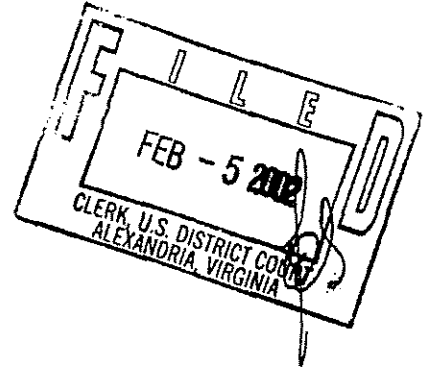


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



UNITED STATES OF AMERICA,            )  
  )  
v.    )  
  )  
ZACCARIAS MOUSSAOUI                )

Crim. No. 01-455-A

PROTECTIVE ORDER FOR UNCLASSIFIED BUT SENSITIVE MATERIAL

UPON the application of the United States;

IT IS HEREBY ORDERED pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure that the government shall segregate the discovery materials it produces to the defendant and his counsel of record<sup>1</sup> into two categories: (1) general discovery materials not produced prior to the date of this Order, and (2) particularly sensitive discovery materials. The category to which particular discovery materials belong shall be clearly identified by the government;

IT IS FURTHER ORDERED that “general discovery materials” shall not be further disseminated<sup>2</sup> by the defendant or his counsel of record to any individuals, organizations or other entities, other than: (i) members of the defense team (co-counsel, paralegals, investigators, translators, litigation support personnel, the defendant, and secretarial staff) and (ii) experts retained to assist in the preparation of the defense. Notice of proposed dissemination to defense experts shall be provided directly to the Court *ex parte* and under seal and no dissemination to

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<sup>1</sup> Counsel of record means Frank W. Dunham, Jr., Esq. and Gerald T. Zerkin, Esq. from the Office of the Federal Public Defender and Edward B. MacMahon, Jr., Esq.

<sup>2</sup> “Disseminated” means to provide a copy of the particular piece of discovery or quotations from it.

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such experts shall be made until approved by the Court. Each of the individuals to whom disclosure is made pursuant to the above provision shall be provided a copy of this protective order and will be advised that he or she shall not further disseminate the materials except by the express direction of counsel of record. In addition, the undersigned counsel of record for the defendant, any co-counsel, and any defense investigator may show (but not provide copies of) any of such general discovery materials to witnesses or potential witnesses, if it is determined that it is necessary to do so for the purpose of preparing the defense of the case;

IT IS FURTHER ORDERED that “particularly sensitive discovery materials” shall not be further disseminated by the defendant or his counsel of record to any individuals, organizations or other entities, other than (i) members of the defense team (co-counsel, paralegals, investigators, translators, litigation support personnel, the defendant, and secretarial staff); and (ii) experts retained to assist in the preparation of the defense. Notice of proposed dissemination to defense experts shall be provided to the Court *ex parte* and under seal and no dissemination to such experts shall be made until approved by the Court. Each of the individuals to whom disclosure is made pursuant to the above provision shall be provided a copy of this protective order and will be advised that he or she shall not further disseminate the materials except by the express direction of counsel of record or co-counsel. In addition to the unmarked copy, the government shall provide a hard copy of any sensitive discovery material appropriately so marked. It is expressly understood that the undersigned attorneys of record for the defendant may not show any of such particularly sensitive discovery materials to witnesses or potential witnesses. The defendant may seek relief from these provisions as to a particular item or items of discovery by providing notice to the Court of intent to show particular identified item(s) to a

witness and the purpose in doing so. The Notice shall be under seal. No disclosure of the item(s) to the witness(es) shall be made until the Court so permits.


IT IS FURTHER ORDERED that all such discovery materials are to be provided to the defense, and used by the defense, solely for the purpose of allowing the defendant to prepare his defense and that none of the discovery materials produced by the government to the defense shall be disseminated to the media;

IT IS FURTHER ORDERED that none of the discovery materials produced by the government to the defense shall be disseminated to the media by the government;

IT IS FURTHER ORDERED that any papers to be served upon the Court by either party which include discovery materials or refer to the contents of particularly sensitive materials shall be filed under seal;

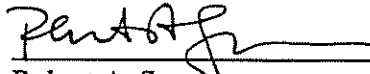
IT IS FURTHER ORDERED that any papers to be served upon the Court in response to papers served in conformity with the preceding paragraph also be filed under seal;

FINALLY, IT IS ORDERED that nothing in this Order shall preclude the government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material.

  
LEONIE M. BRINKEMA  
U.S. DISTRICT COURT JUDGE  
EASTERN DISTRICT OF VIRGINIA

WE ASK FOR THIS:

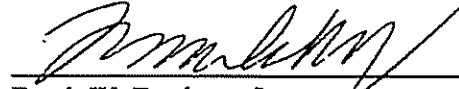
Paul J. McNulty  
United States Attorney



Robert A. Spencer  
Kenneth M. Karas  
David J. Novak  
Assistant United States Attorneys

SEEN AND AGREED:

Frank W. Dunham, Jr.  
Federal Public Defender



Frank W. Dunham, Jr.