

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

UNITED STATES )  
 )  
 v. ) Crim. No. 01-455-A  
 )  
ZACARIAS MOUSSAOUI )

GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION FOR ACCESS TO AN IMAM

As directed by the Court's Order of October 16, 2003, the United States respectfully responds to the defendant's motion for access to an imam for Ramadan (docket number 1987).

The United States does not oppose the defendant's access to an imam who is either employed by or approved by the Alexandria Detention Center ("ADC"), who can pass a background check, and who will agree to abide by the terms of the Special Administrative Measures ("SAM") under which the defendant is detained. On April 15, 2002, we wrote the U.S. Marshal that we cleared Imam Abdel Wahab Hassan to have appropriate visits with the defendant.<sup>1</sup> Apparently, the defendant has declined to meet with Imam Hassan. We believe that Imam Hassan is still available to meet with the defendant at the ADC.<sup>2</sup>

The United States should not, however, be obligated to seek out some other imam

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<sup>1</sup> Such a meeting must be a noncontact meeting. See Special Administrative Measures § 6.c ("If an approved imam (or other religious representative) hired by the USMS is to be present for prayer with the inmate, the prayer shall be conducted as part of a noncontact visit to prevent the imam from being harmed or taken hostage."). Under the SAM, the defendant's participation in group prayer is prohibited.

<sup>2</sup> Government counsel has been informed by the U.S. Marshals Service that the ADC has been and is willing to permit the defendant noncontact visits with Imam Hassan, which would occur through the food slot on the defendant's cell and would be monitored by ADC personnel by closed circuit video camera (the monitoring would not pick up conversation between the defendant and the Imam).

especially for the defendant. The defendant should be treated as any other inmate held under SAM at the ADC, and no special effort should be made by the Government to find him religious services.

The defendant's motion entitles him to no extraordinary treatment, and, in fact, based on his pleading he is not entitled to the relief he seeks. The defendant writes that he seeks an imam during Ramadan "to increase his JIHAD activities . . .," and boasts that "RAMADAN is the JIHAD MONTH where All the Mujahids increase their Operation (especially SUICIDE ONE)." Def. Motion at 1-2. From there, the defendant goes on to write his typical inappropriate religious rhetoric. Put simply, a motion for an "Immediate JIHAD lesson" (Def. Motion at 2) should not be granted.

Accordingly, the United States respectfully requests that the defendant be accorded only the religious services permitted under the SAM and routinely provided to ADC inmates of the Islamic faith and nothing more.

Respectfully submitted,

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By: /s/  
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Certificate of Service

I certify that on October 17, 2003, a copy of the foregoing pleading was provided to the defendant via delivery to the U.S. Marshals Service and to the counsel listed below:

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