

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

FILED

SEP 17 2001
U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

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

UNDER SEAL

Criminal No. 01-455-A
Hon. Leonie M. Brinkema



STIPULATIONS FOR PART II OF THE PENALTY PHASE

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America and Zacarias Moussaoui, the defendant, as follows:¹

The World Trade Center

1. On September 11, 2001, at approximately 8:46 a.m., hijackers Mohammed Atta, Abdul Aziz Alomari, Satam al-Suqami, Waleed al-Shehri, and Wail al-Shehri flew American Airlines Flight 11 into the North Tower (WTC 1) of the World Trade Center in Manhattan. The plane struck between floors 94 and 98 in roughly the center of the north face of the building. The North Tower (WTC 1) collapsed at 10:29 a.m. — approximately 1 hour and 43 minutes after Flight 11 crashed into the building.

2. On September 11, 2001, at approximately 9:03 a.m., hijackers Hamza al-Ghamdi, Fayez Ahmed, Mohand al-Shehri, Ahmed al-Ghamdi, and Marwan al-Shehhi flew United Airlines Flight 175 into the South Tower (WTC 2) of the World Trade Center in Manhattan. The plane struck between floors 78 and 84 toward the east side of the south face of the building. The

¹ The parties agree that these stipulations pertain solely to the second part of the penalty phase. The parties further agree that the stipulations introduced during the first part of the penalty phase also are admitted during the second part of the penalty phase.

South Tower (WTC 2) collapsed at 9:59 a.m. — approximately 56 minutes after it was struck.

3. Exhibit P200001 is an accurate scale model of the World Trade Center as it existed on September 11, 2001, before Flights 11 and 175 crashed into the North and South Towers. The parties stipulate to the authenticity of Exhibit P200001 without any further foundation.

4. Exhibit P200002 is a map of the World Trade Center area. The parties stipulate to the authenticity of Exhibit P200002 without any further foundation.

5. Exhibit P200003 is map of the World Trade Center area depicting the paths of Flights 11 and 175. The parties stipulate to the authenticity of Exhibit P200003 without any further foundation.

6. Exhibit P200004 is a photograph of the impact of Flight 11 on the north face of the North Tower (WTC 1) and a diagram of the damage of the building by floors. The parties stipulate to the authenticity of Exhibit P200004 without any further foundation.

7. Exhibit P200005 is a photograph of the impact of Flight 175 on the south and east faces of the South Tower (WTC 2) and a diagram of the damage to the building by floors. The parties stipulate to the authenticity of Exhibit P200005 without any further foundation.

8. Exhibit P200006 contains two photographs of the North and South Towers after Flights 11 and 175 struck the towers. The top photograph depicts the towers as Flight 175 struck the north face of the South Tower (WTC 2). The bottom photograph depicts the north and east faces of both buildings after the planes struck the towers. The parties stipulate to the authenticity of Exhibit P200006 without any further foundation.

9. Exhibit P200007 is a photograph of the World Trade Center complex before the attacks on September 11, 2001. The parties stipulate to the authenticity of Exhibit P200007

without any further foundation.

10. Exhibit P200008 is a photograph of the World Trade Center complex taken after the attacks on September 17, 2001. The parties stipulate to the authenticity of Exhibit P200008 without any further foundation.

11. Exhibit P200009 is a diagram depicting the damage to the buildings in the World Trade Center area as a result of the attacks on September 11, 2001. The parties stipulate to the authenticity of Exhibit P200009 without any further foundation.

12. Exhibit P200010 is a photograph taken on September 11, 2001, of a human body part located at the intersection of Albany and West Streets in Manhattan. The parties stipulate to the authenticity of Exhibit P200010 without any further foundation.

13. Exhibit P200011 is a photograph taken on September 11, 2001, of a human body part located at the intersection of Albany and West Streets in Manhattan. The parties stipulate to the authenticity of Exhibit P200011 without any further foundation.

14. Exhibit P200012 is a photograph taken on September 11, 2001, of human body parts located on West Street in Manhattan. The photograph was taken looking north on West Street from the area near Albany and Cedar Streets. The parties stipulate to the authenticity of Exhibit P200012 without any further foundation.

