

**ADDENDUM TO EVALUATION OF ADJUDICATIVE
COMPETENCE**

NAME: Zacarias Moussaoui
DOB: May 30, 1968
JURISDICTION: US District Court for the Eastern District of Virginia
JUDGE: Hon. Leonie Brinkema
CASE: United States v. Zacarias Moussaoui, a/k/a "Shaqil", a/k/a
"Abu Khalid al Sahrawi",
Criminal No: 01-455-Z
EVALUATORS: Xavier F. Amador, Ph.D. and
William J. Stejskal, Ph.D.
DATE: July 24, 2002

REPORT SUMMARY

We have had an opportunity to review additional information regarding the defendant's mental state since our last joint report of June 10, 2002. These new data are relevant to our ongoing assessment of Mr. Moussaoui's mental status with respect to his adjudicative competence, including his competence to waive his right to counsel, to stand trial, and to waive his right to a trial by pleading guilty to the Indictment.

We have reasonable cause to believe that this defendant suffers from a psychotic mental disease or defect and has been exhibiting a marked deterioration in his mental state since he was permitted to proceed *pro se*. His mental state has been characterized by paranoia¹ (based in *both* culture and delusion), thought disorder² persecutory and grandiose

¹ "A condition characterized by the gradual development of an intricate, complex, and elaborate system of thinking based on (and often proceeding logically from) misinterpretation of an actual event." DSM IV-TR, American Psychiatric Association, 2000.

² "A disturbance of speech, communication, or content of thought, such as delusions, ideas of reference...flight of ideas, perseveration... and so forth." "The person may 'slip off the track' from one topic to another ("derailment" or "loose associations"); answers to questions may be obliquely related or completely unrelated ("tangentiality"); and, rarely speech may be so severely disorganized that it is nearly incomprehensible.... Less severe disorganized thinking or speech may occur during the prodromal and residual periods of schizophrenia." DSM IV-TR, American Psychiatric Association, 2000.

ADDENDUM TO EVALUATION OF ADJUDICATIVE COMPETENCE

NAME: Zacarias Moussaoui
DOB: May 30, 1968
JURISDICTION: US District Court for the Eastern District of Virginia
JUDGE: Hon. Leonie Brinkema
CASE: United States v. Zacarias Moussaoui, a/k/a “Shaqil”, a/k/a
“Abu Khalid al Sahrawi”,
Criminal No: 01-455-Z
EVALUATORS: Xavier F. Amador, Ph.D. and
William J. Stejskal, Ph.D.
DATE: July 24, 2002

REPORT SUMMARY

We have had an opportunity to review additional information regarding the defendant’s mental state since our last joint report of June 10, 2002. These new data are relevant to our ongoing assessment of Mr. Moussaoui’s mental status with respect to his adjudicative competence, including his competence to waive his right to counsel, to stand trial, and to waive his right to a trial by pleading guilty to the Indictment.

We have reasonable cause to believe that this defendant suffers from a psychotic mental disease or defect and has been exhibiting a marked deterioration in his mental state since he was permitted to proceed *pro se*. His mental state has been characterized by paranoia¹ (based in *both* culture and delusion), thought disorder² persecutory and grandiose

¹ “A condition characterized by the gradual development of an intricate, complex, and elaborate system of thinking based on (and often proceeding logically from) misinterpretation of an actual event.” DSM IV-TR, American Psychiatric Association, 2000.

² “A disturbance of speech, communication, or content of thought, such as delusions, ideas of reference...flight of ideas, perseveration... and so forth.” “The person may ‘slip off the track’ from one topic to another (“derailment” or “loose associations”); answers to questions may be obliquely related or completely unrelated (“tangentiality”); and, rarely speech may be so severely disorganized that it is nearly incomprehensible.... Less severe disorganized thinking or speech may occur during the prodromal and residual periods of schizophrenia.” DSM IV-TR, American Psychiatric Association, 2000.

delusions, delusions of reference, perseverations³, illogical thinking, poor impulse control, emotional instability, and impaired judgment. These symptoms and impairments exceed what could reasonably be attributed to cultural or sub-cultural factors and have undermined specific abilities that are directly relevant to Mr. Moussaoui's capacity to function reasonably or rationally, either *pro se* or with the benefit of counsel, in the proceedings against him.

