



**U.S. Department of Justice**

*United States Attorney*

*Eastern District of Virginia*

2100 Jamieson Avenue  
Alexandria, Virginia 22314

(703)299-3700

February 2, 2006

**GOVERNMENT  
EXHIBIT  
GX00023  
01-455-A (ID)**

Zacarias Moussaoui  
Alexandria Detention Center

Mr. Moussaoui:

You have indicated that you are interested in cooperating with United States authorities. To this end, you and your attorneys have agreed to meet with federal agents and us.

To assure that there are no misunderstandings, I write to clarify the ground rules of this cooperation.

1. Except for paragraphs two and three below, no statements made by or other information provided by you during our meetings will be used directly against you in any criminal proceeding.
2. The United States may make derivative use of and may pursue any investigative leads suggested by any statements made by or other information provided by you. (This provision is necessary to eliminate the necessity for a Kastigar hearing at which the United States would prove that the evidence it would introduce at trial is not tainted by any statements made by or other information provided by you.)
3. In the event you are ever a witness at any trial or other judicial proceeding, the attorney for the United States may cross-examine you concerning any statements made or other information provided by you during the meetings. Evidence regarding such statements may also be introduced in rebuttal. (This provision is necessary to assure that you do not abuse the opportunity for a meeting, do not make material false statements to a government agency, and do not commit perjury when testifying at a trial or other judicial proceeding.)
4. You agree not to use your offer to cooperate with the United States as a mitigating factor during the penalty phase of this case. The United States agrees not to use your offer to cooperate as an aggravating factor during the penalty phase of this case.
5. You understand and agree that this agreement does not obligate the United States Attorney's Office for the Eastern District of Virginia to enter into any future plea bargaining with you or to file any kind of motion regarding cooperation provided by you. In addition, you

understand that our Office has made no additional promises to you other than those contained in this writing.

I trust that you will find these ground rules fair and reasonable. If you wish to engage in cooperation under these ground rules, please return the original copy of the letter to me with your signature.

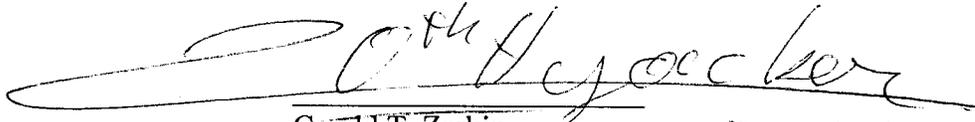
Sincerely,

Paul J. McNulty  
United States Attorney

By:   
Robert A. Spencer  
David J. Novak  
David Raskin  
Assistant United States Attorneys

I have read this letter agreement. I understand and agree to the contents of this letter.

\_\_\_\_\_  
Date

  
Gerald T. Zerkin  
Edward B. MacMahon, Jr.   
~~Alan Yamamoto~~  
~~Counsel for defendant Moussaoui~~