

Testimony of

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before the

United States Senate Committee on the Judiciary  
Closing Guantanamo: Ending Twenty Years of Injustice

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Chairman Durbin, Ranking Member Grassley, and the members of the Committee, good morning. My name is Katya Jestin, and I thank you for the opportunity to address you today about the detention center at Guantanamo Bay and the enduring damage that the prison continues to cause nearly twenty years after it was established. Whatever one may think about the decision to open the prison in January 2002, or about the military commissions system established by Congress in 2006 and reformed in 2009, there is no serious dispute that Guantanamo has not served anyone well. Not the victims of terrorism or their families, and certainly not the detainees, most of whom have suffered almost two decades of indefinite detention and other abuse. Guantanamo has caused harm to all whom it has touched, and its continued existence undermines our national values and international moral standing. Closing Guantanamo is imperative and long overdue. We must heal the self-inflicted wound that is Guantanamo, consistent with our national security interests and the rule of law. My goal today is to offer some concrete solutions for how we might move forward to achieve that objective under our current system of laws.

**Background**

Let me begin by affirming my passionate patriotism for this country and our democratically elected government, and the values to which we aspire as a nation, including respect for human rights and the rule of law. I believe in our legal system, and our criminal justice system, to which I have devoted my professional career. I am co-managing partner of the law firm Jenner & Block, and I practice law in New York City. Before joining Jenner in 2007, I was a federal prosecutor in the Eastern District of New York for more than six years. I reside in Brooklyn, New York, where I live with my husband, who is a journalist, and our three children. I grew up in Dallas, Texas and Farmington, Connecticut, and graduated from the University of Texas at Austin and Georgetown Law School.<sup>1</sup>

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<sup>1</sup> My law firm bio is available at: <https://jenner.com/people/KatyaJestin>.

In addition to my responsibilities as co-managing partner of Jenner, I am privileged to represent companies and executives in criminal, regulatory, and other related matters. Jenner also makes a strong commitment to representing clients on a *pro bono* basis in service of ensuring equal access to justice and upholding the rule of law, including in the national security arena, where state power is at its zenith and a person's life or liberty is often at stake. For more than fifteen years, attorneys in our firm have represented about two dozen men detained at Guantanamo Bay. Most were from Saudi Arabia, and sought to challenge their indefinite, years-long detention at Guantanamo through habeas proceedings in federal court in Washington, DC. They were never charged with crimes before any tribunal; they were released by prior administrations. Our firm is proud to have represented these men, who should not have been held without judicial review or basic due process.

### **Representation of Majid Khan Before the Military Commission**

Since 2009, I have personally represented a man named Majid Khan, who pleaded guilty before a military commission at Guantanamo in 2012 and has cooperated with U.S. authorities for a decade. Majid's case illustrates some of the reasons why the military commissions have failed to achieve justice for anyone. It also offers important lessons about why and how, under our existing laws, the Biden Administration can and should resolve the remaining military commissions cases. Resolving these cases is a necessary antecedent to achieving the President's stated objectives of closing the prison and respecting human rights and the rule of law.

Majid is a Pakistani citizen who grew up in Baltimore, Maryland. Most of his family members still live here and are U.S. citizens. After the death of his mother in 2001, Majid's life spiraled out of control, and he became involved with Al Qaeda in Pakistan. He was captured in March 2003 and disappeared into the CIA Rendition, Detention and Interrogation program, where he was brutally tortured. His torture is documented extensively in the Senate Intelligence Committee's report on the CIA program, which was publicly released, in part, in redacted form, in December 2014. Among other cruelties, for example, the Senate report describes instances where Majid was beaten, starved, hung by his arms and sleep-deprived for days on end, waterboarded, and sexually assaulted.<sup>2</sup> Majid also described his mistreatment at length in his statement to the military jury that sentenced him at Guantanamo this past October. This statement is included with my testimony, and I ask you to enter it into the record. I encourage you all to read Majid's statement in its entirety.<sup>3</sup>

Majid was designated as a "high value detainee" and transferred to Guantanamo in September 2006, where he was denied access to his counsel from the Center for Constitutional Rights ("CCR") for a year. He first met with his CCR lawyers in October 2007. After meeting with his lawyers, he expressed a willingness to accept responsibility for his own actions and to consider pleading guilty and cooperating with the U.S. authorities, despite what had happened to

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<sup>2</sup> See, e.g., S. Rep. No. 113-288 (2014), *available at* <https://www.intelligence.senate.gov/sites/default/files/publications/CRPT-113srpt288.pdf>.

<sup>3</sup> Majid Khan's Unsworn Statement, *United States v. Khan* (Oct. 28, 2021), *see* Attachment A.

him at the hands of U.S. personnel in CIA detention. In 2009, the government expressed interest in resolving Majid's case, which is when I became involved.

I decided to represent Majid in 2009 because of my objection to the CIA's Rendition, Detention and Interrogation program. As a defense lawyer and former federal prosecutor, I felt compelled to join his defense team. Shortly thereafter, plea negotiations began with the U.S. Attorney's Office in the Southern District of New York in Manhattan. This was back when the Obama Administration still planned to bring the 9/11 defendants to trial in federal court in New York City, and the U.S. Attorney's Office wanted to line up cooperators like Majid in support of that case. But it took a long time, until September 2010, for them to meet with Majid, and after he proffered, there was no further movement toward his guilty plea and cooperation agreement for many months. The administration, under pressure, including from Congress and members of this Committee, decided to reverse course and bring the 9/11 case to trial before a military commission at Guantanamo, where it remains no closer to trial and verdict today than it was a decade ago. Nor was there clarity about where any other detainee cases would be tried or who would try those cases. Indeed, after the administration abandoned federal criminal trials for detainees, we did not know where to go or with whom to speak to negotiate a resolution of Majid's case.

Eventually, we were able to resume plea negotiations, albeit in the military commissions, with a Department of Justice prosecutor who was detailed from the Counterterrorism Section of the National Security Division to the Office of the Chief Prosecutor for Military Commissions. This particular prosecutor understood the value of Majid's cooperation to the government and therefore worked with us to negotiate a plea and cooperation agreement that was essentially a hybrid of an Article III plea agreement and a court-martial pretrial agreement.<sup>4</sup>

### **Majid Khan's Commission Case**

Majid's case offers important lessons about why and how the Biden Administration should undertake efforts to negotiate resolutions of the remaining commissions cases rather than continuing with contested trials that are the legal equivalent of a road to nowhere.

Contested trials before the military commissions likely will not proceed to verdict, and, even if guilty verdicts were obtained, the defendants likely could not be sentenced, or their convictions and sentences would likely be overturned on appeal before the federal courts. This is clear in at least two respects:

First, more than a decade after Congress first enacted, and later amended, the Military Commissions Act, there is still little clarity about what laws apply in a military commission, and, relatedly, the legal rights of an accused before a military commission. Is inchoate conspiracy an

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<sup>4</sup> This same Department of Justice prosecutor, I note, also helped to negotiate the guilty plea and cooperation agreement with Saudi detainee Ahmed Al Darbi in 2014, who was transferred by the Trump Administration in May 2018 after he was sentenced by a military commission jury at Guantanamo. *Detainee Transfer Announced*, Dep't of Def. (May 2, 2018), <https://www.defense.gov/News/Releases/Release/Article/1510878/detainee-transfer-announced/>.

offense triable by a military commission? Unclear. That issue was not conclusively resolved by the D.C. Circuit in the case of Al Bahlul, who boycotted his commission trial.<sup>5</sup> Do detainees charged by commissions have the right to confront their accusers? We don't know.<sup>6</sup> Do detainees have fundamental due process rights? The D.C. Circuit has not settled that question yet in the Al Hela case, which the full court is considering now.<sup>7</sup> Do detainees even have the right to conduct their own defense investigations, including by interviewing possible witnesses about their torture, if it touches on state secrets involving the CIA torture program? In Majid's case, the government argued no.<sup>8</sup>

The bottom line is clear. If, more than a decade into the commissions system, we still do not know what law applies or how it applies in these critical respects, we cannot reasonably expect that the contested commissions cases will reach any sort of timely and sustainable conclusions, let alone achieve justice for anyone. Only two commissions cases have been tried to a verdict, and those convictions were overturned in whole<sup>9</sup> or in large part<sup>10</sup> on appeal by the federal courts.