We recommend that a comprehensive, direct, inpatient evaluation of the defendant be undertaken as soon as practicable. This will allow the Court to have the benefit of a full and detailed clinical assessment of the defendant's current mental state and competence before it allows him to expose himself to additional jeopardy due to his irrational thinking and impaired judgment regarding the proceedings against him.

SOURCES OF INFORMATION

In addition to the sources of information relied upon in our previous two joint reports, we relied on the following new information to arrive at these opinions:

1. Observation of his verbal and nonverbal behavior in a hearing before Hon. Leonie Brinkema dated June 13, 2002 (WJS)
2. Transcript of the June 13, 2002 hearing (WJS)
3. Handwritten filing by defendant, entitled "ALLAH AKBAR, The Prisoner Zacarias Moussaoui, Move to testify at the hearing on Thursday, June 13, 2002", filed June 11, 2002 (WJS)
4. French academic records for Zacarias Moussaoui (WJS)
5. French Social Services, Child Welfare, and Children's Court records pertaining to the Moussaoui family, the father's violent behavior, and the protective foster placements of the Moussaoui children (WJS)
6. Interviews with Aicha El-Wafi, defendant's mother, on June 12, 14, and 18, 2002, of approximately eight hours duration immediately following meetings she had with her son (WJS)
7. Declassified documents (XFA)
8. Al Qaeda Handbook: "IT IS FORBIDDEN TO REMOVE THIS FROM THE HOUSE" UK/BM-1 --- UK/BM-180 Translation (XFA)
9. Eighty-two writings by Zacarias Moussaoui filed with the Court between Friday June 14 and Monday July 15, 2002, listed below (XFA & WJS):

³ "Tendency to emit the same verbal or motor response again and again to varied stimuli." DSM IV-TR, American Psychiatric Association, 2000.

Title	Docket Entry
Emergency Motion for Immediate Release from Detention and the dropping of all charge (sic) against Zacarias Moussaoui (filed 06/14/02)	185
Give Me Reasonable Time to Prepare and File Motions (filed 06/21/02)	202
Objecting to Judge Brinkema's Order re the deposition of Agus Budiman (filed 06/21/02)	203
Noting that his filing was taken out of context and was requesting to "subpoena" and not "suppress" evidence (filed 06/21/02)	204
Bro Freeman is only recognized legal advisor in this case and the only person allowed to speak, file and undertake actions outside the court on his behalf (filed 06/21/02)	205
It is about time that Judge Brinkema stop interfering with my Self Defense by trying to impose government appointed standby "lawyer" (filed 06/21/02)	206
Pretrial motion of ZM must be accepted for extension to prepare and file motions (filed 06/21/02)	207
Prisoner Zacarias Moussaoui Opposition to government appointed lawyer "Motion to suppress statement and points and authorities in support thereof" (filed 06/21/02)	208
Emergency Motion for Immediately release from detention and the dropping of all charges (filed on 6/14/02 and on 06/21/02)	209
Judge Brinkema must not try to interfere with the defense of my life by preventing legal assistant Bro Freeman to assist me at the taking of a deposition on 6/24/02 (filed 06/21/02)	210
Zacarias Moussaoui inform that Nobody should stay at the "Defense table" during the arraignment on 6/25/02 except Bro Freeman (filed 06/21/02)	211
Emergency Motion to stop the interference and the manipulation of my right to defend myself Pro Se by the appearance of government appointed standby lawyer at the deposition to be taken on Monday June 24, 2002 at 1:00 pm at the Law Library of the Alexandria Detention Center (filed 06/24/02)	212
Emergency Order must be given to dismiss and exclude the government appointed standby lawyer to appear in my case and in court on the arraignment on June 25, 2002 because these appointed standby lawyer undermine my constitutional right to represent myself (Pro Se) and are actively conspiring by "legal" means to kill me (filed 06/24/02)	213
Motion to Compel the Federal Bureau of Investigation (in particular) and other government agencies to certify in an non ambiguous and	231

