

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

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 01-455-A
)
 ZACARIAS MOUSSAOUI)
 a/k/a "Shaqil,")
 a/k/a "Abu Khalid)
 al Sahrawi,")
)
 Defendant.)

ORDER

The defendant, pro se, has filed a motion (Docket #658) in which he complains that the United States produced a blank videotape of the Al Jazeera interview of Ramzi Binalshibh. He also requests a copy of a "good will" tape prepared by another individual.

The United States' provision of a blank videotape is an inexcusable error which must be corrected immediately. For this reason, the defendant's motion is GRANTED as to his request for a new copy of the Binalshibh tape; and it is hereby

ORDERED that the United States forthwith provide the defendant with a copy of the Binalshibh tape.

However, we do not find that the defendant has articulated a sufficient basis upon which the United States must be compelled to produce the other requested tape. Accordingly, his motion is DENIED WITHOUT PREJUDICE as to this request. If Mr. Moussaoui is able to establish the relevance of this tape to his defense, we

will reconsider this request.¹

We further find that the defendant's motion is not appropriate for the public record because it is replete with irrelevant and inflammatory rhetoric, including messages to third parties and a prayer for the destruction of the United States. Therefore, in accordance with our Order of September 27, 2002, it is hereby

ORDERED that the defendant's pro se motion docketed as #658 remain under total seal.²

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; and standby defense counsel.

Entered this 5th day of November, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

¹ If articulating the relevance of this tape will reveal defense strategy, the defendant may file any submission regarding this issue ex parte. Any such filing will be shared with standby defense counsel.

² In light of this decision, counsel for the United States need not advise the Court of its proposed redactions.