The second reason that the present course can end only in failure is the issue of torture. Torture is, and always has been, the third rail when it comes to Guantanamo and the military commissions. Majid's sentencing case was delayed for many years, and despite Majid's right under his plea agreement to call witnesses regarding his torture and abuse by U.S. personnel as mitigation evidence at his sentencing, the government threatened to derail Majid's guilty plea and cooperation agreement if he called certain classified witnesses to testify. This issue was ultimately avoided in Majid's case through a modification of his plea agreement that reduced his maximum sentence with cooperation in lieu of calling those witnesses, but the point stands. Even in the commission case that was supposed to be the easiest, involving the one and only high-value detainee who embraced the military commissions system, who joined "Team America," and who has cooperated with U.S. authorities for a decade—the government was nonetheless apparently willing to violate its own agreement, to throw it all away, in order to prevent witnesses from being questioned in court about what happened to Majid while in CIA custody.

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<sup>5</sup> *Bahlul v. United States*, 840 F.3d 757 (D.C. Cir. 2016) (en banc); *Al Bahlul v. United States*, 767 F.3d 1 (D.C. Cir. 2014) (en banc).

<sup>6</sup> 10 U.S.C. § 949a(b)(3)(D).

<sup>7</sup> *Al Hela v. Trump*, 972 F.3d 120 (D.C. Cir. 2020), *vacated by Al Hela v. Trump*, No. 19-5079 (D.C. Cir. Apr. 23, 2021) (order granting rehearing en banc).

<sup>8</sup> *See, e.g.*, Gov't Mot. to Recons. and Clarify AE 030GG, Ruling, *United States v. Khan* (Mar. 15, 2021) (AE 030HH); *see also* Tr. at 18540, *United States v. Mohammed* (Jan. 10, 2018).

<sup>9</sup> *Hamdan v. United States*, 696 F.3d 1238 (D.C. Cir. 2012).

<sup>10</sup> *Bahlul v. United States*, 840 F.3d 757 (D.C. Cir. 2016) (en banc); *Al Bahlul v. United States*, 767 F.3d 1 (D.C. Cir. 2014) (en banc).

In its attempts to keep Majid from calling witnesses who would testify about the torture and abuse to which he was subjected, the government also went so far as to attempt to revive legal arguments that had long since been discredited and abandoned by prior administrations, including the arguments that the Executive Branch is not bound by international law, including the Convention Against Torture, which President Ronald Reagan signed on behalf of this country, and that the prohibition on torture is not among the handful of most well-settled norms of international law.<sup>11</sup>

If the government continues with contested trials but attempts—as it did in Majid’s case—to prevent detainees from presenting evidence of torture and abuse as mitigation evidence at sentencing, it will never be able to complete these trials and fairly sentence any detainee. If one views the commissions as mechanisms for obtaining the truth and ensuring justice and accountability for all involved, proceeding in the commissions with contested trials makes little sense.

Thus, the commissions do not serve the interests of the rule of law, but instead only provide a thin veneer of legal process to justify the status quo—a status quo that does not serve the interests of the country or the victims, and that denies the detainees basic rights. Continuing on our current course with military commissions comes at a great cost. It has come at the expense of justice and accountability, both for the crimes these men allegedly committed and for the torture and abuse they endured at the hands of U.S. personnel. It has also come at the expense of the truth-seeking function that trials are supposed to serve. The victims and their families still, to this day, more than twenty years after the September 11th attacks, do not have transparency about how and why the attacks occurred. This is unacceptable, and, frankly, an insult to them. It is shameful.

### **The Way Forward for Commissions Cases**

There is a way forward, however, toward resolution of the remaining cases before commissions. The government should prioritize negotiated resolutions of the remaining military commissions cases rather than keep up the pretense of pursuing resolutions through contested trials (trials that will never happen). Majid’s case demonstrates that such resolutions are possible. Negotiated resolutions would have to be knowing and voluntary, of course, and the details of negotiated resolutions would have to be worked out on a case-by-case basis, including concerning issues such as where and for how long defendants might serve their sentences. But Majid’s case provides an example of how it might work in practice. In particular, a negotiated resolution might include an agreement about the appropriate charges. It also might include sentencing limitations in exchange for limitations on the presentation of witnesses and evidence about the detainee’s torture and abuse, thus eliminating the need to investigate or litigate the discovery of evidence that is likely classified. It may also include, for example, a stipulation of fact or a detailed allocution—or perhaps a sworn deposition—that describes exactly what happened in a particular case and why a particular offense was committed, including who else

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<sup>11</sup> See Gov’t Mot. to Recons. AE 030K, Ruling, *United States v. Khan* (Dec. 23, 2020) (AE 033L).

may have been involved in the offense. But perhaps most importantly, these resolutions would withstand scrutiny because they would be knowing and voluntary.

As in Majid's case, these negotiated resolutions could be worked out in military commissions at Guantanamo. But they could also be accomplished in Article III courts. The easiest way for this to happen would be for detainees to negotiate plea agreements with Department of Justice prosecutors using Article III models. The detainees could then plead guilty with a stipulated sentence under Rule 11 of the Federal Rules of Criminal Procedure in federal court via videoconference (given current transfer restrictions) from Guantanamo. There is legal authority for guilty pleas by videoconference, and concerns about whether the pleas were knowing and voluntary could be addressed by federal judges during the plea proceedings. Then, once they have pleaded and been sentenced, the detainees could be transferred to serve their remaining sentences abroad, as was done in the Darbi case during the Trump Administration, or wherever may be specified by the agreement.

Majid likewise must be transferred upon completion of his military commission sentence, which, given the length of time he has cooperated with U.S. authorities, we expect will be in February 2022. All detainees who have pleaded guilty and been sentenced before military commissions have been transferred upon completion of their sentences, if not before completion of those sentences, including by President Trump. Because Majid has unquestionably fulfilled his cooperation obligations, the failure to transfer Majid would have far-reaching, negative programmatic consequences. It would certainly deliver a further blow to the integrity of the military commissions system and would undoubtedly disincentivize other detainees (or defendants more broadly) from pleading guilty and/or cooperating, thus potentially stalling the resolution of other commissions cases and delaying the closure of Guantanamo.

### **Allowing Detainees To Discuss Their Treatment in CIA Custody While Protecting Classified Information**

As in Majid's case, negotiated resolutions could also facilitate some measure of transparency and accountability in respect to the torture suffered by detainees at the hand of U.S. personnel. Negotiated resolutions can provide a mechanism for detainees to describe in open court during their plea colloquy or at their sentencing what happened to them, whether while in CIA custody or at Guantanamo prior to their guilty plea. For example, as in Majid's case, an agreement to make an unclassified statement could minimize or sidestep protracted litigation about what information a detainee could share in open court at his sentencing. This would provide some measure of accountability for the torture and abuse, while also protecting the government's national security interest in preventing the disclosure of classified information.

Again, to see how this might work in practice, I urge you to read Majid's 39-page, unclassified sentencing statement, which is attached here. You will surely be appalled at what Majid describes in his sentencing statement, including his vivid description of being anally raped with a garden hose by U.S. personnel while in CIA custody—torture that the U.S. government does not dispute.

The sentencing jury which heard Majid’s statement wrote a letter to the Convening Authority for Military Commissions requesting clemency—that is, mercy—on his behalf. The jury’s letter, which is included with my testimony, and which I ask you to enter into the record, said this of Majid’s torture:

“Mr. Khan was subjected to physical and psychological abuse well-beyond approved enhanced interrogation techniques, instead being closer to torture performed by the most abusive regimes in modern history. This abuse was of no practical value in terms of intelligence, or any other tangible benefit to U.S. interests. Instead, it is a stain on the moral fiber of America; the treatment of Mr. Khan in the hands of U.S. personnel should be a source of shame for the U.S. government.”<sup>12</sup>

This jury was comprised of senior military officers from different branches of the Armed Services, officers who by virtue of their ranks and responsibilities had necessarily served substantial parts of their military careers during and after the events of September 11th and the wars in Afghanistan and Iraq. These were not human rights lawyers or defense lawyers; rather, they were non-lawyers who had little-to-no prior knowledge of Majid, Guantanamo, or the CIA torture program, but did have a basic understanding, as all military officers do, of the base level of treatment the Geneva Conventions afford all of those who are party to a conflict. And they were plainly appalled by what they heard for the first time in the courtroom at Guantanamo.

It is important to understand exactly what happened to military commissions defendants like Majid, and the reaction of these senior military officers, because it speaks directly to our national values, including our commitment to human rights and to the rule of law. Through transparency, we can achieve some modicum of accountability, and move past this ugly chapter in our nation’s history. This transparency and accountability can be accomplished through negotiated dispositions of the remaining commissions cases.

