

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 01-455-A
)
 ZACARIAS MOUSSAOUI)
 a/k/a "Shaqil,")
 a/k/a "Abu Khalid)
 al Sahrawi,")
)
 Defendant.)

ORDER

The defendant, pro se, has filed several repetitive motions, docketed as #s 240, 241, 279, 306, 326, 328, and 329, in which he complains that letters he has tried to send to various foreign government agencies and international tribunals have been intercepted by the FBI. Implicit in these motions is defendant's objection to aspects of the Special Administrative Measures (SAM), which were imposed on December 31, 2001, pursuant to 28 C.F.R. § 501.3.

Special Administrative Measure No. 4(c) provides that any mail not protected by attorney-client or consular privileges must be opened and copied by jail officials, with a copy forwarded to the FBI. If the FBI determines that the communication contains either "overt or covert discussions of or requests for illegal activities, the soliciting or encouraging of acts of violence, or terrorism, or actual or attempted circumvention of SAM," the material is not delivered or forwarded. See SAM No. 4(c)(iv). The defendant is notified in writing of any such mail seizure. Id.

The SAM provides that the FBI should complete its analysis of any mail written entirely in English within five business days. If the correspondence contains any foreign language, the time period is extended to ten business days. If the government has reasonable suspicion that code may be used, it has thirty business days to complete its analysis. See SAM No. 4(c)(iii)(a-c).

The first of defendant's motions to raise this complaint, entitled Motion to Phone and Contact Freely the European Parliament, the International Court of Justice, the British House of Common, the British High Court, the German Parliament, the German High Court, the Deutch Parliament, the Deutch High Court Without the FBI Prosecution Listening and Reading My Communications (Docket #240) was filed on Friday, June 27, 2002. The Motion does not state when defendant first tried to mail any letter to any of the foreign governmental entities listed in the motion. However, given the nature of the allegations in this case and the presence of some Arabic script in most of the defendant's pleadings, SAM No. 4(c)(iii)(c), which entitles the FBI up to thirty (30) business days to determine whether the mail may be sent, is not unreasonable. Therefore, to the extent defendant asks the Court to ease the SAM as to his contacts with the outside world, his motions docketed as #s 240, 241, 279, 306, 326, 328 and 329 are DENIED.

These same concerns lead us to conclude that defendant's Motion to Speak to the Press (Docket # 263) is meritless. Special

Administrative Measure No. 5 prohibits any and all communications between the defendant and members of the news media. We find this restriction to be reasonable under the circumstances. Moreover, the defendant cannot show that his ability to defend himself in a court of law will be limited by not being able to speak to the press. Therefore, the Motion to Speak to the Press (Docket #263) is DENIED.

Because we cannot discern from this record when the defendant tried to send letters to various foreign government entities, and what decision, if any, has been made by the FBI regarding the communications at issue, it is hereby

ORDERED that the United States provide the Court by July 19, 2002 with a list of the defendant's letters being reviewed by the FBI. Each letter must be identified by its addressee and the date on the letter. The list should also indicate the date the letter was received by the FBI and when the FBI expects to complete its analysis. After reviewing this list, we will determine whether the defendant is entitled to any relief.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; the Court Security Officer; and the United States Marshal.

Entered this 16th day of July, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia