

Federal Bureau of Prisons 438578

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Al'ouhali Mohamed.R 42371054 H FLM
EAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL the regional director didn't response to my consetn the special administrative measures (SAM) has been imposed on me for 8 years continuosly non stop. on december 2006. the "SAM" was extended for another years the "SAM" restriction document contains various restriction such as but not limited: Correspondence with immediat family members only, No News broadcasting channels excessive delay of mail to exceed 90 days, solitary confinement and all other restriction. I was never give any hearing. I Request the remove of the "SAM" wich violates my rights racugnis in the first, fourth, fifth, sixth, eighth Amendmen
3-2-2007 DATE to the Constitution SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE _____ GENERAL COUNSEL _____
THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE CASE NUMBER: 43857-A1

Part C - RECEIPT
Return to: _____ CASE NUMBER: _____
LAST-NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____
DATE _____ SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL _____



**U.S. Department of Justice
Federal Bureau of Prisons**

*United States Penitentiary
Administrative Maximum*

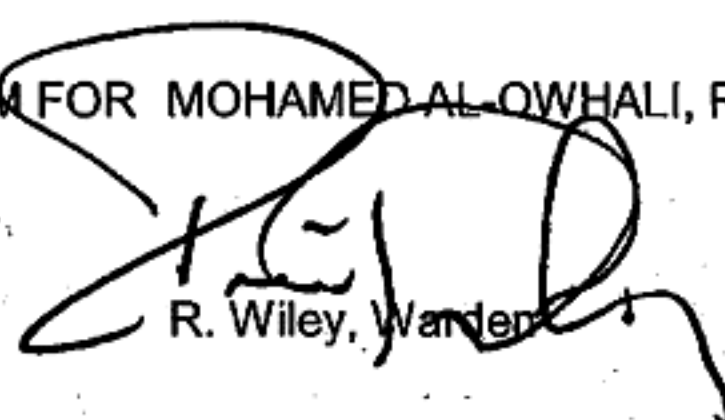
Office of the Warden

Florence, CO 81226

December 4, 2006

MEMORANDUM FOR MOHAMED AL OWHALI, REGISTER NUMBER 42371-054

FROM:


R. Wiley, Warden

SUBJECT:

**Notification of Extension of Special Administrative
Measures**

Pursuant to 28 C.F.R. § 501.3, special administrative conditions were implemented regarding your confinement. The Bureau of Prisons (BOP) adopted these special administrative conditions based on information of your proclivity for violence. These special administrative measures (SAM) are extended for an additional one year period. This SAM will commence immediately upon expiration of the prior SAM authorization period and will be in effect for a period of one (1) year, subject to any further direction.

1. **General Provisions:**

- a. **Adherence to Usual United States Marshals Service (USMS), BOP, and Detention Facility (DF) Policy Requirements** - In addition to the below-listed SAM, you must comply with all usual USMS, BOP, and non-BOP DF policies regarding restrictions, activities, privileges, communications, etc. If there is a conflict between the USMS/BOP/DF policies and the SAM, as set forth herein, where the SAM is more restrictive than usual USMS/BOP/DF policies, then the SAM shall control. If usual USMS/BOP/DF policies are more restrictive than the SAM, then the USMS/BOP/DF policies shall control.
- b. **Interim SAM Modification Authority** - During the term of this directive, the Director, Office of Enforcement Operations (OEO), Criminal Division, may modify your SAM as long as any SAM modification authorized by OEO:

- i. Does not create a more restrictive SAM.
 - ii. Is not in conflict with the request of the U. S. Attorney for the Southern District of New York (USA/SDNY), Federal Bureau of Investigation (FBI), or USMS/BOP/DF, or applicable regulations; and
 - iii. Is not objected to by the USA/SDNY, FBI, or USMS/BOP/DF.
- c. **Inmate Communications Prohibitions** - You are limited, within the USMS/BOP/DF's reasonable efforts and existing confinement conditions, from having contact (including passing or receiving any oral, written, or recorded communications) with any other inmate, visitor, attorney, or anyone else except as outlined and allowed by this document that could reasonably foreseeably result in your communicating information (sending or receiving) that could circumvent the SAM's intent of significantly limiting your ability to communicate (send or receive) terrorist information.