15. Exhibit P200013 is a photograph taken on September 11, 2001, of human body parts and a wheel of an airplane located at the intersection of West and Cedar Streets in Manhattan. The parties stipulate to the authenticity of Exhibit P200013 without any further foundation.

16. Exhibit P200014 is a photograph taken on September 11, 2001, of human body

parts and a wheel of an airplane located at the intersection of West and Cedar Streets in Manhattan. The parties stipulate to the authenticity of Exhibit P200014 without any further foundation.

17. Exhibit P200015 is a compilation of videotape of the World Trade Center taken on September 11, 2001.

- A. Clip 1 depicts Flight 11 flying into the North Tower (WTC 1) at 8:46 a.m.
- B. Clip 2 depicts the North Tower (WTC 1) shortly after it was struck by Flight 11 and then depicts Flight 175 flying into the South Tower (WTC 2) at 9:03 a.m.
- C. Clip 3 depicts, from afar, Flight 175 flying into the South Tower (WTC 2) at 9:03 a.m. Clip 3 was taken from Brooklyn with the Brooklyn Bridge in the foreground.
- D. Clip 4 depicts close-up views of Flight 175 flying into the South Tower (WTC 2) at 9:03 a.m.
- E. Clip 5 depicts both towers burning after they were struck by the planes and further depicts people from inside the towers jumping to their deaths.
- F. Clip 6 depicts the east side of the South Tower (WTC 2) and people from inside the tower jumping to their deaths.
- G. Clip 7 depicts a person from inside the tower jumping to his death.
- H. Clip 8 depicts the collapse of the South Tower (WTC 2) at 9:59 a.m. taken from an office building southeast of the South Tower.
- I. Clip 9 depicts the collapse of the South Tower (WTC 2) at 9:59 a.m. taken from Church Street.

- J. Clip 10 depicts the collapse of the North Tower (WTC 1) at 10:29 a.m. taken from the Upper West Side.
- K. Clip 11 depicts the collapse of the North Tower (WTC 1) at 10:29 a.m. taken from a building north of the tower.
- L. Clip 12 depicts an aerial view of “Ground Zero” after the collapse of the North and South Towers.
- M. Clips 13 depicts a street-level view of “Ground Zero” after the collapse of the North and South Towers.
- N. Clip 14 depicts a street-level view of “Ground Zero” after the collapse of the North and South Towers.

The parties stipulate to the authenticity of Exhibit P200015 without any further foundation.

18. As a result of the attacks on September 11, 2001, the City of New York suffered the following:

- a. The deaths of 343 members of the New York City Fire Department, including the majority of its upper management, and the loss of approximately 92 pieces of fire-fighting apparatus including fire engines, ladder companies, ambulances and other rescue vehicles;
- b. The deaths of 37 Port Authority officers, the deaths of 38 Port Authority civilian employees, the destruction of the headquarters of the Port Authority, and the loss of approximately 114 Port Authority vehicles;
- c. The deaths of 23 New York City police officers and the loss of numerous vehicles used by the New York Police Department to fight crime;
- d. The deaths of 3 New York state court officers;

- e. The death of 1 Special Agent of the Federal Bureau of Investigation (FBI);
- f. The death of 1 Master Special Officer of the United States Secret Service, the destruction of the New York field office for the United States Secret Service, the loss of 184 vehicles used by the United States Secret Service, including 7 armored limousines, the loss of all of the weapons stored in the New York field office for the United States Secret Service, the destruction of communication equipment used by the New York field office for the United States Secret Service, and the destruction of evidence stored in the New York field office for the United States Secret Service, which was to be used in criminal prosecutions;
- g. The destruction of the United States Customs building, which housed all components of the United States Customs Service in New York City, the destruction of the laboratory utilized by the United States Customs Service in its northeast region, the loss of 50 vehicles used by the United States Customs Service to fight crime, the loss of the majority of the weapons stored in the New York field office for the United States Customs Service, the destruction of communication equipment used by the New York field office for the United States Customs Service, and the destruction of evidence stored in the New York field office for the United States Customs Service, which was to be used in criminal prosecutions;
- h. The destruction of the offices of the New York field division of the Bureau of Alcohol, Tobacco and Firearms (ATF), the loss of 15 vehicles used by the ATF to fight crime, the destruction of the regional firearms center used to examine all firearms collected as evidence by the ATF as well as approximately 400 firearms which had been seized as evidence in criminal prosecutions, and the destruction of approximately 100 weapons used by ATF Special Agents to fight crime;