### **The Way Forward for Non-Commission Cases**

I also want to say a few words about those detainees who are not charged in the military commissions. Since Guantanamo opened nearly twenty years ago, the prison has held about 780 men. All Muslim. But only about twenty have been charged before military commissions, and only eight of them have been convicted. Nearly all of those convictions have been vacated on appeal.

The vast majority of detainees were never charged with crimes in any tribunal, and most of those men were transferred many years ago. President Bush transferred about 535 men; President Obama transferred about 195 men; President Trump transferred one; and so far,

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<sup>12</sup> Letter from Panel ICO U.S. v. Khan to Convening Authority (Oct. 29, 2021), *see* Attachment B.

President Biden has transferred only one. Nine men have also died at Guantanamo, which is one more than the total number of men convicted by the military commissions.<sup>13</sup>

Today, only thirty-nine men remain at Guantanamo. Among them, only twelve are charged by commissions, including Majid. The remaining twenty-seven men who will not be charged must be transferred. Indefinitely detaining them without charge or trial, or foreseeable end, is unacceptable for a country like ours, which is grounded in the rule of law. We are the United States of America, and we simply cannot hold people forever without charge, particularly those who the government has concluded no longer need to be held. The options are quite straightforward: prosecute those who can be charged and transfer the remaining twenty-seven men who cannot and never will face charges.

I want to highlight the case of Abdulsalam Al Hela, a man from Yemen who has been unanimously approved for transfer by all relevant executive branch national security agencies, including the Department of Justice. Mr. Al Hela litigated his habeas case and lost, and then appealed to the D.C. Circuit. A panel of that court affirmed the denial of his habeas petition, holding, for the first time, that Guantanamo detainees have no constitutional due process rights.<sup>14</sup> The case proceeded to an en banc hearing (a hearing before the full court), and my firm submitted an amicus brief on behalf of the National Association of Criminal Defense Lawyers to address the Department of Justice's overreliance on secret, *ex parte* evidence, which neither Mr. Al Hela nor his security-cleared counsel were permitted to see, in continuing to detain him indefinitely—that is, beyond the nearly two decades he had already been held without charges.<sup>15</sup>

The case has laid bare a fundamental inconsistency that the government must address. In the Al Hela case, the Department of Justice has continued to fight, in court, to continue to detain someone, whom all relevant national security agencies—again, including the Department of Justice—determined it was no longer necessary to detain and should be transferred. Continuing to take such positions cannot be squared with the Biden Administration's stated policy objective of closing the detention facility at Guantanamo. To achieve that objective, the Department of Justice must cease taking such positions.

Relatedly, the Department of Justice's continued resistance in court to the extension of fundamental due process rights to detainees makes no sense when the Administration's objective is to close Guantanamo; it creates a certain policy incoherence. You may or may not agree that Guantanamo detainees should have constitutional rights—I think they should, given the unique control that the United States exercises at Guantanamo, where literally everything is American

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<sup>13</sup> *The Guantánamo Docket*, N.Y. Times (updated Nov. 29, 2021), <https://www.nytimes.com/interactive/2021/us/guantanamo-bay-detainees.html>.

<sup>14</sup> *Al Hela v. Trump*, 972 F.3d 120 (D.C. Cir. 2020), *vacated by Al Hela v. Trump*, No. 19-5079 (D.C. Cir. Apr. 23, 2021) (order granting rehearing en banc).

<sup>15</sup> Brief *Amicus Curiae* of the Nat'l Ass'n of Criminal Def. Lawyers, *Al Hela v. Trump*, No. 19-5079 (D.C. Cir. July 8, 2021), *available at* <https://www.justsecurity.org/wp-content/uploads/2021/08/Jenner-NACDL-Amicus-Al-Hela.pdf>.

except the detainees' citizenship—but it surely undermines our democratic values to insist that prisoners held in U.S. custody are not entitled to basic due process of law. Indeed, as the military panel in Majid's case wrote in its clemency letter, addressing the deprivation of basic constitutional due process rights for detainees, "the complete disregard for the foundational concepts upon which the Constitution was founded is an affront to American values and concept of justice."<sup>16</sup> As Senator Durbin said on the Senate floor on November 30, 2021, Guantanamo "is where due process goes to die."<sup>17</sup> Indefinite detention should not be the policy of the United States government, at least not if we are committed to the rule of law.

To make real the promise to close Guantanamo, the Biden Administration must, first and foremost, transfer expeditiously those men who are not facing charges. To continue to detain these twenty-seven men indefinitely demeans us and our respect for human rights and the rule of law.

## Conclusion

As we approach the twentieth anniversary of the opening of the detention facility at Guantanamo on January 11, 2022, there is no serious, credible dispute that Guantanamo has failed from both a national security and a rule of law perspective. It is long past time to address the fundamental issues that need to be addressed to close Guantanamo. Indeed, these pervasive problems are not new.

In 2006, Tom Sullivan, my former law partner at Jenner & Block, who was also the U.S. Attorney in Chicago and a giant of the bar, testified before this Committee about military commissions and the fundamental rights of detainees, discussing some of the very same issues that I have addressed today.<sup>18</sup>

In 2008, former Senator John McCain called for Guantanamo to be closed because it had become a symbol of detainee abuse and our nation's departure from the rule of law. He asked a question that I ask each of you today:

"What is the moral superiority of the United States of America if we torture prisoners?"<sup>19</sup>

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<sup>16</sup> Letter from Panel ICO U.S. v. Khan to Convening Authority (Oct. 29, 2021), *see* Attachment B.

<sup>17</sup> Senator Dick Durbin (@SenatorDick), Twitter (Nov. 30, 2021, 10:32 AM), <https://twitter.com/SenatorDurbin/status/1465705373071937553>.

<sup>18</sup> *Examining Proposals To Limit Guantanamo Detainees' Access to Habeas Corpus Review: Hearing Before the S. Comm. on the Judiciary*, 109th Cong. (2006) (testimony of Thomas Sullivan), *available at* [https://www.judiciary.senate.gov/imo/media/doc/sullivan\\_testimony\\_09\\_25\\_06.pdf](https://www.judiciary.senate.gov/imo/media/doc/sullivan_testimony_09_25_06.pdf).

<sup>19</sup> FORA.tv, *John McCain - Closing Guantanamo Bay*, YouTube (Sept. 30, 2008), <https://www.youtube.com/watch?v=Rp7YdDXo2Rc>.

Put another way, what is the moral superiority of the United States if we hold detainees potentially for life, without charge, and without basic due process rights, including those who we have decided no longer need to be detained? What is the moral superiority of the United States if we continue with a military commissions system that delivers justice for no one, and, on the contrary, provides only a thin veneer of legal process to justify what is instead simply maintaining the status quo of silence about horrific torture perpetrated by U.S. personnel?

The status quo is not consistent with our values. It is un-American. It does not show respect for human rights. It undermines the rule of law. It must end. I have outlined some of the ways that these matters, and in particular the military commissions, which are the most complicated aspect of closing Guantanamo, can be resolved through negotiated dispositions rather than trials. All that is required is the political will and the courage to undertake these efforts and move forward toward the closure of Guantanamo.

# **ATTACHMENT A**

Unsworn Sentencing Statement of Majid Khan

Re: Majid Khan's Unsworn Statement

(U) I begin in the name of God.

(U) My name is Majid Khan, and for the last 15 years I have been incarcerated at Naval Station Guantanamo Bay (or GTMO). I was born in Saudi Arabia, but lived the majority of my childhood in Pakistan before immigrating to the United States (U.S.) when I was 16 years old. I graduated from Owings Mills High School, just outside of Baltimore, Maryland. In 2002, I returned to Pakistan and 15 months later I was captured in Karachi, Pakistan. I spent the next three years of my life in secret overseas detention facilities where I was brutally tortured and held in uninhabitable living conditions before being transferred here to GTMO in 2006. After I was brought here, I was denied access to my attorney for over a year. In 2012, I pled guilty to the various charges and for the last 9 years I have been cooperating and assisting the U.S. Government in both criminal and civil cases. I have been truthful and never looked back on my agreement to cooperate. I have a story that I have waited almost two decades to tell, so I want to start by thanking you for taking the time to listen to my statement.

