

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 11-20331-CR-JORDAN/O'SULLIVAN

UNITED STATES OF AMERICA

vs.

HAFIZ MUHAMMAD SHER ALI KHAN, et al.,

Defendants.

PROTECTIVE ORDER

This matter comes before the Court upon Government's Motion for Protective Order to prevent the unauthorized use, disclosure or dissemination of classified national security information and documents that will be reviewed by or made available to the defendants in this case.

Pursuant to the authority granted under Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 (1994) CIPA); the Security Procedures Established pursuant to Pub. L. 96-456, 94 Stat. 2025, by the Chief Justice of the United States for the Protection of Classified Information (reprinted following CIPA Section 9); Rules 16(d) and 57 of the Federal Rules of Criminal Procedure; the general supervisory authority of the Court; and in order to protect the national security, the Government's Motion is GRANTED.

IT IS HEREBY ORDERED:

1. The Court finds that it is in the interests of justice and consistent with Rule 16(a) of the Federal Rules of Criminal Procedure to provide the defendants with access to their statements.
2. The Court therefore authorizes the disclosure of only CLASSIFIED materials that are bates labeled C-0001 through C-0014 to the defendants Hafiz Muhammad Sher Ali Khan, Izhar Khan, and Irfan Khan, under the following conditions:

A. The authorized disclosure and discussion of classified information to/with the defendants can occur only inside the secure area as referenced in paragraph 14 of the CIPA § 3 Protective Order (DE 133) entered in this case.

B. In order to arrange for the transportation of the defendants to the defense secure area for the authorized disclosure and discussion of classified material, defense counsel must provide the Marshals Service with twenty-four (24) hours notice prior to the time that cleared counsel seek to meet with the defendants in the secure area. A request for a meeting on Monday must be made on or before 12:00 pm on the preceding Friday. Cleared defense counsel can make the request to meet with their clients in the secure defense area by calling the appropriate Deputy United States Marshals, whose names and phone numbers are known to cleared defense counsel.

C. Once inside the defense secure area, the defendants will be allowed to meet with cleared counsel. This room contains equipment to allow for the review of the CLASSIFIED audiotapes authorized for disclosure to the defendants. The room will be monitored for security purposes through closed-circuit television (CCTV). The CCTV will allow only for visual monitoring of the defendants and their counsel, and will not include audio. The CCTV video will not be recorded. Should any Marshal hear a conversation between the defendants and any of their counsel, those conversations shall not be communicated to any member of the government prosecution team, including, but not limited to, attorneys, agents, and support staff.

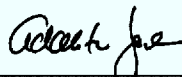
D. In the event that the secure area becomes unavailable during the course of this case, the Classified Information Security Officer assigned to this matter will, in collaboration with the United States Marshals Service, locate an alternative secure area that is suitable for the review of the CLASSIFIED materials being disclosed to the defense.

3. This Protective Order only authorizes the disclosure of classified materials to the

defendants that are bates labeled C-0001 through C-0014. If, however, the government produces additional CLASSIFIED materials, the government may specify in writing at the time of production that it has no opposition to the new materials being disclosed to the defendants, to be governed by this particular CIPA § 3 Protective Order. This written specification by the government, which shall include a reference to bates labeled numbers affixed to the new materials, will constitute an authorization to disclose the specified new materials to the defendants, to be governed by all provisions set out in this CIPA § 3 Protective Order. Without a written specification by the government, defense counsel must file a written motion seeking any further disclosure or discussion of CLASSIFIED materials with the defendants, as such additional disclosure would not be authorized by this CIPA § 3 Protective Order.

4. Nothing in this CIPA § 3 Protective Order shall be construed to otherwise modify any other Provision of the Amended CIPA § 3 Protective Order (DE 133) other than the specific disclosures authorized by this CIPA § 3 Protective Order.

SO ORDERED this 6th day of October, 2011 at Miami, Florida.



HONORABLE ADALBERTO JORDAN
UNITED STATES DISTRICT JUDGE