The USMS/BOP/DF may permit you to communicate with other SAM inmates orally only during certain predesignated times, the place and duration to be set by the USMS/BOP/DF. You shall not have any physical contact with other inmates during this predesignated time and all such predesignated sessions will be monitored and/or recorded. Upon request of the FBI, a copy of the recording will be provided by the USMS/BOP/DF to the FBI to be analyzed for indications that you are attempting to pass messages soliciting or encouraging acts of terrorism, violence, or other crimes.

- d. **Use of Interpreters/Translators by USMS/BOP/DF** - Translator approval requirement:
- i. The USMS/BOP/DF may use the Department of Justice (DOJ) approved translators as necessary for the purpose of facilitating communication with you.
 - ii. No person shall act as a translator without prior written clearance/approval from the USMS/BOP/DF, which shall only be granted after consultation with the FBI and USA/SDNY.
 - iii. Translators utilized by the USMS/BOP/DF shall not be allowed to engage in, or overhear, unmonitored conversations with you. Translators shall not be alone with you, either in a room or on a telephone or other communications medium.

2. Attorney/Client Provisions:

- a. **Attorney¹ Affirmation of Receipt of the SAM Restrictions Document** - Your attorney (or counsel) - individually by each if more than one (1) - must sign an affirmation acknowledging receipt of the SAM restrictions document. By signing the affirmation, the attorney acknowledges his/her awareness and understanding of the SAM provisions and his/her agreement to abide by these provisions, particularly those that relate to contact between you and your attorney and the attorney's staff. The signing of the affirmation does not serve as an endorsement of the SAM or the conditions of confinement, and does not serve to attest to any of the factors set forth in the conclusions supporting the SAM. However, in signing the affirmation, your attorney, and precleared staff, acknowledge the restriction that they will not forward third-party messages to or from you.
- i. The USA/SDNY shall present, or forward, the attorney affirmation of receipt of the SAM restrictions document to your attorney.
 - ii. After initiation of the SAM and prior to your attorney being permitted to have attorney/client-privileged contact with you, your attorney shall execute a document affirming receipt of the SAM restrictions document and return the original to the USA/SDNY.
 - iii. The USA/SDNY shall maintain the original of the SAM acknowledgment document and forward a copy of the signed document to the OEO in Washington, D. C. and to the USMS/BOP/DF.

¹ The term "attorney" refers to the inmate's attorney of record, who has been verified and documented by the USA/SDNY, and who has received and acknowledged receipt of the SAM restrictions document. As used in this document, "attorney" also refers to more than one (1) attorney where the inmate is represented by two (2) or more attorneys, and the provisions of this document shall be fully applicable to each such attorney in his/her individual capacity.

b. Attorney Use of Interpreters/Translators -

- i. **Necessity Requirement -** No interpreter/translator (translator) shall be utilized unless absolutely necessary where you do not speak a common language with the attorney. Any translator shall be precleared.²
- ii. **Attorney Immediate Presence Requirement -** Any use of a translator by the attorney shall be in the physical and immediate presence of the attorney - in the same room. The attorney shall not patch through telephone calls, or any other communications, to or from you.
- iii. **Translation of Inmate's Correspondence -** An attorney of record may only allow a federally-approved translator to translate your correspondence as necessary for attorney/client-privileged communication.

c. **Attorney/Client-Privileged Visits -** May be contact or noncontact, at the discretion of the USMS/BOP/DF.

d. **Attorney May Disseminate Inmate Conversations -** Your attorney may disseminate the contents of your communication to third parties for the sole purpose of providing necessary legal services related to your post-sentencing proceedings - and not for any other reason - on the understanding that any such dissemination shall be made solely by your attorney, and not by the attorney's staff.

e. **Unaccompanied Attorney's Precleared Paralegal(s)³ May Meet With**

² "Prcleared" refers to a translator, who is actively assisting the inmate's attorney with the inmate's post-sentencing proceedings, who has submitted to a background check by the FBI and USA/SDNY, who has successfully been cleared by the FBI and USA/SDNY, and who has received a copy of the inmate's SAM and has agreed - as evidenced by his/her signature - to adhere to the SAM restrictions and requirements.