- i. The destruction of the offices of the New York field division of the Internal Revenue Service, the loss of 7 vehicles used by the Internal Revenue Service to fight crime, and the destruction of evidence stored in the New York field office of the Internal Revenue Service;
- j. The destruction of the offices of the New York field division of the Office of Inspector General (Office of Investigation) for the Department of Housing and Urban Development (HUD), the loss of 5 vehicles used by HUD, the destruction of approximately 46 weapons used by HUD to fight crime, and the destruction of evidence stored in the New York field office of HUD, which was to be used in criminal prosecutions;
- k. The destruction of the Office of Emergency Operations Center, which was designed to coordinate the response to large-scale emergencies in the City of New York;
- l. The disruption of service on train and subway lines, including the E line, subway lines 1 and 9, and the Port Authority Trans-Hudson (PATH) lines;
- m. The closure of parks, playgrounds, and schools in lower Manhattan;
- n. The displacement of businesses located in the World Trade Center and the economic harm to each of the businesses;
- o. The disruption of telephone service in Manhattan;
- p. The destruction of approximately 12 million square feet of office space;
- q. Property loss costing several billion dollars;
- r. The temporary closure of the New York Stock Exchange (NYSE) and the New York Mercantile Exchange (NYMEX);
- s. The temporary closure of state and federal courthouses in Manhattan; and,

- t. The delay of the meeting of the United Nations General Assembly and a special meeting of the United Nations called to address UNICEF issues.

19. Melissa Doi was a 32-year-old, single woman, who worked as a business development manager for IQ Financial Systems on the 83rd floor of the South Tower (WTC 2) of the World Trade Center. On September 11, 2001, Ms. Doi called 911 and spoke to dispatcher Vanessa Barnes from the New York City Fire Department. Exhibit P200016 is a recording of the telephone call between Ms. Doi and Dispatcher Barnes and a photograph of Ms. Doi. The parties stipulate to the authenticity of Exhibit P200016 without any further foundation.

20. Kevin Cosgrove worked for Aon as Vice-President of Claims on the 99th floor of the South Tower (WTC 2) of the World Trade Center. On September 11, 2001, Mr. Cosgrove called 911 operators at least three times before his death. Exhibit P200017 is a recording of his last telephone call with dispatcher Yvette Washington-Montagne along with a photograph of Mr. Cosgrove taken before his death and a videotape of the outside of the South Tower (WTC 2) at the same time of Mr. Cosgrove's last call. The parties stipulate to the authenticity of Exhibit P200017 without any further foundation.

21. Exhibit P200018 is a summary presentation depicting the following from Flight 11: the identity of pilots and flight attendants, seat assignments of passengers, and telephone calls from the flight. The parties stipulate to the authenticity of the underlying documents that support the admission of Exhibit P200018 without any further foundation.

22. Exhibit P200019 is a summary presentation depicting the following from Flight 175: the identity of pilots and flight attendants, seat assignments of passengers, and telephone calls from the flight. The parties stipulate to the authenticity of the underlying documents that

support the admission of Exhibit P200019 without any further foundation.

The Pentagon

23. On September 11, 2001, at approximately 9:37 a.m., hijackers Khalid al-Mihdhar, Majed Moqed, Nawaf al-Hazmi, Salem al-Hazmi, and Hani Hanjour flew American Airlines Flight 77 into the west wall of the Pentagon.

24. Exhibit P200020 is a model of the Pentagon as it existed on September 11, 2001, before Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibit P200020 without any further foundation.

25. Exhibit P200021 is a photograph of the Pentagon as it existed on September 11, 2001, before Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibit P200021 without any further foundation.

