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

|                          |   |                         |
|--------------------------|---|-------------------------|
| UNITED STATES OF AMERICA | ) | <u>UNDER SEAL</u>       |
|                          | ) |                         |
| v.                       | ) | Crim. No. 01-455-A      |
|                          | ) | Hon. Leonie M. Brinkema |
| ZACARIAS MOUSSAOUI       | ) |                         |

GOVERNMENT'S RESPONSE TO STANDBY COUNSEL'S  
SUBMISSIONS REGARDING BAFANA DEPOSITION

The United States responds to standby counsel's submissions regarding the upcoming deposition of Faiz Bafana.

**I. Introduction**

The Government respectfully submits this Memorandum of Law in response to the three pleadings by standby counsel regarding the deposition of Faiz Bafana.<sup>1</sup> In the first submission (filed on October 17, 2002), standby counsel claim that the deposition should be delayed because of the supposed need to resolve the issue of the potential use of certain classified information in connection with the deposition. In the second submission (filed on October 22, 2002), standby counsel, again citing classified information allegedly relevant to the deposition of Bafana, request the Court to adopt certain procedures for the deposition of Bafana. In the third submission (filed on October 23, 2002), standby counsel identify certain documents that they seek to use in connection with the Bafana deposition, pursuant to Section 5 of the Classified Information

<sup>1</sup> The deposition is scheduled to begin on October 30, 2002, but standby counsel, before the defendant filed his motion to delay the deposition until February 2003, had requested that the deposition occur during the week of November 4, 2002. The Government had agreed to that request.