unequivocal manner that they were not engage in any kind of surveillance operation against the individual publically known as the 19 Hijackers before Sept 11 (filed 06/26/02)	
Motion to compel the FBI to give information on my address in London that they have before Sept 11 2001 (filed 06/26/02)	232
Motion to Publicly and formally waive my right to counsel and standby counsel in the new prosecution that started on the 25 June 2002 against me filed (06/26/02)	233
Motion to have an independent forensic examination (investigation) of my belongings for presence of electronic surveillance device such as tracking and listing bug (filed 06/26/02)	234
Motion to Oppose the Classifications of this case as complex and for the convening of hearing to determine how this Joint Motion between Prosecution and government appointed lawyer will in effect ensure my connection (filed 06/26/02)	235
Motion to confirm my No Plea entry in the case that begun 25 June 2002 No Plea being and meaning No contest, Nolo Contendre plea (filed 06/26/02)	236
Motion to Compel the FBI to certify that no undercover surveillance activity, operation were conducted by its agent toward me before my arrest (filed 06/26/02)	237
Motion to compel the CIA to certify on nature and content of information it gave to the FBI before and on and about and during and after my entry in the US on my involvement in any kind of illegal, terrorist, threatening, criminal, Islamic Fundamentalist, anti American, anti Western, anti unbeliever activities (filed 06/27/02)	239
Motion to phone and contact freely European Court of Justice, European Parliament, International Court of Justice, British House of Commons, British High Court, German Parliament, German High Court, Dutch Parliament, Dutch High Court without the FBI, prosecution listening and recording my communication (filed 06/27/02)	240
Motion to be able to investigate the case in the US and in France, Britain, Germany and Malaysia (filed 06/27/02)	241
Motion to compel the government and FBI to disclose any kind of surveillance or monitoring on my apartment in Monnett South, Norman, Oklahoma, the apartment of Ali Mukarawi, 209 A Wadsack in Norman Oklahoma (filed 06/27/02)	242
Motion to compel the National Center of Communication (NCC) to certify that they did intercept telephone satellite communications from Kandahar Post and communication office and recipient in Azerbadjan, and between me Saharwi (in Kandahar) and a third party in Azerbadjan in Spring and Summer 2000 (filed 06/27/02)	243

Motion to stop Leonie Brinkema DJ playing game with my life (filed 07/01/02)	246
Motion to appear in front of Congress hearing on FBI knowledge and responsibility on the Sept. 11 attack (filed 07/01/02)	247
Motion to give me a chance to defend myself by seeing Bro Freeman to receive out of court legal assistance on Federal Law (filed 07/01/02)	248
Motion to appear in front of the Grand Jury convene on September 11 attack to testify (filed 07/01/02)	249
Motion to compel the government to withdraw the charge against me because the FBI were conducting an undercover surveillance operation. Testimony of the FBI agent Coleen Rowley, a lawyer in the Bureau of Minneapolis and her expert knowledge on FBI investigation will establish the FBI cover up. Hearing must be convene to hear Coleen Rowley (filed 07/01/02)	250
Motion to remove Federal Public Defender from any activity in this case because of their conspiracy to kill me and their ineffective assistance. As well as any government court-appointed lawyer. (filed 07/02/02)	256
Motion: Nobody can prepare Sept. 11 in 14 working days (filed 07/02/02)	257
Motion to have "I heard you were going on Jihad" conversation recorded on the 18 of August by Sherburne County Jail and the FBI Declassified as secret and given to me. (filed 07/02/02)	258
Motion: To inspect my property and original evidence And to have testing for electronic device (for surveillance) on belonging seized by FBI at my arrest and after September 11 (filed 07/02/02)	259
Motion to force the so call counsel and standby government lawyer to hand over defense production and material produce before my installation as Pro Se on June 13 (filed 07/02/02)	260
Motion to stop DJ Leonie Brinkema to remove me from my defense Pro Se (filed 07/02/02)	261
Motion: Bro Freeman must be allow to see me to provide out of court legal assistance and investigate the case in Europe for me (filed 07/02/02)	262
Motion to SPEAK TO THE PRESS (filed 07/02/02)	263
Motion to compel the INS to certify that I did not receive instruction, reconsideration, plea, representation, demand from any other government agencies to issue the order of deportation (filed 07/02/02)	264
Motion* (*to compel) The National Computer Crime must certify that no instruction, order recommendation, information was placed by any government agencies on Zacarias Moussaoui and/or any of the 19 hijacker on his National computer crime system (filed 07/02/02)	265
STOP PLAYING CLINTON GAME OF LIES THE FBI WAS	266