(U) I have spent so many years thinking about my life and the choices I have made that have led to this moment. Today, I stand here before you, meek and humbled, asking for you to listen to my story with a sensitive and compassionate ear. I will tell you upfront: I did all of the things described in the stipulation of fact. I want to explain my wrongdoings, the poor judgment that I have shown at too many important crossroads in my life, and the price I have paid and the impact my decisions have had on others, particularly my family, to pay in mind, body and soul. I want to thank Allah the omnipotent and omniscient for giving me this opportunity to speak with you today. I want to be clear that my intention today is simple. I have one purpose: To tell my story

with the hope that you better understand who I was and who I have become. I want you to know what I did, what happened to me, and what I hope for the future.

(U) I think it was Nelson Mandela who said that “resentment is like drinking poison and then hoping it will kill your enemies.” For me, true peace will come when I forgive myself and forgive others for their transgressions against me. To those who tortured me, I forgive you – all of you. I hope in the day of judgment that Allah will do the same for you and for me. I ask for forgiveness from those whom I have wronged and have hurt. Not a day goes by that I don’t reflect on what I have done and seek forgiveness. I am sorry for my actions and I am sorry to my family for making them endure so much pain. Every day I try to atone, which is why I have never looked back and have cooperated at every opportunity with the U.S. Government.

(U) My story begins in Saudi Arabia where I was born. When I was a toddler, I moved to Pakistan with my family. I have three brothers and four sisters and I am the youngest son to my parents. My brothers, sisters, nieces and nephews, many whom I have never met, have become American citizens. In a big family, you have to compete with your siblings for attention. I wasn’t as smart as some of my siblings - just an average kid with average grades. In Pakistan, I enjoyed playing cricket in the street and flying kites with the neighbors and my friends. I never attended Madrasa for religious study, but I learned to read the Quran in Arabic from my oldest sister. That is probably my earliest memory of religion. The first time I read the Quran with any true meaning was after I was captured and was incarcerated.

(U) Though my immediate family wasn’t particularly religious, we still considered ourselves followers of Islam. When I was younger, I remember spending time with my extended family in Pakistan - my step-grandmother’s side in particular – and learning more about their lives as

devout Muslims. Members of my extended family had been part of the Mujahedeen before I was born and told the stories of their struggles, fighting the Russians in Afghanistan, and frequently used the vernacular of Islam. Terms like “jihad” were used often in these stories. At the time, I didn’t have a good understanding of history or these concepts. It wasn’t until much later in my life that I came to encounter these concepts in the real world. I feel my early religious education was very fragmented and incomplete.

(U) In 1996, my family fled Pakistan and we were granted asylum in the U.S. in 1998. My family arrived in the U.S. incrementally. My father was the first person in my family to arrive in the U.S. and shortly thereafter, he purchased a gas station near Baltimore, MD. I was 16 years old when I arrived and I remember spending the first six months or so working there. I learned to speak English from working in that gas station. As a teenager, I really wanted to integrate into American culture. My brothers and I even adopted American names. I was “Bobby” and my brothers were “Ricky” and “Sunny.” During this time, I attended Owings Mills High School, outside of Baltimore, and graduated in 1999. My time in high school introduced me to so many things; I enjoyed practicing break dance moves and spent countless hours tinkering with music production equipment in my basement with aspirations of becoming a disc jockey. I was gregarious and an extrovert, and an overall normal American teenager; I smoked weed occasionally and I had my share of girlfriends, which I had to hide from my mother. But for the record, I maintained my virginity until the time I was married. I remember how proud my family was when I graduated high school. It wasn’t easy being an immigrant and living in a foreign place, but with the support of my family, I believed that I could accomplish anything. After

graduating, I wanted to accomplish something bigger than myself, and for a time, I even considered enlisting in the U.S. Navy.

(U) The most important person in my life was my mother. She was a powerful figure and presence in my family. She was very protective of all of us children; she was like a mother hen guarding her chicks, keeping all of us safe under her wings. She made sure all of us were cared for, and until her death, when I was 21 years old, we all lived in the same house in Maryland. My sisters didn't drive cars and as a result it was my obligation, as the son in a traditional Pakistani family to drive them wherever they wanted to go. None of the brothers went to college, but all of my sisters did. My brothers and I worked and made money and paid our bills, while my sisters took care of the home issues and attended college. We never raised our eyes or our voices to our parents or older siblings.

(U) After graduating from high school, I remember wanting to do something meaningful with my life; however, you could say that I struggled with an identity crisis. I doubted whether I was a good person, Muslim, Pakistani, or American and whether I could be all of those things at the same time. I really didn't know where I belonged. I felt guilty about my choices in life, like smoking weed on occasion and having girlfriends, and later I started going to the mosque, specifically the Islamic Society of Baltimore (ISB). Nearly all of my high school friends went to college and university, but I decided to take a shortcut. Through the ISB, I was connected to a local program that provided training to work with computer databases and I earned an online certification from Oracle. This training program led me to be hired for a job with the Maryland Department of Planning (MDP) in 2000.

(U) Around this time, my father came upon some debt. I wasn't making much money working at the MDP, but, as is expected of a good Pakistani son, it was my responsibility to help him pay it back. I left my job with the MDP and was hired by Electronic Data Systems (EDS) to support a contract to manage the database for WorldCom and the Pentagon's phone system. When I got the job at EDS, which was in Northern Virginia, I vividly remember my mom not wanting me to move away, so I decided to commute from Baltimore to Virginia every day. But this job paid almost \$80,000 dollars a year; I remember working hard for many months, teaching computer courses and helping the family manage the gas station as a side job, to help pay back nearly \$40,000 of my father's debt. Honestly, I don't remember having much time off to myself during this time. I worked hard at every opportunity to pay back the debt. I also owned and maintained my own house and paid a lot of taxes every month. I am still proud to this day that I was able to help my family and be a good son during a very challenging time.

(U) I was on a very good path: I was able to be a good son, support my family, and progress as a professional. I was finally finding my place, but shortly after I started working at EDS, my mother got sick. She was diagnosed with hepatitis B and passed away very quickly in April 2001. I was with her at her bedside at the hospital and I was the last person to see her alive. As long as I lived in Baltimore, I always visited her gravesite every Friday. I grieved for many months and I know my family was never the same after she died. This is very difficult to describe, but anyone who has lost a parent, a mother, or a loved one, knows what I have felt. I can't explain or emphasize enough how traumatic my mother's death was for me. I was very close to her, and her death threw me into chaos and a crisis.

(U) Later that year, I was working at EDS in Tysons Corner, VA. I remember the day when 9/11 happened. Honestly, in the weeks after the attacks, I remember thinking that the reports couldn't have been true. I didn't think Muslims could do something terrible like that. I was still hurting from the death of my mother, but I remember thinking that this was just another way the universe was kicking me while I was down making me question my faith in Islam. I was depressed and searched for an explanation when there weren't any answers.

(U) After my mom died, I spent a lot of time thinking about my life and its purpose. I was lost, and I was depressed. I was miserable and I turned to religion for answers and guidance. I thought about Islam and the sins I had committed in my life. As I mentioned, until my mother died my family wasn't very religious. But after she died, through the Islamic Society of Baltimore, I had been introduced to the Tablighi Jamaat, an evangelistic sect of Islam. They emphasized the fundamentals of Islam; the importance of regular prayer five-times-a-day, to avoid all sorts of temptations, to find a wife, and to live in an Islamic country. Their teachings convinced me of what I felt in my heart to be true; that it was impossible to practice Islam in a Western country because of all the temptations of Western lifestyle. Let me just say, I don't think that now. I don't think being a good Muslim and living in the West are incompatible. Muslims are an integral part of all societies, including in the U.S.

(U) One of my mother's greatest hopes was for her children to marry and start a family of their own. My parents were not just traditional Pakistanis who wanted me to marry another Pakistani, but they were also tribal Pakistanis. This meant that I had to marry within the tribe that my family comes from. My older sisters' marriages were already arranged by the time of my mother's death, but my own marriage had not been determined.

(U) And this is what led me back to Pakistan in 2002 and was a turning point in my life. It was the place and time in which so much was going on in the world and within me. I was trying to understand my religious identity, while also finding a wife that my mom would have been proud of. I have reflected for many years on the many crossroads and choices I have made, and I feel the issues I was struggling with at that point in my life really had a lasting effect on me. I often think about the life I could have lived if I didn't make the serious and regrettable mistakes that unfolded shortly thereafter.

(U) In January of 2002, I traveled to Pakistan with my family to attend my sister's wedding. I also intended to seek out my own wife and marriage.