³ "Prcleared" when used with regard to an attorney's staff, or "precleared staff member", refers to a co-counsel, paralegal, or an investigator, who is actively assisting the inmate's attorney with the inmate's post-sentencing proceedings, who has submitted to a background check by the FBI and USA/SDNY, who has successfully been cleared by the FBI and USA/SDNY, and who has received a copy of the inmate's SAM and has agreed - as evidenced by his/her signature - to adhere to the SAM

Client - Your attorney's precleared paralegal(s) may meet with you without the necessity of your attorney being present. An investigator or translator may not meet alone with you. These meetings may be contact or noncontact, at the discretion of the USMS/BOP/DF.

- f. **Simultaneous Multiple Legal Visitors** - You may have multiple legal visitors provided that at least one (1) of the multiple legal visitors consists of your attorney or precleared paralegal. These meetings may be contact or noncontact, at the discretion of the USMS/BOP/DF.
- g. **Legally Privileged Telephone Calls** - The following rules refer to all legally-privileged telephone calls or communications:
- i. **Inmate's Attorney's Precleared Staff May Participate in Inmate Telephone Calls** - Your attorney's precleared staff are permitted to communicate directly with you by telephone, provided that your attorney is physically present and participating in the legal call as well.
- ii. **Inmate's Initiation of Legally-Privileged Telephone Calls** - Your initiated telephone communications with your attorney or precleared staff are to be placed by a USMS/BOP/DF staff member and the telephone handed over to you only after the USMS/BOP/DF staff member confirms that the person on the other end of the line is your attorney. This privilege is contingent upon the following additional restrictions:
- (1) Your attorney will not allow any nonprecleared person to communicate with you, or to take part in and/or listen to or overhear any communications with you.
- (2) Your attorney must instruct his/her staff that:
- (a) Your attorney and precleared staff are the only persons allowed to engage in communications with you.
- (b) The attorney's staff (including the attorney) are not to patch

restrictions and requirements. As used in this document, "staff member" also refers to more than one (1) staff member, and the provisions of this document shall be fully applicable to each such staff member in his/her individual capacity. A "paralegal" will also be governed by any additional DF rules and regulations concerning paralegals.

through, forward, transmit, or send your communications through third parties.

- (3) No telephone call/communications, or portion thereof, except as specifically authorized by this document:
 - (a) Is to be overheard by a third party.⁴
 - (b) Will be patched through, or in any manner forwarded or transmitted to a third party.
 - (c) Shall be divulged in any manner to a third party, except as otherwise provided in Section 2d.
 - (d) Shall be in any manner recorded or preserved.⁵ Your attorney may make written notes of attorney/client-privileged communications.
 - (4) If the USMS/BOP/DF/FBI or USA/SDNY determines that you have used or are using the opportunity to make a legal call to speak with another inmate or for any other nonlegal reason that would circumvent the intent of the SAM, your ability to contact your attorney by telephone may be suspended or eliminated.
- h. **Documents Provided by Attorney to Inmate** - During a visit, your attorney may provide you with, or review with you, documents related to your criminal post-sentencing proceedings and/or material prepared by your attorney related to such proceedings. Any documents not related to your criminal post-sentencing proceedings must be sent to you in the mail and will be subject to the mail review provision of subparagraphs 2i and 3g. Documents previously reviewed and cleared for receipt by you, and already in your possession at the outset of the visit, may be discussed or reviewed by you and your attorney during the visit.

⁴ For purposes of the SAM, "third party" does not include officials of the USMS/BOP/DF/FBI/DOJ, or other duly authorized federal authorities when monitoring in connection with their official duties. This section does not allow monitoring of attorney/client-privileged communications.

⁵ Except by the USMS/BOP/DF/FBI/DOJ or other duly authorized federal authorities. This section does not allow monitoring of attorney/client-privileged communications.