ASKED TO CERTIFY THAT THEY DID NOT FOLLOW ME NOT THE GOVERNMENT. Motion to get FBI certification and or Immediate release. (filed 07/02/03)	
Letter to Court entitled "Nasty Tactic" (filed 07/03/02)	EX PARTE UNDER SEAL
Cheating and Lying that the only way they can win. I did not ask for only the right to have a look at my belonging. They must be examine by an independant [sic] forensic expert on electronic surveillance device (Reply to the Response of Government to electronic expert surveillance forensic independant [sic] examination of my belonging) (filed 07/03/02)	269
Is there any MAN TO TAKE CHARGE IN THE US AND SAY: "I CERTIFY THAT THE FBI NEVER FOLLOW ZACARIAS MOUSSAOUI AND THE 19 HIJACKERS" (filed 07/03/02)	270
Leonie Brinkema DJ you really want to kill me. Motion to see Bro Freeman and be able to defend my life (filed 07/03/02)	271
Where is "my" FAN, it must be Forensically examine before they kill me. Motion to have independant electronic forensic surveillance expert to examine and test a square FAN (70 cm x 70 cm) "mysteriously" left on my car (filed 07/03/02)	272
Vicious Tactic: For more than a Week now the FBI is keeping my letter to the European Court of Justice and Parliaments Motion for Freedom of Justice and Freeman (filed 07/05/02)	279
Motion for Immediate Release of Moussaoui Zacarias due to overwhelming proof of an FBI coverup. Hearing must be held to hear testimony of Hussein Al Attas along side Coleen Rowley (filed 07/08/02)	280
Did the US organization responsible to monitor satellite communication between Afganistani and the rest of the world intercept in Spring/Summer 2000 conversation from Kandhar Afghanistan and Azerbidjan or involving Abu Kaled Al Sahrawi - Reply to government response Docket 293 (filed 07/08/02)	281
Why federal Public "Defender" do not give me all the Printout of defense material and production made Before June 13 2002 when I become Pro Se Motion to be handed all printout of death appointed lawyer McMahan and Federal public Defender of defense production and material before June 13 2002 (filed 07/08/02)	282
Notice of Appeal	284
Motion to see what the Scam is about (filed 07/08/02)	286
Motion to Respect her own Word (filed 07/08/02)	287
Anti FBI cover up motion to have free access to my testimony and Freeman Bro (filed 07/08/02)	288