(U) As part of the search for a wife, my father discussed different arrangements and suitable matches with my family members, and extended network of acquaintances. I didn't know what to expect because I was a stranger in a strange land. Although, Pakistan was where I had lived the majority of my childhood, the United States was where I grew up and matured. Coming back to Pakistan as an adult was a new experience and I was quickly in over my head.

(U) As I explained earlier, I have a large extended family in Pakistan and at that time, when I went to Pakistan to attend my sister's wedding and get married in early 2002, I became very close to my cousin. I didn't really know my cousin when I got back to Pakistan, but we spent a lot of time together, because we were close in age, and I soon realized that he was a "big shot" in Pakistan. He was involved in al-Qaeda. So was my uncle, other members of my extended family, and a lot of the older Mujahedeen. They were connected to al-Qaeda. And they spotted the fact that I was lost and vulnerable, and they went after me. They recruited me by showing me GTMO propaganda videos, and it's ironic that I eventually ended up in the same place. I

don't remember thinking of it so much as recruitment at the time, but they led me down a path and I went willingly to al-Qaeda. If you want to know how a kid from Baltimore got involved with al-Qaeda, especially after 9/11 this is it.

(U) They told me to forget Tablighi Jamaat. They said if you want to follow a truly Islamic way, that way is al-Qaeda. I was stupid, so incredibly stupid, but they promised to relieve my pain and purify my sins. They promised to redeem me, and I believed them. They exploited my vulnerabilities and twisted my thinking. It is embarrassing and shameful for me to say these things now, but it's the truth. This is how I got involved with al-Qaeda, and why I did all of the bad things in the stipulation of fact. I did it all. And I'm very sorry to everyone that I have hurt. I've also had a lot of time since then to think about what I did and what I believe now. I don't have the same mindset now and haven't for a long time. I reject al-Qaeda. I reject terrorism. I reject violence and hatred. I've also tried to make up for the bad things that I have done. That's why I pled guilty and have been cooperating with the U.S. Government. You know, I tried to make amends from the moment I got to GTMO and got to meet with my lawyers. And I've never looked back on that decision. Never. Even despite what happened to me. But I think it's important for you to understand what happened to me.

(U) Not long after I got married in early 2002 and was initially involved with al-Qaeda, I went back to my life in Baltimore. But I missed my wife who remained in Pakistan and I told my family that I was going back. My family tried to stop me. They begged me not to go back because they could see that I was becoming mixed up with the wrong people. They warned me. My father even hid my travel documents to try and stop me from going back. But I lied to him. I lied to my father, who tried to save me, and it breaks my heart to admit it now. He's here in

court today, I can see him, and I want to tell him Baba, I'm so sorry. I'm so very sorry. I've tried to make up for what I did, and part of that is to make up for what I did to you. For lying to you and for not listening to you when tried to save me, love me, and protect me. I want to apologize for the pain I've caused you and to our family, my wife, and my daughter, who I've never even met because she was born after my capture in 2003.

(U) In the early hours of March 5, 2003, I was sleeping at my brother's apartment in Karachi, Pakistan. I was awoken by my brother who had heard a noise and woke me. We heard someone at the door. At first, I thought they were intruders and I didn't know what to do next. But when I heard the loud noises and shouting, I had no choice but to open the door. Immediately, I noticed these men pointing their guns at my forehead. I did not resist when they pushed me to the ground and entered the apartment. They kept shouting and asking me, "Are you Bob Desi?". This was my email address and my stage name when I was practicing to become a disk jockey in the United States. They took all of my possessions - money, clothes, computer, and my watch. I was handcuffed with metal cuffs and my hair was violently pulled back. My most intense memory from those moments is the shouting; "Who are you?! Are you Bob Desi?!" I said that, "yes," I was Bob Desi. Mohammed and I were hooded as the security team took us down the stairwell to the street. My sister-in-law and her infant baby were taken away with my brother and I.

(U) After we were in custody, they drove all of us around for a while until they reached a foreign government prison. They took my brother and I into an interrogation room. I was initially interviewed by foreign government authorities and then U.S. Officials. For the next several days I was interviewed by foreign government authorities while members of the CIA and

FBI observed. For most of the interviews and interrogations, I was hooded and couldn't see the faces of the American personnel.

(U) I was then moved to another off-site facility where I would be interrogated by Americans and other foreign government agents. Again I was cooperative and told them what they wanted to know.

(U) After being detained, I told my captors about the people I had met, the things I had been asked to do, including the things in the stipulation of fact. I told them everything I knew about everything they asked. I did everything I could to cooperate and hoped to be released. But I wasn't released. Instead the more I cooperated and told them, the more I was tortured.

(U) About a week after I was captured, I was beaten by the foreign government agents. They forced me to stand, hooded, and shackled. They talked about bringing baseball or cricket bats and using belts to beat me. Instead they punched me until I begged them to stop. The worst part was not knowing when or where the blows were going to land. After the beatings, I was taken to an interrogation room with two U.S. persons. Despite the beatings, they acted calm, nonchalant and cool, while the foreign guards who beat me were posted by door.

(U) During these interrogations, I repeatedly asked for a lawyer and tried to exercise my legal rights. My requests were always ignored or denied. I was frequently hooded and strapped into metal boots. These boots were like "ski boots" and were bolted to the floor, making it impossible to move my feet. I remember fearing that if I fell over, I would break my legs. I was so afraid of what would happen next.

(U) I remember an older American man – a U.S. interrogator – who would tell me they were not "buying my story...you're peeing on my shoes and telling me it's raining." This man would

frequently threaten me, saying things like, "Son, we are going to take care of you. We are going to send you to a place that you cannot imagine. We'll take you somewhere and make you talk." He threatened my family and threatened to rape my sister. He stated that "your family in the [United] States is talking. They are in trouble. We are talking to you sisters, your father, your brothers."

(U) After I was captured, I moved around a lot and was frequently abused. Eventually, I learned from the guards that my sister-in-law and niece had been released.

(U) I was continuously interrogated and tortured. They deprived me of sleep for three days nonstop. The time may have been longer, but I was so disoriented. The guards showed me a hammer and other tools and threatened me with physical harm. I was restrained in one uncomfortable, folding chair with no arms, and a hard seat. My arms were shackled in the front sometimes and other times in the back. I was subjected to many shifts of interrogators. I was not provided food or water, but was afforded the time to pray, only because of my shared faith with the guards. At one point, the American interrogators got upset with the guards and said "Why did you let him pray!"

(U) I repeatedly told my story in these interrogations, the same story that I had told originally to the foreign government, but the US interrogators would always say "No, there is more." I was subjected to near constant abuse, and I tried to answer honestly, but I was abused more.

(U) For example, I was made to sit with my hands and legs shackled for 8 hours, but was not questioned by U.S. interrogators. Instead, foreign government guards removed my shirt, made me sit in embarrassing positions, showed me sticks, belts, and other implements they threatened to beat me with. This was done to instill fear in me, while the CIA made decisions what to do

with me. Late that night or early the next morning, they told me I was going home, but I wasn't and I was placed in a car and taken to the airport. When I realized that I wasn't being released I asked the guards to pray for me. I was in shock at what was about to happen.

(U) In May 2003, I was transferred from foreign government detention to CIA custody. I was flown to a black site prison. I refer to this place as Prison A, where I was held in custody of another foreign government. The rendition flight was horrible. Before I was loaded onto the plane, I was placed into a cargo van type vehicle by at least four American men, one of whom was a medic, based on the questions he asked and the directions he gave, and one woman. Everyone spoke English. My clothes were cut off and I was stripped nude and held down. If I tried to resist, they squeezed tighter and held me down more forcefully. Even now, I remember everything that happened to me so clearly.

(U) Next, the Americans forcibly gave me an enema. I don't know why they did this to me, and the pain was terrible. They searched my body with their hands and took pictures of me naked. I was blindfolded and shackled at both my hands and feet with metal cuffs. Someone put a diaper on me and secured it with duct tape. Throughout this ordeal, my glasses were broken and not returned to me. It would take almost 3 years before I was given a new pair. I was carried by these Americans into the airplane. As they moved me, I was dragged on the ground causing abrasions and they would intentionally bang my head into the wall.

(U) The plane flew directly to the foreign country where Prison A was located. I arrived late at night. Upon arrival at the airport, similarly strong American men wearing black removed me from the aircraft. I was lifted entirely off the ground and carried parallel to the ground. Again, when I was moved, my head hit walls and they dragged me on the ground. I was slammed into a

waiting vehicle and taken to Prison A. The U.S. personnel threw me into a cell, held me down, unshackled and removed my hood. Once they left, I was able to remove my diaper, but removing the duct tape over my eyes was especially painful because it ripped off my eyebrows and eyelashes. I was left barefoot, without glasses and was not given any food or water. I had no access to a bathroom, nor a bucket, so I was forced to defecate in the corner of the room. There was no light or electricity so I was forced to feel my way around the room.