- i. None of the materials provided may include inflammatory materials, materials inciting violence or materials that may be used to pass messages from inmate to inmate, unless such materials have been precleared by the USA/SDNY and the FBI.
 - ii. The USA/SDNY may authorize additional documents to be presented to you. If any document not listed or described above needs to be transmitted to you, consent for the transmission of the document can be obtained from the USA/SDNY without the need to formally seek approval for an amendment to the SAM.
- i. **Legal Mail** - Your attorney may not send, communicate, distribute, or divulge your mail, or any portion of its content (legal or otherwise), to third parties.⁶
 - i. In signing the SAM acknowledgment document, your attorney and precleared staff will acknowledge the restriction that only your case related documents will be presented to you, and that neither the attorney nor his staff will forward third-party mail to or from you.

3. **Inmate's Nonlegal Contacts:**

a. **Nonlegal Telephone Contacts -**

- i. You are limited to nonlegal telephone calls only to your immediate family members, as well as your maternal grandparents and paternal grandmother.⁷
- ii. The quantity and duration of your nonlegal telephone calls with your immediate family members shall be set by the USMS/BOP/DF, with a minimum of one (1) call per month, unless otherwise agreed upon by the USMS/BOP/DF/FBI and USA/SDNY to allow more calls.

⁶ Legal mail is defined as properly marked correspondence addressed to or from the inmate's attorney of record. All other mail, including that otherwise defined by the USMS/BOP/DF as Special Mail, shall be processed as "nonlegal mail". For purposes of the SAM, "third party" does not include officials of the USMS/BOP/DF/FBI/DOJ, or other duly authorized federal authorities when monitoring in connection with their official duties.

⁷ The inmate's "immediate family members" are defined as the inmate's (USMS/BOP/DF, FBI-verifiable) spouse, natural children, parents, and siblings.

- b. **Rules for Telephone Calls** - For all nonlegally privileged telephone calls or communications, no telephone call/communications, or portion thereof:
- i. Is to be overheard by a third party.⁸
 - ii. Is to be patched through, or in any manner forwarded or transmitted, to a third party.
 - iii. Shall be divulged in any manner to a third party.
 - iv. Shall be in any manner recorded or preserved.⁹

All telephone calls shall be in English unless a fluent FBI/USMS/BOP/DF approved translator is available to contemporaneously monitor the telephone call. Arranging for a translator may require at least fourteen (14) days advance notice.

- c. **Telephone SAM Restriction Notifications** - For all nonlegal telephone calls to your immediate family member(s):
- i. The USMS/BOP/DF shall inform you of the telephone SAM restrictions prior to each telephone call.
 - ii. The USMS/BOP/DF shall verbally inform your immediate family member(s) on the opposite end of your telephone communication of the telephone SAM. The USMS/BOP/DF is only required to notify your communication recipient in English.
 - iii. The USMS/BOP/DF shall document each such telephone notification.
- d. **Family Call Monitoring** - All calls with your immediate family member(s) shall be:
- i. Contemporaneously monitored by the FBI.
 - ii. Contemporaneously recorded (as directed by the FBI) in a manner that

⁸ For purposes of the SAM, "third party" does not include officials of the USMS/BOP/DF/FBI/DOJ, or other duly authorized federal authorities when monitoring in connection with their official duties. This section does not allow monitoring of attorney/client communications.

⁹ Except by USMS/BOP/DF/FBI/DOJ or other duly authorized federal authorities.

allows such telephone calls to be analyzed for indications the call is being used to pass messages soliciting or encouraging acts of violence or other crimes, or to otherwise attempt to circumvent the SAM.

iii. A copy of each inmate/immediate family member telephone call recording shall be provided by the USMS/BOP/DF on a single, individual cassette tape (per call) for forwarding to the FBI. These recordings shall be forwarded on a call-by-call basis as soon as practicable.

