

Update on the Prosecution of United States v. Abouagela Mas'ud

We are writing this letter to take the opportunity to reach out to you and your families regarding the case of *United States v. Abouagela Mas'ud*, No. 20-mj-252, to provide an update following the December 2020 unsealing of criminal charges against Mas'ud for his role in the bombing of Pan Am Flight 103.

First, all indications are that Mas'ud remains in the physical custody of Libyan authorities. We want to assure you that we are committed to doing all that we can to obtain custody of Mas'ud in order to prosecute him in the United States. In addition, important evidence, witnesses, and other assistance will be needed from both Scotland and Libya in order to bring him to justice, and the Department of Justice and our U.S. government partners have had – and will continue to have – high-level engagement with both Libya and Scotland as part of our efforts to obtain custody of Mas'ud and to secure that evidence and assistance. As you all know, we have a strong partnership with our Scottish counterparts, and we are committed to continuing that partnership as we seek to bring Mas'ud to justice in the United States.

Second, we hope to clarify your concerns raised in questions we received about when to expect an indictment of Mas'ud. The future timing of an indictment in any case is one of those things that we cannot speak about publicly. We assure you that our efforts to obtain custody of Mas'ud are ongoing and are not related to whether an indictment has been filed. Mas'ud was charged by way of criminal complaint. In the U.S. legal system, a criminal complaint and indictment are equally valid ways to start a prosecution. In 1991, we started the charging process against Abdel Basset Ali Al-Megrahi and Lamén Khalifah Fhimah by way of an indictment. In 2020, we began the charging process against Mas'ud by filing a criminal complaint. That complaint has the same power and effect as an indictment at this stage of the case, and we can arrest and obtain custody of Mas'ud right now on the existing charges in place. When a federal criminal case is initiated, whether by indictment or by criminal complaint, a U.S. Court issues an arrest warrant. That warrant is equally valid, both within the United States and abroad, regardless of whether it has been issued by the filing of an indictment or a criminal complaint.

Third, we want to reiterate our ongoing and tireless commitment to you and to bringing Mas'ud to justice in the United States. Just as we cannot speak publicly about the future timing of the issuance of an indictment, we also cannot speak publicly about any internal governmental negotiations that may take place concerning the extradition process, or any related conversations our government may have with other governments about that topic. While you may not hear about that process publicly, we continue to press forward in that regard. We have heard you loud and clear that you do not want to wait eight years again, and we are committed to keeping the lines of communication open and providing regular updates as we move forward with our attempts to obtain custody of Mas'ud. In sum, we are committed to the ends of justice for you and your families.

Sincerely,

The Pan Am 103 Prosecution Team