(U) The next day, I was waiting anxiously when four U.S. personnel wearing all-black clothing and ski masks burst in the cell. They cut off my clothes and conducted a full body search and forcefully administered another enema. My legs and hands were shackled and I was again placed into a diaper, hooded, and goggles were duct taped to my head around my ears. I was carried through the air again and slammed into the back of a large vehicle. Once I was in the vehicle, another American person held me down with the sole of his shoe, which pressed hard on the back of my head and neck. The only thing he asked me was “Can you breathe?” I was driven to another facility I call the “American Torture Place.”

(U) The U.S. guards dragged me so that my face would hit each step of a short staircase. My arms were shackled and I couldn't stop my face and body from bouncing along the ground. I had abrasions on my knees, forehead, nose, and arms. I was brought to a room, still hooded. An American guard put his foot on my neck and I started to choke for air. A doctor was present and said, “Listen, I am doctor. Can you breathe?” I choked out the word, “no” and he had the guard remove his foot.

(U) The American Torture Place was similar to a portable manufactured home. It had running water and everything thing seemed to be in working order. There was loud, techno-type

music playing outside of the room. The windows were covered with cloth so no one could see outside and no one outside could see what was happening in the room. A black-masked male interrogator brought in a chair and I was chained to it. Through my hood, I could only make out the shapes of people, but there were a total of 5 or 6 dark figures. As the lead interrogator questioned me, I remember the others wrapping the chains around my body, hands and feet to the chair, tighter and tighter. The interrogator began asking me about my connections to al-Qaeda. I remember telling him I was al-Qaeda, because I knew that worse things would happen if I didn't answer or told him that I wasn't. I was subjected to more than an hour of questions about who I knew in the United States, and what I knew about different al-Qaeda plots and planned terrorist attacks. The interrogator wanted to know when I went to Heathrow Airport in London, but I had not been there. Finally, the interrogator said, "I am going to ask you for the last time" and began to count down with his ten fingers to zero.

(U) A large square beam of wood ran overhead across the center of the room. When the interrogator reached zero, one of the guards grabbed me from behind and pulled the wrapped chains from my body and put them up over the wooden beam. With sudden movements, the guards had hoisted the chains attached to my hands and pulled the chains tight. After a few more pulls, I was hanging by my hands with my shackled feet barely touching the ground. The interrogators left the room as I screamed in pain and tried to support my weight.

(U) After a while, the interrogators returned. They asked me the same questions as before, about Heathrow Airport and any planned terrorist attacks. Again, I didn't know anything and pleaded with them. The interrogator counted down from 10 again. Unsatisfied with my answers,

the interrogator instructed the others to cut off my clothes, leaving me naked, but still hooded.

Through glimpses in the cloth, I could see the room, its layout, and the individuals in the room.

(U) I was taken down from hanging off the beam after some amount of time and dragged into the American Torture Place's tiled bathroom. There was a bathtub full of ice water. The U.S. interrogators placed me feet first into the ice water and then pushed my body flat to the bottom of the tub. I was still wearing the thin-cloth hood. While some U.S. interrogators held my body under the water, the lead interrogator pushed my head underwater and held me down as I struggled against drowning. I started to swallow water and the interrogators would let me surface, but never released their hold on me. As I gasped for air, the interrogators would demand answers to questions: "Tell us about London! Tell us about al-Qaeda members in the United States!" When my head was above water, other interrogators would pour ice water on my head and face. I was terrified and could not breathe. They repeatedly submerged me. When I could get air, I would beg them to stop and swear that I didn't know anything. If I had intelligence to give, I would have given it, but I didn't have anything to give.

(U) This water torture lasted nearly a half an hour. Throughout, the thin cloth hood became translucent enough that I could see some of the individuals in the room. Besides the black-masked interrogators, there was a woman in the room in a colorful headscarf that observed the torturous interrogation. Afterwards, I was dragged back to the same room with the beam and hung again. My arms were slightly bent and feet able to touch the ground. I could not rest my legs or sit down because of the short length of chains. The most difficult and painful part was that American guards would enter the room and throw ice water on my naked body every hour or

two and placed a fan to blow directly on me. This was how they kept me awake and shivering. I was left alone, shackled, hooded, and naked.

(U) This was the first day of a nonstop three-day interrogation at the American Torture Place. After two days of being hung, sleep deprived, and subjected to the freezing temperature, I lost my grip on reality. I remember hallucinating, seeing a cow, and giant lizard. I would try to kick at the hallucinations, but slip on the wet floor. All of my weight would suddenly be transferred to my shackled wrists, chained to the beam above. This would send shooting pain through my body. Part of my hand went completely numb for approximately six weeks after this incident.

(U) I was not given a break to pray during these three days. I was not provided food, but received only a scant amount of water from the guards. My ankle cuffs were very tight and the guards ignored my pleas. I was just left alone, hanging, naked, and shivering at the American Torture Place. I was forced to urinate in a bowl. The cuffs on my ankles cut into my skin. My feet and ankles were swelling terrible as I hung, which in turn caused the shackles to rub my skin off even more. I have the scars today on my ankles to show you. I thought that I was going to die. The hanging experience was one of the more painful and torturous things done to me. I felt a lot of personal humiliation and shame from my torture and treatment. I couldn't believe what was being done to me and the presence of at least one woman while all this was happening heightened all of these feelings.

(U) While I was hanging for these three days, I recall one instance where I saw a guard or interrogator's face. This man sexually assaulted me while I was hanging naked. He touched my private parts while we were alone. I told this man to stop and that I wanted to see a lawyer. He

responded, “are you kidding, a lawyer? You are in no man’s land. No one even knows where you are.” I was terrified and constantly afraid. I was out of my mind.

(U) I just want to stop here and say that the Executive Summary of the SSCI Report accurately describes my treatment during this time period. The SSCI Reports states, “After being rendered to CIA custody, Majid Khan was subject by the CIA to sleep deprivation, nudity, and dietary manipulation, and may have been subjected to an ice bath.” I can say for certain that I was subjected to water torture that induced the feeling of drowning several times. It is hard to describe, or put into words, of how it felt to be water boarded. With a hood wrapped around my face and water pouring down my throat, I coughed, gagged, screamed, and couldn’t breathe. I felt like I was going to die.

(U) Later, I was moved back to Prison A. After the three days of hanging and interrogation, I remember lying motionless on the floor for a very long time. The foreign guards realized I couldn’t move and placed my food within reach. It took me 24 to 36 hours before I could regain the ability to move around.

(U) In late June 2003, about 3 weeks after I was tortured for 3 days, I met with a CIA debriefing team. Some of these CIA officers told me that they were part of the interrogation team that had hung me for 3 days. I was certain by the sound of his voice, one of them was the interrogator who counted down from ten and held my head under the water. The CIA officers pressured me to “come clean” and cooperate. I was living in fear, and every day at the same time of day, I could see the other detainees getting beaten and I worried when my time would come.

(U) In July 2003, I was transferred to a different location which I refer to as "Prison B" The foreign guards of Prison A took me after dinner to an interrogation room. Once I arrived, there were five U.S. individuals waiting for me. I was subjected to the same harsh and degrading transfer protocols as before. The guards removed my clothes, searched my naked body, installed hand and leg shackles, hooded, and goggles were affixed to my head with duct tape. The Americans dragged me across the ground and staircase to a waiting car. I was driven to what I call Prison B - a dark, underground prison. Instead, the American interrogators wore headlamps in total darkness.

(U) Prison B was at DETENTION SITE COBALT. This location is described in the Executive Summary of the SSCI Report as "The windows at DETENTION SITE COBALT were blacked out and detainees were kept in total darkness. The guards monitored detainees using headlamps and loud music was played constantly in the facility. While in their cells, detainees were shackled to the wall and given buckets for human waste. Four of the twenty cells at this facility included a bar across the top of the cell. Later reports describe detainees being shackled to the bar with their hands above their heads, forcing them to stand, and therefore not allowing the detainees to sleep."

