

**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)

**NOTICE OF FILING OF SUPPLEMENTAL CHARTS OF EVIDENCE SUPPORTING
CONCLUSION THAT CO-CONSPIRATORS JOINED THE CONSPIRACY**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits the attached charts summarizing evidence that various co-conspirators joined the conspiracy, to aid the Court's review of the parties' filings on the issue of co-conspirator statements. Per the Court's Minute Order dated July 9, 2026, each chart identifies: (1) the declarant, (2) the challenged statements attributed to each declarant; (3) evidence from the defendant's admission, other than the challenged statements, supporting a conclusion that the declarant joined the conspiracy; and (4) evidence from outside the defendant's statement supporting a conclusion that the defendant joined the conspiracy.¹ The charts, like the government's proffer of facts from ECF 505, are summaries and do not represent the totality of evidence available as to each declarant. Nonetheless, the evidence in the charts, in combination with the totality of the government's evidence for the existence of the conspiracies, is more than sufficient for the Court to make the requisite finding as to each declarant.

¹ The references to an "ESO joint enterprise" refers to the joint enterprise that allowed him to carry out his duties for the ESO. This joint enterprise, as the government argued in ECF 505 and at the July 9, 2026, hearing, existed regardless of whether the ESO's objectives are criminal, and it included the defendant and those in his chain of command and those colleagues with whom he worked, who allowed him to carry out his job functions.

One of the charts involves putatively unnamed declarants. The defense and government are in agreement that such statements are admissible if the government makes a sufficient showing tying that declarant to the conspiracy at issue. *See* ECF 497 at 6; 505 at 33. That chart accordingly highlights the government's arguments as to why the circumstances surrounding the putatively anonymous declarants' statements demonstrate that those declarants, if they are indeed unnamed, must have joined the conspiracy or conspiracies at issue.

Respectfully submitted,

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Said Rashid Summary Chart

Conspiracies Joined: Harm U.S. and Western Civilians; Pan Am Flight 103; La Belle Discotheque; ESO Joint Enterprise

Challenged Statements by Rashid	Evidentiary Support from ECF 232-2	Evidentiary Support from Elsewhere
(1) [Saʿīd Rāshid] asked me to travel to East Germany and meet the Security Officer at the Libyan Embassy, a man named ʿAlī Ibrāhīm Kashlāf (3) and I knew since Saʿīd Rāshid had informed me that I was to go to East Germany on a work assignment	• Listed as a "head of the organization" that the defendant worked with (p. 3) • Summoned the defendant to his office (p.4, ECF 505 at 27) • Defendant Traveled to East Germany in response to Rashid's directive (p. 4; ECF 505 at 7, 23) • Rashid's directive was what caused the defendant to know to ask Kashlaf for the necessary materials for the La Belle attack (p. 4) • Instructions for La Belle were from Rashid to defendant directly when defendant was alone in Rashid's office (p.6)	• Involved in order for MST-13 timers (expected trial testimony; ECF 505 at 27) • Head of company involved in purchase of Toshiba RT-SF16 Radiocassette Recorders (prior trial testimony; ECF 505 at 27) • After La Belle and prior to Lockerbie, asked an ESO member in Malta whether it was possible to place an unaccompanied bag on a flight to England (expected trial testimony; ECF 505 at 8, 27) • Defendant traveled to East Germany in response to Rashid's directive (Exs. 603, 608, Tunstall Testimony at 66-69, 73-76; ECF 505 at 7, 23) • Defendant returned to Tripoli from East Germany (Kashlaf's location) following the La Belle attack (Ex. 611; ECF 505 at 8, 23) • Crime Scene photographs establish La Belle attack occurred consistent with defendant's description (Tunstall testimony at 79-80; ECF 505 at 7, 23)

Ali Kashlaf Summary Chart

Conspiracies Joined: Harm U.S. and Western Civilians; La Belle Discotheque; ESO Joint Enterprise