e. **Improper Communications** - If telephone call monitoring or analysis reveals that any call or portion of a call involving you contains any indication of a discussion of illegal activity, the soliciting or encouraging of acts of violence or terrorism, or actual or attempted circumvention of the SAM, you shall not be permitted any further calls to your immediate family members for a period of time to be determined by the USMS/BOP/DF. If contemporaneous monitoring reveals such inappropriate activity, the telephone call may be immediately terminated.

f. **Nonlegal Visits** -

i. **Limited Visitors** - You shall be permitted to visit only with your immediate family members. The visitor's identity and family member relationship to you will be confirmed by the USMS/BOP/DF and FBI in advance.

ii. **English Requirement** - All communications during nonlegal inmate visits will be in English unless a fluent FBI, USMS/BOP/DF-approved translator is readily available to contemporaneously monitor the communication/visit.

iii. **Visit Criteria** - All nonlegal visits shall be:

(1) Contemporaneously monitored by the USMS/BOP/DF and/or FBI, in a manner that allows such visits to be analyzed for indications the visit is being used to pass messages soliciting or encouraging acts of violence or other crimes, or to otherwise attempt to circumvent the SAM.

(2) Permitted only with a minimum of fourteen (14) calendar days advance written notice to the USMS/BOP/DF facility where you are housed.

(3) Without any physical contact. All such meetings shall be noncontact to protect against harm to visitors or staff should you attempt to take hostages.

(4) Limited to one (1) adult visitor at a time. However, your FBI-verified children may visit with a preapproved adult visitor.

g. **Nonlegal Mail** - Any mail not clearly and properly addressed to/from your attorney and marked "Privileged" (incoming and outgoing). Nonlegal mail is limited to only your immediate family, U. S. courts, federal judges, U. S. Attorneys' Office, members of U. S. Congress, BOP, other federal law enforcement entities, and if you are a citizen of a foreign country, a verified consular representative of that country.

i. **General correspondence with limitations:** Correspondence is restricted to only immediate family members, as well as your maternal grandparents and paternal grandmother. Volume and frequency of outgoing general correspondence with immediate family members only may be limited to three (3) pieces of paper (not larger than 8 1/2 x 11), double-sided, once per calendar week to a single recipient, at the discretion of the USMS/BOP/DF. The identity and family member relationship to you will be confirmed by the USMS/BOP/DF and FBI.

ii. **General correspondence without limitations:** Correspondence to U. S. courts, federal judges, U. S. Attorneys' Offices, members of U. S. Congress, BOP, and other federal law enforcement entities. There is no volume nor frequency limitation on mail to/from these parties unless there is evidence of abuse of these privileges, threatening correspondence is detected, circumvention of the SAM is detected, or the quantity to be processed becomes unreasonable to the extent that efficient processing to protect the security, good order or discipline of the institution, the public, or national security may be jeopardized.

iii. All nonlegal mail will be:

(1) **Copied** - Shall be copied (including the surface of the envelope) by the Warden, or his/her designee, of the facility in which you are housed.

(2) **Forwarded** - Shall be forwarded, in copy form, to the location designated by the FBI.

(3) **Analyzed** - After government analysis and approval, if appropriate, your incoming/outgoing nonlegal mail will be forwarded: 1) to the USMS/BOP/DF for delivery to you (incoming); or 2) directly to the addressee (outgoing).

(4) The Federal Government will forward your nonlegal mail to the USMS/

BOP/DF for delivery to you or directly to the addressee after a review and analysis period of:

- (a) A reasonable time, not to exceed fourteen (14) business days, for mail which is written entirely in the English language.
- (b) A reasonable time, not to exceed sixty (60) business days, for any mail which includes writing in any language other than English, to allow for translation.
- (c) A reasonable time, not to exceed sixty (60) business days, for any mail where the Federal Government has reasonable suspicion to believe that a code was used, to allow for decoding.

iv. **Mail Seizure** - If outgoing/incoming mail is determined by the USMS/ BOP/DF or FBI to contain overt or covert discussions of or requests for illegal activities, the soliciting or encouraging of acts of violence or terrorism, or actual or attempted circumvention of the SAM, the mail shall not be delivered/forwarded to the intended recipient but referred to the FBI for appropriate action. You shall be notified in writing of the seizure of any mail.