(U) I was taken immediately to a room and hung with chains from a metal bar for approximately 7 days all together. The guards forcibly removed my clothes with scissors, leaving me cold and naked. I was not hooded. I was not given any food and I was afraid to drink the water the CIA officers provided. As before, I was periodically and repeatedly doused with water. The only difference was that there was no fan set up to direct air on my naked body. The room was pitch black, but I could feel tiny bugs, smaller than mosquitoes, biting me

repeatedly until I bled. With my hands shackled, I couldn't swat the bugs or scratch the sores they left. There was also music played constantly at deafening volumes. I remember thinking the room was shaking. I was hung at a height where I was able to bend my legs slightly, but I was not able to sit or kneel. I remember the immense feeling of uncertainty that I felt; it was horrifying. I was so scared. I had no choice but to urinate on myself and the floor. I was so terrified that I had diarrhea. My back and entire body was in a constant state of excruciating pain, partly because I had preexisting back problems. I was left for days with the smell of urine and feces that had collected on my body.

(U) Besides the Americans who brought me food and doused me with water, one other person came regularly to my cell during this time. An older American medic would come once a day and check on me. This man - always the same man, I called him the "Torture Doctor" - would monitor my vitals. He would shine lights in my eyes. I would tell him that I was scared and couldn't breathe or that my heart was pounding. He would always say "you're fine" and depart.

(U) After days of hanging in total darkness without a break or rest, the guards came in and carried me to another room. There I was submerged into a makeshift tub of ice and water. This tub was constructed of plastic sheeting. My hands were shackled behind my back and the American guards forced me backwards into the tub onto my back and hands. The edge of the tub hit the arch of my back and the Americans forced my head to tilt backwards at an angle. Other U.S. interrogators held buckets with water and ice and poured the contents on my body and face. I couldn't breathe and I gasped for air as I swallowed the water. The interrogators flipped me over, from my back to my front multiple times, but repeatedly forced my head in the cold water. This process continued on for about 15 or more minutes, while the interrogators demanded

answers to the questions. I don't remember their questions, but they cursed at me while I begged for mercy.

(U) After this water torture session, I remember being taken to another interrogation room for a 15 minutes videotaped interrogation. I was dragged, handcuffed, and seated on a wooden box. I remember being placed in front of very bright lights and a hand-held camcorder was nearby on a tripod. I had been in total darkness for nearly a week so the light was very painful. The CIA officers, some of the same people who wanted me to "come clean" in June, demanded I write a signed confession. I don't remember what I wrote, but I did whatever they asked.

(U) After this interrogation, U.S. personnel then instructed guards to shackle me to the wall. This location would become my permanent cell in Prison B. I was short shackled to a ring in the wall about 18-24 inches high, which prevented me from being able to rest or sleep. I was left alone for a few hours. I was not given any food and left naked. I was unable to stand or move to my other side because of the short shackle. I couldn't move off the cold ground or away from the wall. I shivered so hard without clothes. I was exhausted and delirious in total darkness with the music blasting at tremendous volume.

(U) When the "Torture Doctor" came to examine me, I begged for help. In response, the physician instructed the foreign guards to take me back to the interrogation room with the metal bar and hang me again. The same doctor pointed with his hooked thumbs to the outside and then made a hanging motion with his arms to wordlessly instruct the guards. I pleaded for mercy, but was ignored. After another 24 hours of hanging, I met with more CIA officers. They had reviewed my confession and wanted more details. They asked me to write more, telling me I would be able to rest afterwards. I wrote maybe three pages, which the

interrogators read, and asked a few clarifying questions. I don't remember if I signed the document. After the second signed confession, I returned to my cell at Prison B. In July 2003, the CIA officers said to me "now you're cooperating. You can have your clothes back and a carpet to sleep on." I remember thinking, "thank God, at least I'm not going to be hung again." After the shackles were removed, my legs were so swollen, which took weeks to heal and when they eventually healed my skin peeled like a reptile shedding.

(U) I remained confined at Prison B until about September 2003. I calculated that it had been about 60 days since I arrived at Prison B before I was moved back to Prison A. The same movement procedures as before were followed. It was degrading and humiliating as they stripped me of my clothes, searched and hooded me, tightly duct taped goggles to my head, and placed very tight hand and leg shackles on me that cut my flesh. I can show you the scars.

(U) Back at Prison A, I was mostly left alone. I stayed there until about April 2004. The CIA personnel would sometimes visit but it was always short. It was around this time that I started to go on hunger strikes. I was protesting my harsh treatment and my repeated denial to see a lawyer. I remember that I really wanted books and reading materials, anything to keep my mind occupied during the endless days. I had no one to talk to and the days were so empty. I just wanted mental stimulation. It was at this point that I knew that I was never going to be released.

(U) During this 7-month time of being held at Prison A, I met with more CIA people to include doctors and other medical specialists. They asked me lots of medical-related questions; how I was feeling, what was bothering me; like they were trying to diagnosis me. They asked me if I wanted to harm myself or commit suicide. I answered – yes. They took lots of notes, and gave me some reading materials. I was so starved for attention. I remember feeling grateful that

they were spending time with me, but now I understand they were just doing their job. The visits only lasted a short while as the CIA tried to quell my hunger strikes. Once the visits stopped and I was ignored, I returned to protesting, yelling, kicking doors, and I continued to tell my captors that I was going to harm myself. I wanted answers. I wanted to know why I couldn't see an attorney. I wanted to know why I was still being held. I had provided all of the information that I had ever known. I pleaded and begged for information and mental stimulation, but my efforts fell on deaf ears. Hunger strikes were the only way I could gain the attention of my captors.

(U) Looking back now, my time at Prison A and B were some of the worse treatment that I endured. Mr. Jose Rodriguez, Head of the Counter-Terrorism Center (CTC) at the CIA from 2002-2004, explained years later that "the problem we had with the Salt Pit is we were too busy chasing al-Qaeda and [the] Taliban", "the CIA had a very young person in charge of the facility . . . the [CIA] station dropped the ball and somebody froze to death there", "interrogation... was not our core skill", and "mistakes were made." I can personally attest to the truth of those statements. I had given up the majority of my information from the first day that I was captured. Nothing the interrogators were doing was effective. I felt like I was being treated like a punching bag. My captors were taking their frustrations out on me and trying techniques that could never be effective. Whenever I was being tortured, I told them what I thought they wanted to hear. I lied just to make the abuse stop. I was so scared and could barely keep a thought in my head.

(U) In April 2004, I was moved again, to a new facility, which I call "Long-Term CIA Prison." The transfer process was just like before; I was hooded, goggled, and duct taped. I was then transported with little care against my will. A doctor took my vital signs, checked my body

for marks and scars. I was photographed naked with male and females present. An enema was administered and I was placed into a diaper. I was taken to a new room and seated next to other restrained prisoners. We were all placed in cargo vans and driven about five minutes to an airport. I could make out American voices through the ear muffs. This time the movement was not as violent as compared to the transfers before. There was not pushing, dragging, or banging into walls.

(U) "Long term CIA Prison" was located at DETENTION SITE ORANGE.

(U) The flight was not nonstop and couldn't have lasted more than 12 hours. I was not provided food or water. When we landed it was nighttime and cold. The US guards moved us onto a helicopter for a short, 20 to 30-minute flight. When we landed, it was a five-minute drive to the prison. I remained at Long-Term CIA Prison until I was eventually transferred here, to Guantanamo Bay, in September 2006.

(U) Long-Term CIA prison was a fairly new facility with power and running water. It was comprised of three main buildings; all one-story tall. Building A was the larger building and the disciplinary unit with the smallest prison cells. In Building A, it looked like there had been a bar across the top of the cells for hanging prisoners, but it had been removed, with the hole in the wall repaired and patched. Building B had cells with a single door and the prisoners were chained to the wall at all times. Building C had cells with double-doors and the prisoners only wore a leg chain in their cell. My permanent cell was in Building C, but initially I was taken to Building A in April 2004.

(U) At Building A, I was chained to a ring on the wall and was given a covered bucket for a toilet. Shortly after my arrival, I was taken out of my cell for processing. My diaper was

removed and more pictures were taken of my naked body. I was taken from the shower room wearing only a hood, but I occasionally got a glimpse of the guards. The guards wore jeans and black masks and spoke with short commands and hand gestures. There was a cement path from Building A to Building B. I was barefoot, but I could feel the freezing cold, as if it was winter.

