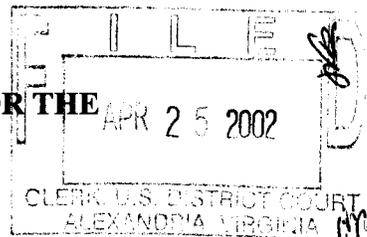


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
 v.) Criminal No. 02-37-A
)
 JOHN PHILLIP WALKER LINDH)

**PROTECTIVE ORDER REGARDING UNCLASSIFIED
DETAINEE INTERVIEW REPORTS**

For good cause, and for the reasons stated in the accompanying Memorandum Opinion dated April 25, 2002, it is hereby **ORDERED** that the government's Motion for a Protective Order Regarding Detainee Interview Reports is **GRANTED IN PART** and **DENIED IN PART**.

Specifically, it is hereby **ORDERED**, pursuant to Rule 16(d), Fed. R. Crim. P., that the government shall identify all unclassified reports of detainee interviews to be disclosed to defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), including all or portions of the reports filed with the Court *ex parte* and under seal and any additional reports required to be disclosed to the defendant, as sensitive, unclassified protected discovery materials.

It is further **ORDERED** that such unclassified protected information shall not be disseminated by the defendant or his counsel to any individuals, organizations or other entities, except that defense counsel may share such unclassified protected information with (i) members of the defense team (*i.e.*, co-counsel, paralegals, translators and secretarial staff), (ii) investigators or experts retained to assist in the preparation of the defense and (iii) potential witnesses who are not detainees, provided any such individuals read, understand and sign a memorandum of understanding

regarding the unclassified protected materials, in the form attached hereto and incorporated herein as Exhibit 1, and that defense counsel promptly file any such memorandum of understanding with the Court, *ex parte* and under seal, prior to the disclosure of any unclassified protected information to the particular member of the defense team, investigator, expert or non-detainee witness.

It is further **ORDERED** that in the event defense counsel desires to share any protected unclassified information with a potential witness who is a detainee, defense counsel is **DIRECTED** promptly to file a pleading, *ex parte* and under seal, advising the Court (i) the identity of the specific detainee and (ii) the reasons, if any, why there is reasonable assurance that the unclassified protected material, if disclosed to the detainee, will remain protected. Following an *ex parte* and *in camera* review of any such pleading filed by defense counsel, it may be appropriate to require notice to the government, to assure that the Court is fully apprised of the risks attendant to disclosure of unclassified protected information to the specific detainee.

It is further **ORDERED** that each of the individuals to whom disclosure of unclassified protected information is made pursuant to the above provisions shall be provided a copy of this Protective Order and shall be advised by counsel of record that he or she shall not further disseminate the information except by the express direction of counsel of record or the Court.

It is further **ORDERED** that any copies of detainee interview reports provided by counsel to any individual shall be clearly marked as sensitive, unclassified protected discovery materials.

It is further **ORDERED** that any papers to be served upon the Court by either party which include or refer to the contents of the unclassified protected discovery materials shall, at this time, be filed and placed under seal.

It is further **ORDERED** that nothing in this Order shall preclude the government from seeking a further protective order, pursuant to Rule 16(d), Fed. R. Crim. P., as to additional discovery materials.

It is further **ORDERED** that the government is **DIRECTED** to disclose to the defendant, in addition to the redacted reports already prepared for disclosure, the information set forth at page two, fourth paragraph, of the first interview report included in Attachment A to the government's motion for a protective order,¹ beginning with the phrase "_____ and _____ [two redacted names] became friends" and ending with the phrase "in the area," to place in context the information to be disclosed to the defendant.

It is further **ORDERED** that both the redacted and unredacted versions of the detainee interview reports be (i) placed in an envelope marked as Attachment A to the government's motion for a protective order regarding detainee interview reports and (ii) maintained *ex parte* and under seal for appellate review, if necessary.

The Clerk is directed to send a copy of this Protective Order to all counsel of record.

/S/

Alexandria, VA
April 25, 2002

T.S. Ellis, III
United States District Judge

¹ Specifically, the first report contained in Attachment A concerns the interview of a detainee with the initials F.A.A. taken on dated February 19, 2002.