- 4. **Communication with News Media:** You will not be permitted to talk with, meet with, correspond with, or otherwise communicate with any member or representative of the news media, in person, by telephone, by furnishing a recorded message, through the mail, through your attorney, through a third party, or otherwise.
- 5. **No Group Prayer:**
 - a. You shall not be allowed to engage in group prayer with other inmates.
 - b. If an FBI and/or USMS/BOP/DF approved religious representative is to be present for prayer with you, the prayer shall be conducted as part of a contact or noncontact visit, at the discretion of the USMS/BOP/DF.
- 6. **No Communal Cells and No Communication Between Cells:**
 - a. You shall not be allowed to share a cell with another inmate.
 - b. You shall be limited within the USMS/BOP/DF's reasonable efforts and existing

confinement conditions, from communicating with any other inmate by making statements audible to other inmates or by sending notes to other inmates, except as permitted in Section 1c above.

7. **Recording Conversations Between Cells:**

- a. The USMS/BOP/DF/FBI are hereby authorized to place microphones in the hallways and elsewhere outside your cell to record any statements made by you to other inmates or staff.
- b. The Notice of SAM given to you shall notify you that you are subject to such recording.

8. **Cellblock Procedures:**

- a. You shall be kept separated from other inmates as much as possible while in the cellblock area.
- b. You shall be limited, within the USMS/BOP/DF's reasonable efforts and existing confinement conditions, from communicating with any other inmate while in the cellblock area.

9. **Commissary Privileges:** The USMS/BOP/DF shall restrict access to commissary items or any other objects determined by the USMS/BOP/DF to be capable of being converted into dangerous instruments.

10. **Access to Mass Communications:** To prevent you from receiving and acting upon critically-timed information or information coded in a potentially undetectable manner, your access to materials of mass communication is restricted as follows:

a. **Periodicals/Newspapers -**

- i. You may have access to publications determined not to facilitate criminal activity or be detrimental to national security; the security, good order, or discipline of the institution; or the protection of the public. This determination is to be made by the FBI, in consultation with the USMS/BOP/DF and USA/SDNY.
- ii. Sections of the periodical/newspaper which offer a forum for information to be passed by unknown and/or unverified individuals, including but not

Notification of Extension of Special Administrative Measures

Inmate Mohamed Al-Owhali, # 42371-054

December 4, 2006

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limited to classified advertisements and letters to the editor, should be removed from the periodicals/newspapers prior to distribution to you.

- iii. You shall then have access to the remaining portions of the periodicals/newspapers in accordance with the USMS/BOP/DF policy, after a delay of at least thirty (30) days. In accordance with subparagraph 3g above, the FBI will review the remaining portions of the publications prior to distribution to you and be responsible for any translations required.
 - iv. In order to avoid passing messages/information from inmate to inmate, you shall not be allowed to share the publication(s) with any other inmates.
- b. **Television and Radio** - You are restricted from access to channels/stations which primarily broadcast news, but are permitted access to all other radio and television channels/stations, in accordance with the USMS/BOP/DF policies.
 - c. **Termination or Limitation** - If the FBI/USMS/BOP/DF determines that you and third parties are using commonly available publications or broadcasts as a vehicle to send messages, your access to such materials may be limited or terminated for a period of time to be determined by the FBI/USMS/BOP/DF.
11. **Frequent Cell Searches:** The USMS/BOP/DF is hereby directed to search your cell frequently and to take appropriate disciplinary action (including the suspension of telephone or access to media privileges) for any infractions.
12. **Transfer of Custody:** In the event you are transferred to or from the custody of the USMS, BOP, or any other DF, the SAM provisions authorized for you will continue in effect, without need for any additional DOJ authorization.

These conditions are imposed by the USMS/BOP/DF at the request of the Attorney General, through his designated agent, the Assistant Attorney General.

Received: December 7, 2006
(13 pages)

ARRAZO JOSE E. COUNSELOR
REFUSED TO SIGN
Mohamed Al-Owhali
Register Number 42371-054

"Sensitive But Unclassified"
