

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

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

UNDER SEAL

Crim. No. 01-455-A



**MOTION TO SET PROCEDURES FOR DEPOSITION OF MUKKARAM ALI**

COMES NOW, the defendant, by standby counsel, and moves this Court for an Order establishing analogous procedures for the deposition of Mukarram Ali ("Ali") to those established for the deposition of Faiz Bafana. Specifically, standby counsel propose that after Mr. Moussaoui conducts his direct examination, the government conducts its cross, and Mr. Moussaoui conducts any redirect examination, standby counsel be permitted to conduct its own direct examination followed by any additional cross examination the government may feel is warranted.

The benefit of this procedure is that it fully preserves Mr. Ali's testimony in a usable form regardless of who actually ends up acting as trial counsel in this case. Mr. Ali's testimony is not expected to be lengthy. There does not appear to be any prejudice to Mr. Moussaoui, the witness, or the government from the procedure proposed. As with the Bafana situation, the tape of the deposition can be appropriately edited prior to trial.

In requesting these procedures, we concede that there are no lines of questioning suggested for Mr. Ali by the classified information to which we have been exposed. However, we do not think that this distinction between the Bafana situation and that of deposing of Mr. Ali outweigh the

inherent value of preserving Mr. Ali's testimony in two formats so that it may be used at trial consistent with whatever circumstances then prevail as to who is acting as trial counsel.

ZACARIAS MOUSSAOUI

Stand-by Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion to Set Procedures for Deposition of Mukkaram Ali was served upon AUSA Robert A. Spencer, AUSA David Novak and AUSA Kenneth Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314, by placing a copy BY HAND in the box designated for the United States Attorney's Office in the Clerk's Office of the U.S. District Court for the Eastern District of Virginia and UPON APPROVAL FROM THE COURT SECURITY OFFICER via first class mail to Zacarias Moussaoui, c/o Alexandria Detention Center, 2001 Mill Road, Alexandria, VA 22314 this 4th day of November 2002.

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Frank W. Dunham, Jr.