

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 22-cr-392 (DLF)
	:	
ABU AGILA MOHAMMAD	:	
MAS'UD KHEIR AL-MARIMI	:	
	:	
	:	
Defendant.	:	

**GOVERNMENT'S SECOND NOTICE OF FILING OF DOCUMENTS RELATED TO
UNITED STATES v. MOUSSAOUI**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, provides the following notice, with attachments, to the Court pursuant to its Minute Order dated February 16, 2024, directing the government to file copies of orders entered by the Eastern District of Virginia that relate to the implementation of the Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States, Pub. L. No. 107-206, 116 Stat. 832 (2002).¹

After filing ECF 39, the government received additional items that while they may not be technically responsive to the Court's Minute Order, are being provided in the event they are helpful to the Court. The first is a copy of a form letter which was then sent to individuals who may have qualified as victims under Pub. L. No. 107-206, which is attached hereto. The letter provides written instructions to the victims for how to obtain a credential to attend the viewing location.

¹ The government has already filed notice in response to this Minute Order. ECF 39. This supplemental notice contains materials that undersigned counsel received after filing ECF 39.

The government will also file under seal three items concurrently with this notice. The first two are copies of correspondence between the judge who presided over the *Moussaoui* trial and the U.S. Attorney's Office regarding the locations for CCTV viewing sites. The third is a copy of a letter from the judge overseeing the case to a specific victim in that case.²

As undersigned counsel has diligently endeavored to locate the orders, policies, and procedures that are responsive to the Court's request, the government is filing this second notice.

Respectfully submitted,

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/s/ Erik M. Kenerson

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² The government did receive that particular item prior to filing ECF 39, but originally was not sure it was responsive to the Court's request. In an abundance of caution, the government is including it here.

Copy - from Laven S.



U.S. Department of Justice

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March 21, 2003

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INSERT(FIELD(RegFirstName)) INSERT(FIELD(RegLastName))IFNOTBLANK(RegSuffix
)INSERT(, FIELD(RegSuffix))ENDIF
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)ENDIF INSERT(FIELD(RegHomeAddr1))
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)ENDIF IFNOTBLANK(RegHomeAddr3)INSERT(FIELD(RegHomeAddr3))INSERT(
)ENDIF INSERT(FIELD(RegHomeCity), FIELD(RegHomeState) FIELD(RegHomeZip
)IF("FIELD(RegCountry)" <> "United States")INSERT(
FIELD(RegCountry))ENDIF )
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Re: United States v. Zacarias Moussaoui
Criminal No. 01-00455-A

Dear FIELD(RegFirstName) FIELD(RegLastName)IFNOTBLANK(RegSuffix)INSERT(,
FIELD(RegSuffix))ENDIF :

We are writing to advise you of the Court's selection of sites for the closed circuit transmission of the trial of Zacarias Moussaoui and of the application procedures should you wish to view the closed circuit broadcast.

On August 2, 2002, the President signed into law legislation that directs the trial court to order closed circuit televising of the Moussaoui trial for viewing by September 11th victims. The statute (Section 203 of Public Law 107-206) does not specify which cities would have closed circuit transmission sites. Instead, it directs the Court to order closed circuit televising to "convenient locations the trial court determines are reasonably necessary" for viewing by September 11th victims. Within a week of the passing of the legislation, we wrote a letter to Judge Brinkema, the judge presiding over the Moussaoui case, requesting that she designate closed circuit television (CCTV) sites in the following locations: New York (at least two sites); New Jersey; the Washington, D.C. Metropolitan area; Massachusetts; and California (two sites). A copy of that letter is enclosed. In October 2002, we supplemented our request by asking the Court to select a CCTV site in Pennsylvania. A copy of that letter is also enclosed.

By letter dated March 11, 2003, Judge Brinkema advised us of her decision to designate CCTV sites in federal courthouses in the District of Columbia, Manhattan, Long

Island, and Newark, New Jersey. The Judge's reasons for selecting only some of the sites we requested are set forth in her March 11, 2003, letter, a copy of which is enclosed.

