men affixed between the original and now? A: I did not notice anything different from the original copies, other than the underlining”); Second Day PM 2:00 Tr. at 40.*
4. The government elicited testimony indicating that Jamal infers that either Al-Sor or someone in Al-Sor’s office made the underlines on the alleged confession

after Jamal handed the original to Al-Sor. *See* Second Day 3:50 PM Tr. at 15-16¹.

5. Jamal testified about each line on the portion of Government's Exhibit 500 that constitutes Mr. Al-Marimi's alleged confession that Jamal said he did not make. *See* Second Day 2:00 PM Tr. at 40-46; *compare* Gov't Ex. 500 at 23 *and* Gov't Ex. E at 2 (both marked 23 at the top) *with* Second Day 2:00 PM Tr. at 45; Gov't Ex. 500 at 25 *and* Gov't Ex. E at 3 (both marked 25 at the top) *with* Second Day 2:00 PM Tr. at 45-46; Gov't Ex. 500 at 14 *and* Gov't Ex. F at 0:00:59 (both marked 14 at the top) *with* Second Day 2:00 PM Tr. at 41-42.
6. Jamal further testified that in his experience, if a prosecutor wants "to point to something specific or something important in the written document, he will underline the part of the sentence or the word, they will use -- they will use a pencil -- red², ink pencil". Second Day 3:50 PM Tr. at 15.
7. Jamal further testified that he had retained a "carbon copy" of his original report of Mr. Al-Marimi's alleged confession at home. *See* Second Day 2:00 PM Tr. at 48-49. He described making the carbon copy by having two sheets of

¹ While the Court sustained Mr. Al-Marimi's speculation objection on this point, the Court can consider that testimony in evaluating Jamal's credibility for purposes of deciding the suppression motion.

² Mr. Al-Marimi maintains that the Court should not accept the copy of Mr. Al-Marimi's alleged confession from Jamal in Government's Exhibit 500. Federal Rule of Evidence allows copies "unless a genuine question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate". Should the Court deny Mr. Al-Marimi's suppression motion, the Court should not accept Government's Exhibit 500—or any copy thereof—in place of the original due to the unexplained alterations to the original, the government's failure to establish a chain of custody of the original, and Jamal's lack of credibility. These issues raise genuine questions about the authenticity of Government's Exhibit 500 and make it unfair to Mr. Al-Marimi to admit the duplicate.

paper with the carbon copy sheet between those two sheets of paper. *Id.* When asked, Jamal testified that the copy he has at home is **not** a photocopy. *Id.* at 49 (“Q; Okay. So the copy that you have at home is not a photocopy; it is a carbon copy? A: Yes.”).

8. Common sense makes it apparent that the alleged “carbon copy” in Government Exhibits E and F is a photocopy. First, the alleged “carbon copy” is entirely in black and white and shows no color of any of the original ink. Second, the alleged “carbon copy” has a white border around each page that is free from ink, including the lines across each page; such a border would exist only in a photocopy. Third, the pages display patterns and markings consistent with a photocopying process and not the use of carbon paper, including residual ink patterns left when photocopying a thinner sheet of notebook paper, blank spaces showing as black, and folds in the paper that was photocopied. *See, e.g.:*
 - a. Gov’t Ex. E at 6 (depicting straight black line on upper lefthand corner that starkly contrasts with white border; labeled page 30 at the top, which corresponds to Gov’t Ex. 500 at 30);
 - b. Gov’t Ex. E at 7 (depicting straight black line on upper lefthand corner that starkly contrasts with white border; labeled page 31 at the top, which corresponds to Gov’t Ex. 500 at 31);
 - c. Gov’t Ex. E at 9 (depicting straight black line on bottom righthand corner revealing folded page that starkly contrasts with white border; labeled page 33 at the top, which corresponds to Gov’t Ex. 500 at 33);

- d. Gov't Ex. E at 11 (depicting straight black line on upper righthand corner that starkly contrasts with white border; labeled page 38 at the top, which corresponds to Gov't Ex. 500 at 38);
- e. Gov't Ex. E at 13 (depicting straight black line on upper lefthand corner that starkly contrasts with white border; labeled page 46 at the top, which corresponds to Gov't Ex. 500 at 46); and
- f. Gov't Ex. E at 20 (depicting straight black line on upper lefthand corner revealing folded page that starkly contrasts with white border; labeled page 55 at the top, which corresponds to Gov't Ex. 500 at 55).

Thus, the Court should reject the government's assertion that Government Exhibits E and F bolster Jamal's credibility and further find that Jamal is not a credible witness.

Respectfully submitted,

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