

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

Alexandria Division

UNITED STATES OF AMERICA

v.

ABDULLAH EZZELDIN TAHA  
MOHAMED HASSAN

Defendant.

Case No. 1:24-MJ-498

**PROTECTIVE ORDER REGULATING DISCLOSURE OF DISCOVERY AND  
SENSITIVE INFORMATION CONTAINED THEREIN**

On motion of the United States, by and through counsel, and with the agreement of the defendant, by and through his counsel, for a protective order to regulate the disclosure to defense counsel of certain sensitive information, and having found good cause, it is hereby ORDERED that the parties will abide by the following protocols:

- 1) **Sensitive Information.** The United States shall disclose sensitive information to the defense in its possession as it deems necessary to comply with its discovery obligations. The sensitive information includes any actual or cover name, identifier, or online account name used by any Federal Bureau of Investigation (FBI) Confidential Human Source (CHS) or FBI Online Covert Employees (OCE), and any other descriptors, photographs, video/audio recordings or information that could lead to the identity of a CHS or OCE. Such sensitive information should be labeled as such by the United States but remains sensitive information regardless of such labeling.
- 2) **Designation of Material Subject to this Protective Order.** To designate sensitive information subject to this Protective Order, the United States shall mark the portion of the discovery that includes sensitive information on the material itself, in an accompanying cover

letter or on a diskette cover or label, as “SENSITIVE.”

3) **Non-disclosure of Sensitive Information.** Defense counsel shall hold the sensitive portion of discovery in strict confidence. Defense counsel shall restrict access to this discovery and shall disclose this discovery to the defendant ABDULLAH EZZELDIN TAHA MOHAMED HASSAN (“defendant”), to office staff and to anticipated fact or expert witnesses only to the extent that defense counsel believes is necessary to assist in the defense of this case and in a manner that will prohibit the disclosure of this discovery to others not involved in the defense. Discovery concerning a CHS or OCE will be used solely for the purpose of allowing the Defense team to prepare the defendant’s defense and for no other purpose.

4) **Defendant’s Access to and Use of Sensitive Information.** With respect to the defendant and his access to sensitive information, the defendant may review sensitive information in this case only in the presence of the defense team, which is comprised of the counsel of record, any co-counsel, paralegals, investigators, translators, litigation support personnel, and secretarial staff. The defendant’s counsel of record shall ensure that defendant is never left alone with any sensitive information. Defendant may see and review sensitive information in the presence of a member of the defense team, but defendant may not copy, keep, maintain, or otherwise possess any sensitive information in this case at any time. Defendant must return any sensitive information to the defense team at the conclusion of any meeting at which defendant is permitted to view the sensitive information. Defendant may not take any sensitive information out of the room in which defendant is meeting with the defense team. Defendant may not write down or memorialize any sensitive information. At the conclusion of any meeting with defendant, the member of the defense team present shall take with him or her the sensitive information. At no time, under no circumstance, will any sensitive information be left in the possession, custody, or control of the

defendant, whether the defendant is incarcerated or not.

5) **Record of Recipients of Sensitive Information.** The parties will not disseminate any information about a CHS or OCE except to (a) members of the defense team; and (b) experts or outside investigators retained to assist in the preparation of the defense. Defense counsel shall advise any person to whom the sensitive portion of the discovery is disclosed that such information shall be held in strict confidence and that further disclosure or dissemination without defense counsel's express written consent is prohibited. Defense counsel must provide the recipient a copy of the Protective Order. Further, the recipient must sign an Acknowledgement that he/she has reviewed the Protective Order and agrees to be bound by its terms and consents to the jurisdiction of this Court for the purpose of any proceedings relating to the performance under, compliance with, or violation of this Order. Defense counsel shall maintain a list of persons to whom sensitive information materials are disclosed and retain a copy of the Acknowledgement described above that must be signed by all persons – defense team and non-defense team - receiving sensitive information.