Challenged Statements by Kashlaf	Evidentiary Support from ECF 232-2	Evidentiary Support from Elsewhere
(2) [Kashlāf] told me that I was required to prepare an “explosive package” to be used against an American target. (4) On the evening of the same day a short while after sunset, [Kashlāf] informed me he had handed the matter of interest to the person who would carry out the task (5) German broadcasters started broadcasting news of it on television, and ‘Alī Kashlāf nodded his head, and I understood that this was the target for which the explosive charge had been prepared [xxx]. He didn’t explicitly say this because ‘Abdulhakīm was with us. The explosion was in a night-club frequented by individuals and officers of the American army	• Kashlaf met with defendant upon his arrival in East Germany (p. 4; ECF 505 at 7, 14, 23, 28) • Kashlaf supplied, in the Libyan Embassy in East Berlin, the explosive and timing materials for the defendant to build the bomb used in the attack on the La Belle Discotheque (p. 4, ECF 505 at 7, 15, 23, 28) • Defendant knew explosives were easily transported to embassies abroad - where Kashlaf was the security officer - in diplomatic bags (p. 5, ECF 505 at 7, 15, 23, 28)	• Defendant traveled to East Germany (Kashlaf's location) in response to Rashid's directive (Exs. 603, 608, Tunstall Testimony at 66-69, 73-76; ECF 505 at 7, 23) • Defendant returned to Tripoli from East Germany (Kashlaf's location) following the La Belle attack (Ex. 611; ECF 505 at 8, 23) • Crime Scene photographs establish La Belle attack occurred consistent with defendant's description (Tunstall testimony at 79-80; ECF 505 at 7, 23)

Abdullah Senussi Summary Chart

Conspiracies Joined: Harm U.S. and Western Civilians; Pan Am Flight 103; ESO Joint Enterprise

Challenged Statements by Senussi	Evidentiary Support from ECF 232-2	Evidentiary Support from Elsewhere
(8) that [Sanūsī] personally had previously requested be prepared by the Technical Operations Section (9) and [Sanūsī] ordered me to take one of these cases and travel with it to Malta. (10) And, according to what ʿAbdullah Al-Sanūsī told me, ʿAbdulbāṣīt Al-Magrahī and Al-ʿAmīn Fhīma [xxx] would meet me in Malta (17) and [Sanūsī] thanked us for the success of the operation. (21) Also, since 1988 I had been verbally banned by ʿAbdullah Al-Sanūsī from travelling abroad. (22) so ʿAbdullah Al-Sanūsī asked to see me and permanently withdrew my passport in order to avoid (the risk of) my falling into the hands of a foreign power.	- Defendant described Senussi as ESO leader "in total control" (p. 3; ECF 505 at 14, 28) - Summoned defendant to his office ahead of attack on Pan Am Flight 103 (p. 6; ECF 505 at 9, 29) - Defendant traveled to Malta with suitcase as ordered by Senussi (p. 6; ECF 505 at 9, 24, 29, 30) - Attended post-attack meeting between defendant, Megrahi, Fhimah, and Qaddafi (p. 9; ECF 505 at 10, 25, 29) - Defendant's hotel in Malta (where Senussi sent him) was pre-arranged by Libya (p. 9; ECF 505 at 9, 24) - Defendant handed suitcase to Fhimah (whom Senussi said would meet him in Malta) (p. 7; ECF 505 at 10, 25, 30)	- Senussi was especially close to Qaddafi and was one of his most trusted aides (Pargeter Notice at 9; ECF 505 at 6, 28, 31) - Senussi was a member of the "Blood Group," given absolute power to commit any operation abroad (Pargeter Notice at 9; ECF 505 at 28) - Directed or was present for defendant's tests involving explosive materials (Ex. 1201-t at 7, 9; ECF 505 at 8, 15, 21, 24, 28) - Bomb was placed in airline system in Malta, which is the location Senussi sent the defendant (Tunstall Testimony at 100-101, 112-115; ECF 505 at 10, 25. - Defendant returned to Tripoli on morning of bombing with Megrahi, whom Senussi said would meet him in Malta (Tunstall testimony at 103-105; ECF 505 at 10, 25, 30) - Involved in attack on UTA Flight 772 (open-source reporting; ECF 505 at 11, 16, 25)