Motion against the USE of Violence and the threat of Violence by Captain Mitchell of Alexandria Jail (filed 07/08/02)	289
Motion to put some SANITY in the SUPERLYING indictment (filed 07/09/02)	293
Motion to improve the Security for the Life of Zacarias Moussaoui (filed 07/09/02)	294
Motion to have Hearing on the 11 July 2002 to Expose the truth on the FBI undercover Surveillance Operation Against Me and the 19 Hijackers (filed 07/09/02)	295
Motion to Have the Right to a Public Trial (filed 07/09/02)	296
Motion to compel the United States Government to Apologize to the Muslim Ummam for the insult to the Coran Contain in the Letter to Zacarias Moussaoui (filed 07/09/02)	297
Motion against government redaction of my Total Opposition to Suicide and the right to respond before Order (filed 07/09/02)	298
Motion to stop the cynical comedy, parody, of Justice Directed by DJ Brinkema (filed 07/10/02)	302
Motion to Have the Grand Jury Testimony of Zacarias Moussaoui on July 16, 2002 Open to the People of America and the World (filed 07/10/02)	305
Motion to stop DJ Brinkema and her standby lawyer to undermine my credibility, dignity and my ability to defend myself (To Save My Life) (filed 07/10/02)	306
Motion for Pre Contempt of Leonie Brinkema Order to Declare Zacarias Moussaoui Crazy (filed 07/11/02)	314
Motion to See Bro Freeman Before My Grand Jury Testimony on 16 July (filed 07/11/02)	315
Motion to compel the FBI to Release My Letter to European Court of Justice and Parliament, the German High Court and Parliament, The British High Court and Parliament (letter was given to FBI on 25 June 2002) (filed 07/11/02)	316
Motion to Compel the FBI to Confess Publicly That They Lie Again to the American When They Claim That Ramzi Binalshibh Was the Same Person as Ahad Sabet (filed 07/11/02)	317
Motion to Have a Hearing Scheduled Today Held as Soon as Possible Next Week (filed 07/11/02)	318
Motion to Stop the Liars and Freedom of Information and Security for Zacarias Moussaoui (filed 07/15/02)	322
Motion to stop Zacarias Moussaoui State Murder and Have the Right to Contact the French Embassy and National Assembly (filed 07/15/02)	323
Motion for Justice (filed 07/15/02)	324
Motion: Leonie Brinkema Embargo on Bro. Freeman Legal Assistance	325

Services to Me, Must Stop, Now! (filed 07/15/02)	
Motion: Already 3 Weeks That I Ask You Leonie Brinkema, To Order The FBI to Release My Letter to Europe. But You Need Time to Declare Me Crazy and Killed Me (filed 07/15/02)	326
Motion to be Given Printout of the Visa Application of Ramzi and the Western Union Monet Transfer of Ahad Sabet (filed 07/15/02)	327
Motion to Have a Fair Trial Free of Islamaphobia and Discrimination (filed 07/15/02)	328
Pro life Motion to Stipulate My Right and Duty to Live on This Earth a Long and Happy Life (filed 07/15/02)	329
Motion to Stop the FBI to Temper with Evidence and to Have Hussein Al Attas and Ali Mukhram Called as Witness. (filed 07/15/02)	330
Bro. Freeman Motions Are Zacarias Moussaoui Motion and Life Line (filed 07/15/02)	331
Motion to Have the Right to Get All Motion Filed in my Case and to Stop Standby Lawyer Interfering in my Pro Se Defense (filed 07/15/02)	332
Motion to Stop Leonie Brinkema to Undermine my Chance to Live by Her Smearing Campaign (filed 07/15/02)	333
Open Letter from Mr. Moussaoui to European Parliament dated July 9, 2002	*

* Document that was not filed with the Court

COMPETENCE

Mr. Moussaoui's extensive paranoia about his lawyers and the Court has not abated since the Court ruled that he can proceed *pro se*. If his suspicions about his lawyers and the Court were *exclusively* the product of culture, one would have expected his concerns to have abated somewhat in light of the Court's numerous accommodations. In fact, the exact opposite has occurred. After more than three months without personal contact with standby counsel, who used to visit with him daily, he is more preoccupied than ever with concerns that his lawyers are actively working toward his conviction and death. This paranoid preoccupation has resulted in repetitive (or perseverative) accusations and demands that interfere with his ability to stay focused on substantive matters related to his defense. Because of this circumstance, stresses associated with prolonged confinement and isolation, and the added stress of becoming his own attorney, his paranoia, delusions, thought disorder, poor impulse control and judgment, and other features associated with psychosis have clearly worsened.

We are now persuaded that the defendant's judgment and behavior are influenced *both* by disorganized thinking and delusions that derive from mental illness, *and* by paranoid, irrational and improbable theories about the U.S. government that are promulgated within

the Al-Qaeda and/or extremist Islamic subculture. Evidence that delusions are interwoven with the culturally consistent paranoid beliefs of Al-Qaeda has become unambiguous. Having had the opportunity to observe the defendant's behavior and communications during his last three court appearances, having reviewed several hundred pages of his most recent writings that focus almost exclusively on his paranoid accusations about the Court and standby counsel, and drawing from a more comprehensive understanding of the culture with which Mr. Moussaoui identifies, we now have sufficient grounds from which to opine that his thinking, judgment, and therefore his adjudicative competence, are being undermined by delusions and disorganized thinking that stem from a mental disease or defect.