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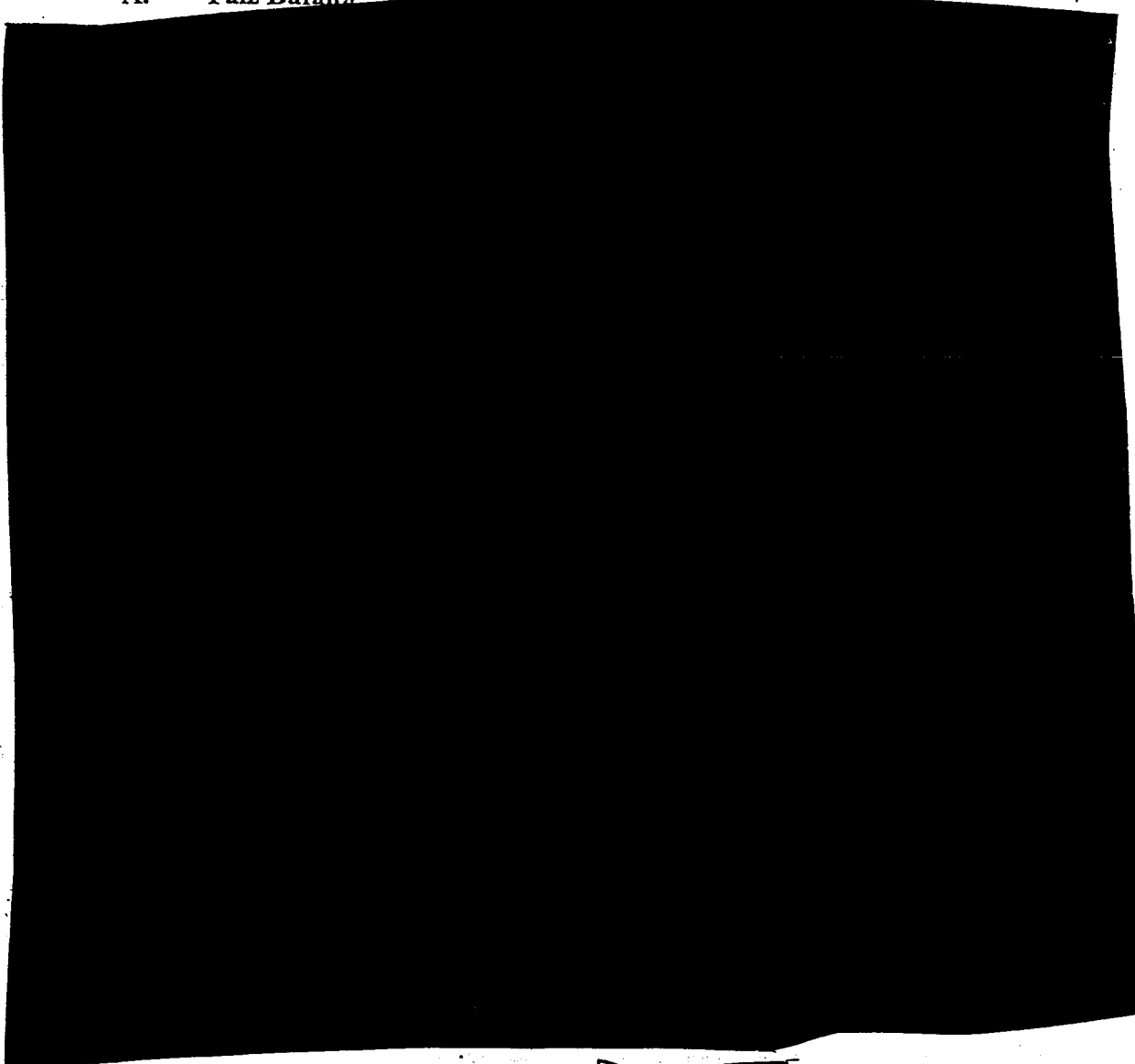
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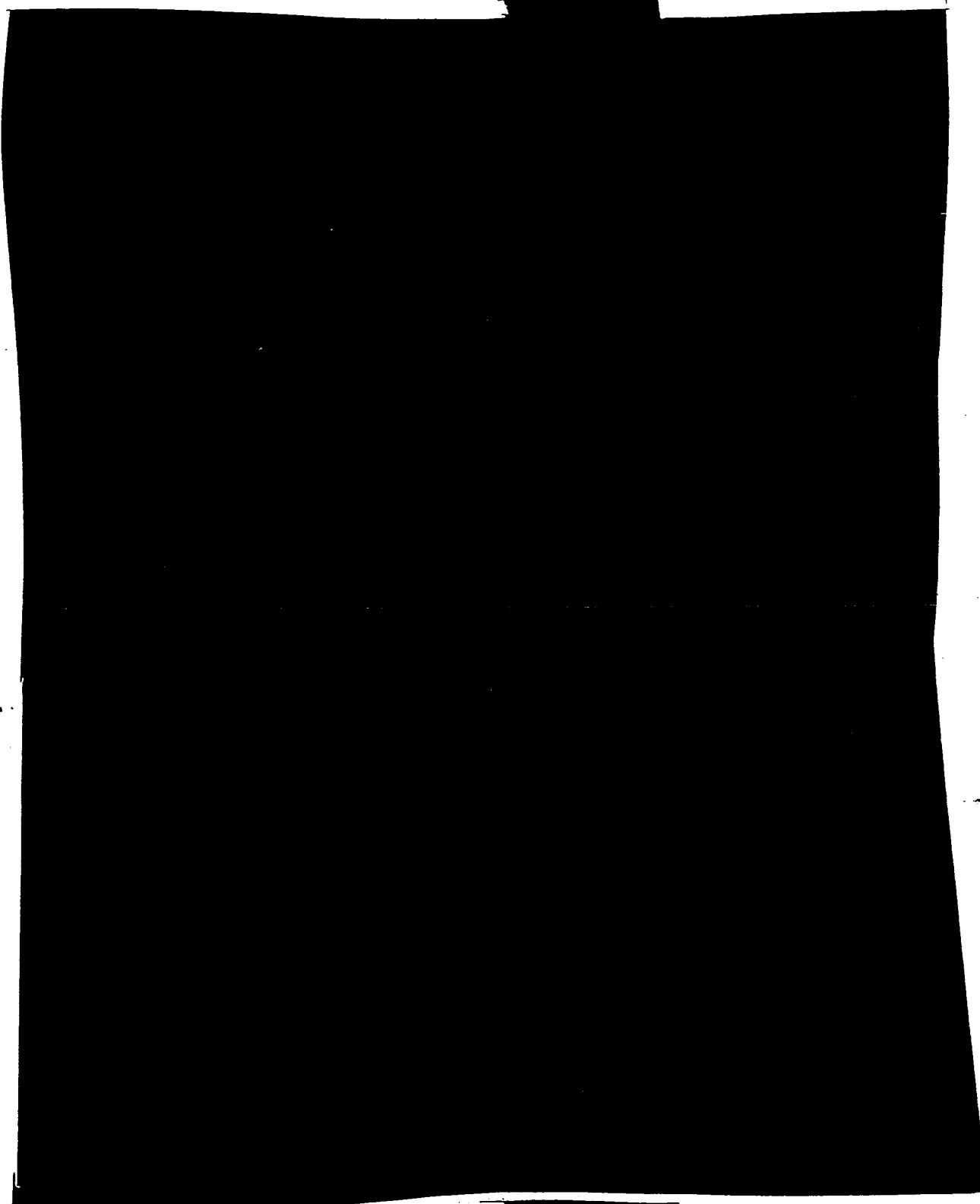
Procedures Act ("CIPA"). Because the defendant will be able to conduct the cross-examination of Bafana with the information he has available to him, including his personal knowledge of the circumstances of his meetings with Bafana, the efforts by standby counsel to delay and participate in the deposition should be denied.

II. Factual Background

A. Faiz Bafana



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