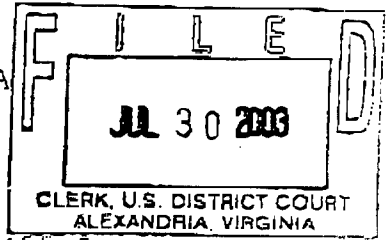


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7/30/03

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

ORDER

The pro se defendant has filed an Emergency Motion [REDACTED] seeking immediate access to any exculpatory statements [REDACTED] in the possession of the United States.¹ In a separate communication to the Court, the defendant also requests an emergency telephone conference regarding the extensive redactions to standby defense counsel's July 23, 2003 filing, which was forwarded to him on July 29, 2003.

The United States has complied with its discovery obligations in this case by producing to standby counsel, pursuant to 18 U.S.C. App. 3 § 4, classified summaries of any statements in its possession [REDACTED] that may exculpate the defendant from the charged conspiracies or help him avoid a sentence of death. Because Mr. Moussaoui, himself, does not and will not have a national security clearance,² and the Court is not

[REDACTED]

¹ [REDACTED]
² See, e.g., Orders of August 23 and October 4, 2002 and January 9, 2003 (denying defendant's requests for access to

authorized to either make classification decisions or direct that classified information be disclosed to the defendant, Mr. Moussaoui will not have access to these statements until or unless the information is declassified, the relevant Executive Branch officials authorize a limited disclosure to the defendant,³ or unclassified alternatives or substitutes are proposed by the Government and approved by the Court. Accordingly, the defendant's Emergency Motion [REDACTED] as well as two other pleadings requesting the same relief [REDACTED] are DENIED. For the same reasons, the defendant's request for an emergency telephone conference is also DENIED.

The Clerk is directed to forward copies of this Order to counsel for the United States; standby defense counsel; and the Court Security Officer, who is to submit this Order for an expedited classification review so that an appropriate version can be provided to the pro se defendant as soon as possible.

Entered this 30th day of July, 2003

/S/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

classified information).

³ In compliance with the Court of Appeals' Order of April 14, 2003, which directed that both the defendant and standby defense counsel be given an opportunity to respond to any proposed substitution for the Fed. R. Crim. P. 15 deposition testimony [REDACTED] the defendant was afforded limited access to the Government's classified Proposed Substitution.