Mr. Moussaoui raises the same accusations and demands (e.g., regarding Brother Freeman, proximity of standby counsel in the courtroom, being killed in the courtroom) time after time. In many instances, he reiterates these points despite the court having already ruled definitively on the issue at hand. Appended to this report are copies of the defendant's last 82 filings with the Court, with highlights identifying numerous instances of repetitive ruminations about the FBI, CIA, "SS Judge Brinkema" and standby counsel's attempts to kill him. Of the 82 filings, all but a handful are either focused entirely on these delusional fears, peppered with references and diatribes related to them, or repetitive charges and demands that reflect an inadequate understanding of the Court's previous rulings. These perseverations are likely to continue despite recent success in curbing this behavior; he has apparently ceased filing repetitive motions over the past five days following the Court's threat to reverse its decision to allow him to proceed *pro se* if he persisted. However, it is unlikely that he will be able to sustain this self-restraint for long; one can expect that he will once again raise the same or similar repetitive accusations and demands (regarding Brother Freeman, proximity of standby counsel, being attacked in the Courtroom, letters that have not been delivered, attempts to qualify his response to the indictment during colloquy).

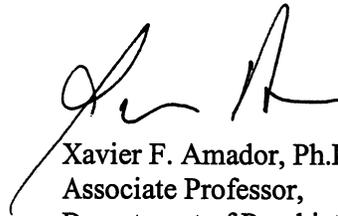
CONCLUSIONS

Psychotic disorders result in deficits in reasoning, attention, judgment, impulse control, and perception. Unlike central nervous system disorders such as dementia or developmental disabilities (which show a more consistent day-to-day clinical presentation), psychotic symptoms often wax and wane in intensity and may not always be obvious on a consistent basis. That is, at times, persons suffering from psychotic disorders may not show overt signs of illness and, in fact, may present as intelligent, articulate, and in touch with reality, especially when highly motivated to appear "normal". Symptoms typically worsen under stress and become more obvious, but even in stressful circumstances, persons with psychotic symptoms may exhibit moments of clarity. This makes forensic assessments of such individuals particularly vulnerable to

cross-sectional, or time-limited, evaluations. Because symptoms can fluctuate rapidly and because of poor insight and paranoia, ruling-out all competency relevant illnesses requires significant contact and interaction. Long-term observation of an individual in a variety of situations (such as is provided for in an inpatient evaluation setting) provides the most accurate understanding of the degree to which a person is impaired by psychotic symptoms.

In light of new information made available to us since filing our last report, we have significant additional concern that Mr. Moussaoui's decision to waive counsel is involuntary or without a knowing appreciation of its consequences. The totality of observations and information available at this time about the defendant, Zacarias Moussaoui, is now sufficient to give us reasonable cause to believe 1) that he is suffering from a mental disease or defect and 2) that his thinking and behavior regarding the proceedings against him are substantially impaired. Further evaluation, as outlined in our earlier report (involving sufficient opportunity to directly observe and interact with Mr. Moussaoui), is needed to establish a reliable foundation for conclusions regarding the specific diagnosis (e.g., Schizophrenia, Delusional Disorder, Schizoaffective Disorder, etc.) and regarding his competence to stand trial.

The findings and opinions presented in this report are based on a review of the information delineated above. Should additional information become available, our opinions are subject to review and possible revision.



Xavier F. Amador, Ph.D
Associate Professor,
Department of Psychiatry,
Columbia University College of Physicians &
Surgeons and,
National Director, Research, Education and Practice
National Alliance for the Mentally Ill (NAMI)



William J. Stejskal, Ph.D.
Director of Psychology
Inst. of Law, Psychiatry & Public Policy
Department of Psychiatric Medicine
University of Virginia
Charlottesville, Virginia