On March 11, 2003, Judge Brinkema also issued an Order which prescribes the procedures for determining the eligibility of persons requesting to view the closed circuit broadcast of the trial proceedings. Pursuant to that Order, we are enclosing an Application to View Closed Circuit Broadcast of Moussaoui Trial. **If you are interested in viewing the closed circuit broadcast of the trial proceedings, the application must be completed and mailed to the Victim Witness Unit and postmarked no later than June 20, 2003.** To facilitate the mailing of your application, we are enclosing an envelope, with prepaid postage, addressed to the Victim Witness Unit of the United States Attorney's Office for the Eastern District of Virginia, Alexandria Division.

The CCTV statute defines the class of victims eligible to view the CCTV broadcast as follows:

(1) persons who suffered direct physical harm as a result of the terrorist acts that occurred in New York, Pennsylvania, and Virginia on September 11, 2001, and were present at the scene of the terrorist acts when they occurred or immediately thereafter; or

(2) the spouse, legal guardian, parent, child, brother, or sister of, or who as determined by the court have a relationship of similar significance to, an individual described in paragraph (1) who died, is severely injured, is incapacitated, is under 18 years of age, or has a disability that requires assistance of another person for mobility.

Therefore, those survivors who were physically injured during the terrorist attacks and the immediate family members of those killed or severely injured will be permitted to watch the closed circuit broadcast of the trial.

Upon receiving a completed application, the Victim Witness Unit of the United States Attorney's Office will review the application to determine whether the applicant meets the statutory definition of victim and, if so, will make reasonable efforts to verify the information provided in the application. After verifying information provided by an applicant who meets the statutory definition of victim (other than one asserting a relationship of "similar significance" to a deceased or injured victim), the Victim Witness Unit will notify the applicant in writing that the application to view the closed circuit broadcast has been approved.

If the Victim Witness Unit believes an applicant is ineligible to view the CCTV broadcast of the trial or if the Victim Witness Unit is unable to verify information contained in the application, it will transmit the application to the Court for a judicial determination of

eligibility. The Victim Witness Unit will also transmit to the Court for its consideration any application asserting a relationship to a deceased or physically injured victim of a significance similar to that of a spouse, legal guardian, parent, child or sibling. The CCTV statute expressly requires judicial determination of such a relationship. All transmittals of applications to the Court will be made as an under seal ex parte submission, which means that the applications will not be made public nor disclosed to the defendant or his counsel. The Victim Witness Unit will notify an applicant whose application was submitted to the Court as to whether the Court approved the application or rejected it.

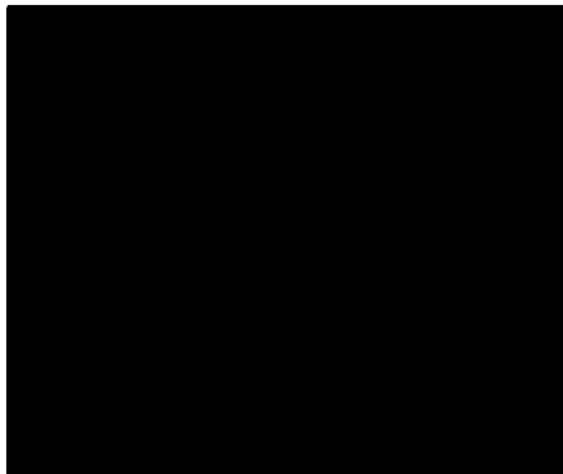
Please be advised that submitting an application does not obligate you to view the CCTV broadcast of any or all of the trial proceedings. Failure to submit an application before the June 20th deadline, however, will preclude attendance at a CCTV site.

Although the number of individuals in our victim database has increased significantly since our initial mailing in January of 2002, we know that there are many other victims not currently in our database who may be eligible to view the CCTV broadcast of the trial. Consequently, we would encourage you to provide copies of the enclosed application to family members or others you know who have not received the application but who may be eligible to view the CCTV broadcast. Alternatively, you may provide the Victim Witness Unit's toll-free number (1-866-828-1834) to other victims and survivors who wish to have an application sent to them.

We know the decision whether to view the trial will be a difficult one for many of you. Please do not hesitate to contact our Victim Witness Unit if you have any questions.

Sincerely,

Paul J. McNulty
United States Attorney



Enclosures