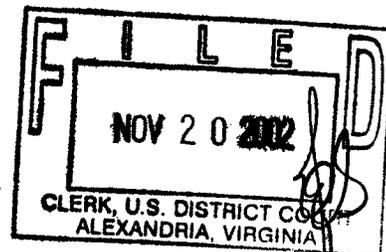


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



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

ORDER

The defendant, pro se, has filed a motion to strike the November 14, 2002 Fed. R. Crim. P. 15 deposition of Faiz Bafana (Docket #672).¹ In particular, Mr. Moussaoui claims that the presence of one Central Intelligence Agency ("CIA") attorney in the courtroom during the deposition without his knowledge or consent renders the entire proceeding unreliable and unfair.

A Fed. R. Crim. P. 15 deposition is intended to secure the testimony of an individual who may not be available to appear in person at trial. As such, the witness' testimony, if presented, will be for public consumption. One CIA attorney was present in the courtroom during the deposition to ensure that if any issue(s) relating to classified information arose, the issue(s) could be resolved immediately. Because the defendant has not suffered any prejudice by the mere presence of one CIA attorney in the courtroom during the deposition, his motion is DENIED.

¹ Both this Order and the defendant's motion must remain under seal because they concern the status of a material witness.

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

Entered this 20th day of November, 2002.

/S/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia