

**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 THIRD NOTICE OF SUPPLEMENTAL EVIDENCE FOR
MOTION TO SUPPRESS HEARING**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this proffer of additional facts to supplement the record of the hearing on the defendant's Motion to Suppress Statements, and asks this Court to deny the motion.

In May 2026, the Federal Bureau of Investigation submitted an official request to the government of Libya requesting that the Libyan Attorney General's Office provide to the U.S. Government the "original handwritten" and the "corresponding carbon copy" of the statement of the defendant taken by the Libyan police officer known as "Jamal" in 2012. *See* Ex. L.¹

On Monday, July 13, 2026, the Libyan Attorney General's Office provided a set of three documents to a U.S. Department of State Regional Security Officer; those documents were received in the United States on July 19, 2026. Consistent with the government's preliminary representation to the Court, the materials do not include the specific documents requested by the U.S. government, namely, the original handwritten statement resulting from the defendant's

¹ The government's prior supplemental submissions following the suppression hearing have included exhibits identified as Exhibits A through K. *See* ECF 360 (Exs. A-D); ECF 403 (Exs. E-F); ECF 426 (Exs. G-K). Newly referenced exhibits will be submitted to chambers and counsel via USAfx

interview and the original carbon copy that was simultaneously generated. The documents do, however, substantially corroborate the testimony of the Libyan police officer known as “Jamal,” and they provide further support for the conclusion that the statement was taken according to regular procedures, handled in a manner that protected its integrity, and provided to Western authorities with endorsements of authenticity by senior Libyan officials. Based on the record before the Court, there is no basis to infer that the handwritten report of Jamal’s interview of the defendant is inauthentic, nor any basis to infer that Jamal’s testimony about the interview lacked candor.

The recently received documents are described more fully below. In short summary, they include the following:

- (1) A typed version of the full set of statements taken in 2012 by the Jamal, which bears the official red stamp of the “State of Libya, Attorney General’s Office” on each page (Ex. M);²
- (2) A copy of a four-page handwritten statement of an interview³ with the defendant that does not mention Pan Am Flight 103, which bears the official red stamp of the “State of Libya, Attorney General’s Office” on each page (Ex. N & N-t);
- (3) A copy of a May 30, 2013, handwritten statement from another individual (Libyan Person 1) who stated that he had been nominated to carry out the Lockerbie operation, but that he was “ruled out” in Malta after an argument with another person. Libyan Person 1 further reported that had knowledge regarding the “truth” about the Lockerbie and the UTA bombings, which bears the official red stamp of the “State of Libya, Attorney General’s Office” on each page (Ex. O & O-t).

² As described below, this document is a typed copy of the handwritten versions of Jamal’s 2012 interview reports.

³ The first and last pages of this document contain portions of statements taken from other individuals; although the defendant’s statement appears undated, the statement immediately following his statement is dated August 26, 2013.

To place these documents in context, the government provides the following summary of relevant facts regarding the official and unofficial provision of materials documenting Jamal's 2012 interview of the defendant.

A. The Court now possesses three substantively identical documents memorializing the defendant's statement.

In 2017, Libya provided to Scotland a 77-page document, handwritten entirely in Arabic, that memorialized the interviews conducted by Jamal in 2012 of seven former ESO members, including the defendant. Each page of that 77-page document bears a red stamp, applied by the Libyan government, certifying that it is a "true copy of the original." A copy of this statement was admitted at the February 2026 suppression hearing as Exhibit 500 (the translation is at Exhibit 500-t).

Along with that document, in 2017 the Libyan government provided a cover letter, on the official letterhead of the Libyan Attorney General's Office, signed by a senior Libyan Official, who was at that time the Head of the Investigations Bureau. *See* Ex. P & P-t. That cover letter, which has not previously been submitted as an exhibit in this litigation, describes the document as "true copies of the originals of all handwritten notes taken during the interrogation of some suspects in the Lockerbie bombing," and it identifies the defendant by name, "Abu-'Ujilah Mas'ud Khayr." *Id.*

The Court presided over a Rule 15 deposition during which Jamal testified under oath about his 2012 interview of the defendant. During his testimony, Jamal authenticated Exhibit 500 as a true copy of his handwritten reports of the 2012 interviews. Depo. Tr. Vol. II at 26-27. Jamal also testified that the red stamp that appears on each page of that document signified what it appeared to signify: that the Libyan authorities had certified the copy in front of him (Exhibit 500) as an "exact identical copy to the original." *Id.* at 22.

At the beginning of his contact with Western authorities, Jamal reported that he possessed a copy of his handwritten reports of the 2012 interviews at his home. During his testimony, in response to a line of questioning by defense counsel about how he utilized paper during the interview, Jamal specified that he had made a carbon copy of the report of his 2012 interviews. And Jamal testified – incorrectly – that he had maintained the carbon copy of that report at his home. Depo. Tr. Vol. V at 49.

In fact, Jamal had maintained a photocopy of the handwritten report of the 2012 interviews at his home. *See* Jamal Declaration, ECF 426, Ex. H.⁴ At a meeting with prosecutors in 2026, Jamal readily provided his photocopy of the 77-page handwritten report of his 2012 interviews. *See* ECF 426, Ex. G. Importantly, the 77-page handwritten report provided by Jamal to the U.S. government in 2026 is substantively identical to the copy provided by Libya to the Scottish authorities in 2017. To be sure, the version provided by Jamal in 2026 (Exhibit G) is a much better photocopy – the lines of the notebook paper are clearly legible, and the underlining of certain words is more clearly visible. And as Jamal explained in his declaration, his photocopy contained additional annotations that he made after providing the original and original carbon copy of the 2012 statements to the senior Libyan official in 2014-15, including several additional underlines some notations he made on the back side of the first two pages. *See* ECF 426, Ex. H at 2-4 But otherwise the two documents (Exhibit 500 and Exhibit G) are word-for-word copies of each other, nearly identical in appearance, and clearly derived from the same original handwritten document.

⁴ Jamal’s sworn declaration “(1) explain[ed] how he created the carbon copy of the defendant’s statement and (2) address[ed] the issues raised in the defense filings.” *See* ECF 426, Ex. H.

The Court now has before it a third version of this report of interviews. *See* Exhibit M. On July 13, 2026, the Libyan Attorney General’s Office provided this typed version of the statements taken in 2012 by Jamal. The Libyan Attorney General’s Office has represented that this typed version was “transferred literally without any alteration to any phrase” contained in the original handwritten version. And the government’s initial review demonstrates that the typed version (Exhibit M) is identical in substance (with only slight alterations in the nature of “cleaning up”)⁵ to the 2017 handwritten document provided to Scottish officials (Exhibit 500). In other words, on two separate occasions nine years apart, the Libyan government has formally endorsed that the statement is what Jamal testified it is: a true copy of the statements generated during his 2012 interviews of the defendant and other suspects.

B. The additional documents provide support for the authenticity of Jamal’s handwritten statement.

Libya also provided two additional documents. The first, Exhibit N, is a statement taken from the defendant by another Libyan officer, likely in 2013. The substance of that statement does not touch on the Pan Am Flight 103 or La Belle Discotheque attacks, but the government notes that each page purports to bear a signature of the defendant, and the signatures appear to match those that appear on each page of his statement in Exhibit 500. The statement bears the official red stamp of the “State of Libya, Attorney General’s Office” on each page. And the statement appears to have been taken according to the same procedures that Jamal described during his testimony, and documented in the exhibits to his declaration, as being the standard mode of conducting and

⁵ Based on an FBI linguist’s review, the only changes from the handwritten to typed copy appear to be grammatical corrections not affecting substance and the removal of the terms that Jamal testified were corrected, either by him or the interviewees, as the interviews progressed.

memorializing an interview. *See* ECF 426 at Exs. I, J, K-1, and K-2 (Jamal’s demonstrations of process by which he created handwritten interview statements using carbon paper).

The second, Exhibit O, is a copy of a 2013 handwritten statement from Libyan Person 1 that appears to have been taken by yet another Libyan officer. According to the statement, Libyan Person 1 purports to have been nominated for the Lockerbie operation, but to have been excluded in Malta after getting into an argument with another person. Libyan Person 1 further reported that he knows the “truth” about the Lockerbie operation; however, the statement conveys no substantive information nor any indication of the basis of Libyan Person 1’s purported knowledge. Again, this statement bears the official red stamp of the “State of Libya, Attorney General’s Office” on each page a red stamp on each page. And it appears to have been taken according to the same procedures used by Jamal, further corroborating his testimony at the deposition.

C. The government asks the Court to rule on the motion to suppress.

During the week of July 13, the government re-engaged with the Libyan Attorney General’s Office. It is the government’s present understanding that Libyan authorities have endeavored to locate the original and the original carbon copy versions of the handwritten report of Jamal’s 2012 interviews, but that they have been unable to do so. And while the Libyan authorities have expressed their intention to keep looking for the documents, the Court should not delay its ruling further in light of the additional corroboration provided herein. The Court now has before it two substantively identical versions of the reports of Jamal’s 2012 interviews, both of which have been certified by Libyan officials as true and official copies (Exhibits 500 and M). And the copy maintained by Jamal in his home (Exhibit G) is, likewise, identical in substance to these two official reports. Meanwhile, the defendant has still not offered any positive evidence whatsoever to support a finding that the statement was involuntary. Accordingly, no additional

information is necessary about the provenance and the authenticity of Jamal's report of his 2012 interview of the defendant.⁶

CONCLUSION

For the above reasons, along with the entire hearing record, including Jamal's uncontradicted testimony regarding the conditions of confinement and the manner in which the statement was taken, the contents of the statement itself, and the testimony of Supervisory Special Agent Todd Tunstall, which demonstrates a level of corroboration unlikely to be found in a fabricated statement, the Court should deny the defendant's Motion to Suppress Statements.

Respectfully submitted,

JEANINE FERRIS PIRRO
UNITED STATES ATTORNEY

By: /s/ Erik Kenerson
ERIK M. KENERSON (OH Bar No. 82960)
CONOR MULROE (NY Bar No. 5289640)
BRITTANY KEIL (D.C. Bar No. 500054)
Assistant United States Attorneys
JEROME J. TERESINSKI (PA Bar No. 66235)
Special Assistant United States Attorney
601 D Street NW, Washington, D.C. 20530
(202) 252-7201 // Erik.Kenerson@usdoj.gov

KATHLEEN CAMPBELL (MD Bar No. 9812170031)
JENNIFER BURKE (MD Bar No. 9706250061)
Trial Attorneys, Counter Terrorism Section
National Security Division
950 Pennsylvania Avenue NW, Washington, D.C. 20530

⁶ In June 2026, the FBI submitted an additional request for assistance to the Libyan government seeking a copy of the letter from the then then-Minister of the Interior that tasked Jamal with conducting the interviews of the ESO officials. *See* Ex. Q. Libyan officials have been unable to locate this letter but have committed to continue to search.