Abdelbaset Ali Al-Megrahi and Lamin Khalifah Fhimah Summary Chart

Conspiracies Joined: Harm U.S. and Western Civilians; Pan Am Flight 103; ESO Joint Enterprise

Challenged Statements by Fhimah or Megrahi	Evidentiary Support from ECF 232-2	Evidentiary Support from Elsewhere
(11) where I was asked to get up the following morning at seven o'clock in order to set the timer of the explosion inside the suitcase in such a way that the explosion would occur exactly eleven hours later. He handed me the sum of 500 American dollars to buy some clothes to put in the suitcase instead of my own clothes, which I did (16) Q. Where did each of ⁶Abdulbāsit Al-Magrahī and Al-⁷Amīn Fhīma work? A. ⁶Abdulbāsit Al-Magrahī worked in the External Security Organisation and was responsible for the security of planes and Al-⁷Amīn Fhīma, what I knew was that he worked for the Libyan Airlines Company."¹ (18) [Al-Magrahī] contacted my office at work, he asked them to inform me to prepare to travel to Benghazi the following day.	- Defendant met with Megrahi and Fhimah in Malta (p. 6; ECF 505 at 9, 25, 30) - Defendant saw Megrahi and Fhimah pass in front of him before Fhimah signaled to defendant to hand him the bomb-rigged suitcase (p. 7; ECF 505 at 9-10, 25, 30) - Fhimah placed the suitcase on the conveyor belt (p. 7; ECF 505 at 10, 30) - Attended post-attack meeting between defendant, Megrahi, Fhimah, and Qaddafi (p. 9; ECF 505 at 10, 25, 29) - Megrahi was present when Senussi thanked co-conspirators, and Megrahi and Fhimah were present when for meeting with Qaddafi (p.9; ECF 505 at 10, 29, 30)	- Travel records show Megrahi and Fhimah were on Malta at same time as defendant (Tunstall Testimony at 90-98; ECF 505 at 9, 24, 30) - Travel records show Megrahi traveled to Prague (where Semtex is manufactured) in December 1988, with accommodation paid for by Libyan government (Tunstall Testimony at 90-98; ECF 505 at 9, 25, 30) - Travel records show Megrahi traveled to Zurich in December 1988, where firm that manufactured MST-13 timers is located (Tunstall testimony at 90-98; ECF 505 at 9, 25, 30) - Defendant departed for Tripoli on the morning of the bombing on the same flight as Megrahi (Tunstall testimony at 103-105; ECF 505 at 10, 25, 30) - Fhimah had airside access at Maltese Airport and access to check-in desks (Tunstall testimony at 125-126) - Fhimah had a diary entry, dated December 15, 1988, noting that he should take luggage tags for the Maltese airline (Tunstall testimony at 137)

¹ The government includes this statement because Megrahi and Fhimah are the most likely sources for this statement, if there was in fact a statement. As the government has previously argued, the defendant could easily have personal knowledge of this information.

Muammar Qaddafi Summary Chart

Conspiracies Joined: Harm U.S. and Western Civilians; La Belle Discotheque; Pan Am Flight 103; ESO Joint Enterprise

