

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
) Crim. No. 01-455-A
) Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI)

GOVERNMENT’S RESPONSE TO DEFENDANT’S
MOTION FOR SECURITY CLEARANCE FOR SADIQ KHAN

The defendant has moved to compel the Government to grant a security clearance to British lawyer Sadiq Khan and to permit Mr. Khan to meet with him. (docket number 419) This motion should be denied.

First, Mr. Khan is a foreign national and therefore is highly unlikely to be cleared to receive classified information. Moreover, Mr. Khan is not licensed to practice law in the Eastern District of Virginia and thus cannot enter an appearance as counsel in this case. Under the Special Administrative Measures (“SAM”) under which the defendant is held, therefore, Mr. Khan cannot meet unsupervised with the defendant. The SAM does permit having fact or expert witnesses have monitored telephone conversations with the defendant. To have such a telephone conversation with a witness, the defendant should be required to make a showing (ex parte) that the putative witness is a legitimate witness.

Second, it appears that what the defendant really wants is to have Mr. Khan investigate Atif Ahmed in the United Kingdom. Mr. Khan can, of course, perform this task without meeting with the defendant. Mr. Khan is also free to communicate with the defendant by mail, which will be monitored by the walled-off FBI team administering the SAM.

Accordingly, the defendant's motion should be denied.

Respectfully Submitted,

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United States Attorney

By: /s/ _____
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Assistant United States Attorneys

CERTIFICATE OF SERVICE

I certify that on August 16, 2002, a copy of the foregoing Government's Response was sent by hand delivery, via the United States Marshal's Service to:

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I further certify that on the same day a copy of the same attached pleading was sent by facsimile and regular mail to:

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