26. Exhibit P200022 consists of a video clip (clip 1) and 12 time lapse photographs from a security camera in the parking lot of the Pentagon depicting Flight 77 crashing into the building. Exhibit P200022 also contains seven video clips (clips 2-7) depicting the damage to the Pentagon after Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibit P200022 without any further foundation.

27. Exhibit P200318 is a summary presentation depicting the damage to the Pentagon caused by the crash of Flight 77 on September 11, 2001, and the location of bodies found inside the Pentagon. The parties stipulate to the authenticity of the underlying documents that support the admission of Exhibit P200318 without any further foundation.

28. Exhibits P200023-29 are photographs of the Pentagon after Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibits P200023-29 without any

further foundation.

29. Exhibit P200030 is a photograph of airplane parts in the Pentagon after Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibit P200030 without any further foundation.

30. Exhibits P200031-41 are photographs of the Pentagon after Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibits P200031-41 without any further foundation.

31. Exhibit P200042 is a photograph of a body part found inside the Pentagon after Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibit P200042 without any further foundation.

32. Exhibits P200043-53 are photographs of bodies or body parts found inside the Pentagon after Flight 77 was crashed into the building. The parties stipulate to the authenticity of Exhibit P200043-53 without any further foundation.

33. As a result of the attacks on September 11, 2001, the Pentagon suffered the loss of the following in addition to the loss of life:

- a. The destruction of the Naval Operations Center and the loss of the majority of its staff;
- b. The destruction of the Naval Intelligence Plot and the loss of the majority of its staff;
- c. The destruction of the Army Resource Management Center and the loss of its staff;
- d. The destruction of 400,000 square feet and the damage of over 1 million square feet of office space;

- e. The destruction of a portion of the Pentagon which had just been renovated at the cost of \$250 million; and,
- f. The destruction of computers, other technological equipment, furniture, and safes specifically designed for use by the Pentagon because of its unique role as the center of military operations for the United States of America.

34. Exhibit P200054 is a summary presentation depicting the following from Flight 77: the identity of pilots and flight attendants, seat assignments of passengers, and telephone calls from the flight. The parties stipulate to the authenticity of the underlying documents that support the admission of Exhibit P200054 without any further foundation.

Flight 93

35. On September 11, 2001, at approximately 10:03 a.m., hijackers Ziad Jarrah, Saeed al-Ghamdi, Ahmed al-Nami, and Ahmed al-Haznawi crashed United Airlines Flight 93 into a field in Somerset County, Pennsylvania, after resistance by the passengers on the plane.

36. Exhibit P200055 is a summary presentation depicting the following from Flight 93: the identity of pilots and flight attendants, seat assignments of passengers, and telephone calls from the flight. The parties stipulate to the authenticity of the underlying documents that support the admission of Exhibit P200055 without any further foundation.

37. Exhibit P200056 is a summary presentation depicting the information contained on the flight data recorder and the recorded contents of the Cockpit Voice Recorder for Flight 93. The parties stipulate to the authenticity of Exhibit P200056 without any further foundation.

38. Exhibits P200057-59 are photographs of the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibits P200057-59 without any further foundation.

39. Exhibits P200060-62 are photographs of airplane parts found at the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibits P200060-62 without any further foundation.

40. Exhibits P200063-64 are photographs of debris found at the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibit P200063-64 without any further foundation.

41. Exhibit P200065 is a photograph of the cockpit voice recorder found at the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibit P200065 without any further foundation.

42. Exhibit P200066 is a photograph of the flight data recorder found at the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibit P200066 without any further foundation.

43. Exhibit P200067 is a photograph of personal effects of Sandy Bradshaw found at the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibit P200067 without any further foundation.

44. Exhibit P200068 is a photograph of the driver's license of John Talignani found at the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibit P200068 without any further foundation.

45. Exhibit P200069 is a photograph of the personal effects of CeeCee Lyles found at the scene in Somerset County, Pennsylvania, where Flight 93 was crashed into the ground. The parties stipulate to the authenticity of Exhibit P200069 without any further foundation.