Challenged Statements by Qaddafi	Evidentiary Support from ECF 232-2	Evidentiary Support from Elsewhere
(19) and after greeting us, [Qaddafi] praised and thanked us for performing a great patriotic act against the Americans and said that the operation had been carried out with precision. (20) We left about a quarter of an hour later after ‘Abdullah Al-Sanūsī had been tasked with looking after us and granting all our requests.¹	Defendant met with Qaddafi, along with co-conspirators Megrahi, Fhimah, and Senussi, after the attack on Pan Am Flight 103 (p. 9; ECF 505 at 10, 25, 29)	- Qaddafi stated, in 1984, “If America exports terrorism, we will export terrorism to it. We are able to export terrorism to the heart of America. We are able to physically liquidate and burn and destroy inside America.” (Pargeter Notice at 6; ECF 505 at 6, 30) - Following conflict between U.S. and Libya in the Gulf of Sidra, resulting in Libyan casualties, Qaddafi described U.S. actions as "organized terrorism," and added, “[i]f there is an act of aggression against Libya, it will be considered the beginning of the end.” Twelve days later, La Belle Discotheque attack occurred. (Pargeter Notice at 6; ECF 505 at 6, 31) - Qaddafi's rule of Libya was deeply personalized and authoritarian, and those who challenged him were dealt with ruthlessly (Pargeter Notice at 2-3; ECF 505 at 5, 30) As a result, it is exceedingly unlikely that lieutenants or foot soldiers in ESO were unaware of his desire for revenge, their role in carrying out that revenge. - Given Qaddafi's closeness to Senussi and Rashid, as detailed in their charts and the Pargeter notice, it is unlikely that operations went forward if they were not in furtherance of the conspiracy, or that either would remain in their posts afterwards of the operations were not in furtherance of the conspiracy.

¹ The government includes this statement because the defense has contended that Qaddafi likely tasked Senussi.

Muftah Abdulkarim Summary Chart

Conspiracies Joined: ESO Joint Enterprise

Challenged Statements by Qaddafi	Evidentiary Support from ECF 232-2	Evidentiary Support from Elsewhere
(7) I was informed of this [summoning to Sanūsī's office] by the Head of the Section, Muftāḥ ʿAbdulkarīm	• After being summoned by Abdulkarim, the defendant did in fact go to Senussi's office (p. 6; ECF 505 at 9, 32-33) • Surrounding context of defendant's statement indicates it is unlikely defendant would be summoned to Senussi's office - who was about to direct him to carry out a terrorist attack - if that person were not a member of the ESO tasked with helping the defendant carry out his job functions (ECF 505 at 32-33)	• N/A

Unidentified Declarants Summary Chart

Challenged Statement	Conspiracies Joined	Connection of Anonymous Declarant to Conspiracy
(13) but I did know that Americans would be targeted with this explosive device. ¹	- Harm U.S. and Western Civilians - Pan Am Flight 103 - ESO Joint Enterprise	Defendant states that his knowledge that the target to be blown up in the Pan Am Flight 103 attack was an American target was "prior knowledge," (p. 7) so that knowledge must have come from a member of the conspiracy, as it divulged a critical part of the plan. ECF 505 at 33-34, 37-38
(16) Q. Where did each of ^ʿAbdulbāṣīt Al-Magrahī and Al-^ʿAmīn Fhīma work? A. ^ʿAbdulbāṣīt Al-Magrahī worked in the External Security Organisation and was responsible for the security of planes and Al-^ʿAmīn Fhīma, what I knew was that he worked for the Libyan Airlines Company."	ESO Joint Enterprise	This information likely came from Megrahi and Fhimah themselves (who are members of the conspiracy), but if it did not, the declarant would have had to have been a member of affiliate of the ESO who was passing along information that allowed the defendant to do his job. Background information to allow defendnat to do his job furthers the joint venture. ECF 505 at 34, 38.
(20) We left about a quarter of an hour later after ^ʿ Abdullah Al-Sanūsī had been tasked with looking after us and granting all our requests.	ESO Joint Enterprise	Defendant claims this declarant was likely Qaddafi, who was a member of the conspiracy. If the declarant was not Qaddafi, the statement must have come from someone with a role in ESO to ensure that employees praised by Qaddafi are taking care of. ECF 505 at 34, 39-40

¹ The government maintains, as it has in prior briefing, that there is no utterance associated with Challenged Statement 13, but it offers this analysis in the event the Court disagrees. Statements 16 and 20 are included in the Megrahi/Fhimah and Qaddafi charts, respectively. Because the defendant did not identify the declarant in his statement to Jamal (if there was in fact a declarant) for either statement, the government includes them here as well. The analysis in this chart assumes that the declarant was not any of the declarants identified by name in ECF 505.