6) **Use of Sensitive Information in Court Filings and Open Court.** The parties will not publicly disclose the actual or cover name, identifier, or online account name of any CHS or OCE, or any other information that could lead to the identity of a CHS or OCE, including photographs or video/audio recordings, in any pretrial filing or at any pretrial hearing in open court. Nothing in this Order shall restrict use by the parties of sensitive information contained therein during the parties' investigation of the allegations, litigation, or introduction as evidence at trial, except that any documents, papers, or pleadings filed with the Court that reveal the sensitive information shall be filed under seal, unless the parties agree to the public filing of such information, or all sensitive information has been removed or redacted, or such information has

already been publicly disclosed, or the Court rules that it may be filed on the public docket. The procedures for use of sensitive information designated by either of the parties for use in Court during any hearing or the trial of this matter shall be determined by the parties and the Court in advance of the hearing or trial. No party shall disclose in open Court that sensitive information that they seek to use without prior consideration by the Court.

7) **Maintenance and Reproduction of Sensitive Information:** No one other than the defense counsel may maintain CHS-related or OCE-related sensitive information. Defense counsel shall maintain all sensitive information in a secure and safe area and shall exercise the same standards of due and proper care with respect to the storage, custody, use, and/or dissemination of such information as are exercised by the recipient with respect to his own confidential information. All recordings and/or documents in which a CHS or OCE can be seen, heard, or is discussed in terms that could lead to the disclosure of the actual or cover name, identifier, or online account name of any CHS or OCE may be copied or reproduced ONLY for use by members of the defense team, excluding the defendant, and non-defense team members authorized to be in receipt of such information and may only be provided to further the investigation and preparation of this case.

8) **Disposition of Sensitive Information.** Within 90 days of any final judgment in this case by the later of: i) the sentencing of defendant; ii) defendant's appeal, if any; iii) defendant's habeas petition, if any; or iv) dismissal of the indictment with or without prejudice; or within 90 days of the termination of a particular defendant's counsel's representation, and consistent with counsel's ethical obligations, defendant and defendant's counsel shall return to the United States all recordings and/or documents in which a CHS or OCE can be seen, heard or is discussed in terms that could lead to the disclosure of the actual or cover name, identifier, or online account

name of any CHS or OCE and any copies thereof. Defendant and defendant's counsel shall return to the United States all other documents designated sensitive information and all copies thereof, including any derivative discovery materials (e.g. verbatim transcripts of recordings or transcripts), or shall destroy them and certify in writing to counsel for the United States that the documents have been destroyed. Defense counsel reserves the right to petition this Court for an extension of this 90-day time period as needed. It is pertinent that defense counsel ensure that none of the aforementioned recordings and/or documents subject to destruction are stored on a server or other platform that renders it difficult for defense counsel to later retrieve and/or destroy within the designated timeframe. Furthermore, the defense counsel may maintain work product containing sensitive information subject to the protections of this Protective Order for a period of ten years following the entry of final judgment and must thereafter destroy any and all such work product.

9) **Unauthorized Disclosure.** Should any sensitive information be improperly disclosed by a member of the defense team or a non-defense team member authorized to be in receipt of the sensitive information, then defense counsel shall use his or her best efforts to obtain the return of any such sensitive information and to bind the recipient of sensitive information to the terms of this Order and shall, within ten business days of the discovery of such disclosure, inform the Court and the United States of the unauthorized disclosure and identify the circumstances thereof.

10) **Sanctions for Unauthorized Disclosure.** Rule 16(d)(2) provides sanctions for failing to comply with the Court's Order that are just under the circumstances. Both parties shall use their best efforts to confer with the opposite parties regarding this Order before seeking relief from the Court, and neither party shall seek to have the Court impose sanctions pursuant to Rule 16(d)(2) without providing notice to the other party at least five business days in advance.

11) **Modification Permitted.** Nothing in this Order shall prevent any party from seeking modification of this Protective Order. The party seeking modification must first discuss any proposed modifications with opposing counsel and attempt to reach resolution before seeking a modification from this Court.

12) **Property of the United States.** All sensitive information that may be provided as part of the discovery materials in this case is now and will forever remain the property of the United States.

13) **Non-termination.** This Order shall survive the termination of this criminal case and shall continue in full force and effect thereafter.

**DONE AND ORDERED** in Alexandria, Virginia, this 23rd day of January, 2025.

  
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WILLIAM E. FITZPATRICK  
UNITED STATES MAGISTRATE JUDGE

cc: All Counsel of Record