Those Killed on September 11, 2001

46. Exhibit P200070 is a summary presentation consisting of the names and photographs of those killed during the terrorist attacks on September 11, 2001. The parties stipulate to the authenticity of Exhibit P200070 without any further foundation.

47. Exhibit P200336 is a collection of photographs of those killed (except for 92 victims) during the terrorist attacks on September 11, 2001. The parties stipulate to the authenticity of Exhibit P200336 without any further foundation.

Moussaoui's Court Filings

48. On August 12, 2002, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 406) with the Court. The pleading is marked as Exhibit P200071. The parties stipulate to the authenticity of Exhibit P200071 without any further foundation.

49. On August 14, 2002, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 412) with the Court. The pleading is marked as Exhibit P200072. The parties stipulate to the authenticity of Exhibit P200072 without any further foundation.

50. On August 18, 2002, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 434) with the Court. The pleading is marked as Exhibit P200073. The parties stipulate to the authenticity of Exhibit P200073 without any further foundation.

51. On August 21, 2002, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 446) with the Court. The pleading is marked as Exhibit P200074. The parties stipulate to the authenticity of Exhibit P200074 without any further foundation.

52. On August 26, 2002, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 456) with the Court. The pleading is marked as Exhibit P200075.

The parties stipulate to the authenticity of Exhibit P200075 without any further foundation.

53. On August 27, 2002, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 458) with the Court. The pleading is marked as Exhibit P200076.

The parties stipulate to the authenticity of Exhibit P200076 without any further foundation.

54. On August 28, 2002, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 463) with the Court. The pleading is marked as Exhibit P200077.

The parties stipulate to the authenticity of Exhibit P200077 without any further foundation.

55. On March 4, 2003, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 771) with the Court. The pleading is marked as Exhibit P200078. The parties stipulate to the authenticity of Exhibit P200078 without any further foundation.

56. On April 3, 2003, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 806) with the Court. The pleading is marked as Exhibit P200079. The parties stipulate to the authenticity of Exhibit P200079 without any further foundation.

57. On September 29, 2003, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote (docket number 1069) with the Court. The pleading is marked as Exhibit P200080. The parties stipulate to the authenticity of Exhibit P200080 without any further foundation.

58. On November 10, 2003, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote with the Fourth Circuit Court of Appeals. The pleading is marked as Exhibit P200081. The parties stipulate to the authenticity of Exhibit P200081 without any further foundation.

59. On November 24, 2003, defendant Zacarias Moussaoui filed a handwritten

pleading that he wrote with the Fourth Circuit Court of Appeals. The pleading is marked as Exhibit P200082. The parties stipulate to the authenticity of Exhibit P200082 without any further foundation.

60. On December 12, 2003, defendant Zacarias Moussaoui filed a handwritten pleading that he wrote with the Fourth Circuit Court of Appeals. The pleading is marked as Exhibit P200083. The parties stipulate to the authenticity of Exhibit P200083 without any further foundation.

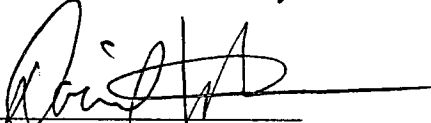
Moussaoui's Sentence

61. If the jury declines to sentence the defendant to death, the Court will impose a mandatory sentence of life imprisonment without the possibility of parole. The defendant would be committed to the Attorney General of the United States. The Bureau of Prisons, an agency under the control of the Attorney General, would have the authority to designate the defendant to be confined in any of the prisons that the Bureau of Prisons operates, including its highest security institutions (commonly referred to as "Super Max"). Further, the Attorney General has the absolute authority to restrict the defendant's contact, both personal and telephonically, with any other persons, including his family.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By:

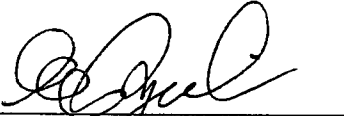


Robert A. Spencer
David J. Novak
David Raskin
Assistant United States Attorneys

Seen and Agreed:

Zacarias Moussaoui
Defendant

By:



Edward B. MacMahon, Jr.
Alan H. Yamamoto
Gerald T. Zerkin
Kenneth R. Troccoli
Counsel for Zacarias Moussaoui