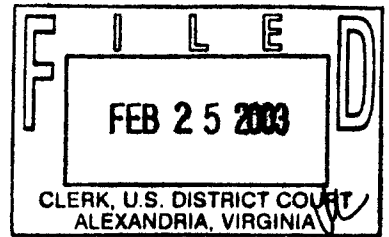


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



UNITED STATES OF AMERICA)
)
 v.)
)
 ZACARIAS MOUSSAOUI)
 a/k/a "Shaqil,")
 a/k/a "Abu Khalid)
 al Sahrawi,")
)
 Defendant.)

Criminal No. 01-455-A

UNDER SEAL

Unsealed 5/30/03

ORDER

Standby defense counsel have filed an Emergency Motion and Notice for Videotaped Rule 15 Deposition of El Hadi Ndiaye ("Emergency Motion") (Docket #759). Mr. Ndiaye, the Imam at the mosque attended by Mr. Moussaoui in Norman, Oklahoma, was under subpoena for the trial date of June 30, 2003. However, that trial date has been vacated and any new date will not be set for several months. According to standby counsel, Mr. Ndiaye's personal appearance at a future trial is no longer guaranteed because he intends to leave the United States and seek permanent employment in either Senegal or Kuwait.

The reasons articulated by standby counsel in their Emergency Motion and Ex Parte Attachment demonstrate Mr. Ndiaye's relevance and materiality to Mr. Moussaoui's defense, and justify preserving his testimony for use at trial pursuant to Fed. R. Crim. P. 15. Accordingly, standby counsel's Emergency Motion is GRANTED; and it is hereby

ORDERED that the Fed. R. Crim. P. 15 deposition of El Hadi Ndiaye take place on Tuesday, March 11, 2003 at 10:00 a.m. in

Courtroom 700.¹ Consistent with previous depositions in this case, the Court will preside and both Mr. Moussaoui and standby counsel will examine the witness.

Pursuant to Fed. R. Crim. P. 15(c) standby counsel also request that Mr. Ndiaye's travel and subsistence expenses be paid for by the Government. Because it would be impractical to require the United States Marshals Service to transport Mr. Moussaoui to an appropriate location in Oklahoma, and inefficient to burden the Government with counsel's travel expenses, the request is GRANTED; and it is hereby

ORDERED that all reasonable travel and subsistence expenses associated with Mr. Ndiaye's travel to Alexandria, Virginia for his deposition testimony be assumed by the United States.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel, who are to ensure Mr. Ndiaye's appearance at the deposition; and the United States Marshal.

Entered this 25th day of February, 2003.

/S/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

¹ Although standby counsel propose that any deposition of Mr. Ndiaye take place at the Alexandria City Adult Detention Center, we have been advised by the United States Marshals Service that, for security reasons, the deposition cannot take place there.