(U) Building B had larger cells with a toilet and sink that had hot and cold water. Each cell had a foam pad mattress and a blanket. There were speakers in each cell to blast music and air vents that blew hot/cold onto prisoners. I was left naked for 24-hours in the freezing cold room. I remember thinking it was warmer outside than in my cell. I clutched that blanket around myself so tightly. For food, I was only given a banana, tomato, and bottle of water. The first CIA official to speak with me was very direct. He told me, "Don't fuck this place up with your hunger strikes and acting out." He did not wear a mask, but all of the other guards did at all times.

(U) After the first day, I was given some clothes. On the second day, I received a pillow. I saw guards wearing winter coats during certain seasons. I was shackled to the ground for four months. Other than being transported between buildings, I was indoors for two-years without sunlight at the Long-term CIA prison facility. I had not seen much sunlight from May 2003 to April 2004 while I was held at Prison A and Prison B. In my cell, the lights were always on. The speaker was always playing white noise.

(U) I learned quickly that when I went on a hunger strike to protest my detention or the conditions at this prison, U.S. personnel would come immediately. Some of the same CIA personnel from Prison A and Prison B were at Long-term CIA prison. My interrogations became "debriefs" and were sometimes conducted daily. I would be shown a photograph of an

individual, and if I recognized them, I would be taken to another room for a formal identification. I remember I was afraid of the interrogators and would often refuse to look at the pictures. Every time I said something, the CIA would write it down. They took a lot of notes.

(U) Eventually, I made a deal with one of the CIA officials – my primary interrogator. He said they would stop showing me pictures if I would refrain from acting out. I remember I was moved to Building C (the least restrictive cell). Cells in Building C had one door and for the next two years I remained shackled to the floor ring with a chain on one of my legs at all times. I remember my leg swelled and I complained to the CIA officials, but they said “you’re chained like an animal; this is your life.”

(U) Beginning around early September 2004, I began a series of hunger strikes that resulted in me being moved to the disciplinary unit, Building A. While in my cell, I was restrained and forced by the CIA medics to take fluids intravenously. The IVs were not inserted with care or concern; and this happened repeatedly over several days. I remember the “Torture Doctor” sharpening the tubes and putting hot sauce on the tip right in front of me. They would discuss with me my refusal to eat by threatening me; the CIA officers said they would take away my amenities, privileges, etc. if I didn’t eat. Eventually, they forced a tube up my nose. Sometimes the tube would be inserted incorrectly, which caused me to bleed, cough, and my face to swell. Of course, they restrained me during these force feedings. The CIA would put an IV in each of my arms. I was force fed Ensure and blended or pureed food. When I was too weak or exhausted to resist, the process would take 15-30 minutes, but I remember being so determined to not break my hunger strike. I would bite the tube and it often took a lot longer. The CIA

officer would use a plunger to force the food quickly into my stomach. This caused severe stomach cramps and within an hour, I would have diarrhea.

(U) I was force fed countless times, often multiple times a day. I would force myself to throw up afterwards. I remember they were concerned with my weight loss because I had lost about 50 pounds since I had been captured in 2003. I weighed no more than 125 pounds. I was determined to make the CIA officers write a report. That was why I was not compliant. I felt that was my only way to get attention. All I wanted was to talk to an attorney, be charged with a crime or released. These hunger strikes frustrated the CIA officers. I was a burden to their daily activities. After the force feeding failed to get me to cooperate, they returned to torture me. This part is extremely difficult for me to discuss, but I want the world to know what they did to me next.

(U) I continued with my hunger strikes, and the IVs and force feeding was keeping me alive, but not changing my behavior, the CIA then reverted to sexually assaulting me to get the message across that they meant business. They sexually assaulted me several times. This was not done as part of an interrogation, but as punishment for my noncompliant behaviors.

(U) In the month of September 2004, still at Long Term CIA prison, I was raped by the CIA medics. While being restrained, they inserted tubes or objects into my anus against my will. This was different than the enemas they had previously used. Sometimes it was done in my cell. Other times I was restrained on a stretcher and moved to another room. In either location, I was restrained very tightly and securely by at least two guards. A CIA medic was there to administer the insertions, but it was not a medical procedure. I remember one time in my cell, I asked the medic why he was doing this and he whispered with viciousness "You're a fucking terrorist."

They used green garden hoses and one end was connected to the faucet as they “rehydrated me.” I remember feeling immense pressure in my bowels; a pain I had never felt. I couldn’t stop myself from evacuating my bowels. I think these forced rectal insertions were done to make it appear like I had eaten, digested food, and used the toilet. To this day, I experience extreme discomfort from the hemorrhoids as a result of my treatment.

(U) On one particular day, in late September, I remember being fed four or five times in an eight-hour period in my cell. I remember resisting with the CIA officers to insert a tube into my nose. I resisted, bit, and chewed on the tube, and eventually pulled it out myself. It hurt like hell. The “Torture Doctor” and guards responded by further restraining me, tightly binding me with duct tape and other shackles. This is the incident described in the Executive Summary of the SSCI Report which accurately states: “Majid Khan was then subjected to involuntary rectal feeding and rectal hydration, which included two bottles of Ensure. Later that same day, Majid Khan’s “lunch tray”, consisting of hummus, pasta with sauce, nuts, and raisins, was “pureed” and rectally infused.” I didn’t know that’s what they were feeding me at the time, but I remember that I dumped all of that food out between the forced feeding sessions.

(U) I remember the forced feedings continued the next day, both rectal and nasogastric. I continued my hunger strike for nearly two weeks. I remember ending my hunger strike after another rectal forced feeding session sometime in late September or early October. I began another hunger strike in late November, around Thanksgiving. As soon as I announced it to the CIA officers, they took me to receive nasogastric feeding. Again, I forced myself to vomit which continued to frustrated the CIA officers.

(U) It was also around this time that I first attempted to hurt myself. In November 2004, I used some sharp item to cut my wrists. I remember I purposefully ran headfirst into the wall of my cell to try and harm myself too. A few weeks later, in early December, I made another attempt. I tried to chew in my left arm, at the flesh on the inside of my elbow. I remember telling the CIA officer that I didn't really want to hurt myself or die, but I was bored, lonesome and going crazy. Later in December, around Christmas, I purposefully cut myself on my foot in an attempt to get the CIA's attention and to write an incident report. I remember I bled so much, on my clothes, shoes and floor. My 1.5-inch scar remains from that incident. I used a sharp piece of plastic that I had been hiding for about a month. The CIA medic treated me, closed the wound with a needle and thread. As punishment, I was left in Building A without any amenities (no change of clothes, no mattress, blanket, etc.). They didn't even come to clean up the blood. I began another hunger strike that day. The Executive Summary of the SSCI Report accurately describes these events by explaining that "In addition to his hunger strikes, Majid Khan engaged in acts of self-harm that included attempting to cut his wrist on two occasions, an attempt to chew into his arm at the inner elbow, an attempting to cut a vein at the top of his foot, and an attempt to cut into his skin at the elbow joint using a filed toothbrush."

(U) The forced feeding began again shortly thereafter. In late December 2004, the CIA medic restrained me and forced another enema into my rectum. The next day, the CIA staff restrained me and forcefully administered an IV. I think they also completed a nasogastric feeding, but I can't exactly remember; I probably threw up whatever they were able to force down.

(U) On December 31, 2004, the CIA got rough with me when they took me to the feeding room. I was restrained more severely than before in chair, jacket, and handcuffs. I was secured in a plastic lawn chair and back-brace. I wore a stiff jacket combined with Velcro straps that prevented any movement, including a high, stiff collar that stopped my head from turning. My hands were shackled behind the back of the chair and attached to a ring in the wall, so that my hands were fixed between the wall and the chair. I was further secured to the chair with duct tape. Everything was severely tight, to the point of pain and numbness. The CIA medic arrived and forcibly injected me with a sedative, but I couldn't resist. At some point, I lost consciousness.

(U) When I came to, I was wet and dirty from having soiled myself. I couldn't move in the chair, but I struggled with all my might. At some point, my struggle broke something free and I tipped the chair over, shifting all of my weight onto one hand and arm. I screamed in pain. After 6 hours or so, a guard came to set the chair back up. To this day, I have shoulder pain from this injury. I don't have the full range of motion. I was left in this room for some time, probably four or five hours.

(U) I attempted to hurt myself again in March 2005. I cut my wrists using the lip of the steel sink in my cell. I wrote on the wall in my blood, "There is no God, but God." I demanded to be sent back to Pakistan or be given a fair trial. About a week later, I was moved to another smaller cell, without a toilet or sink. I remember feeling so low and hopeless at that time. Later that year, I was finally given a pair of glasses.

(U) In June 2005, I tried to cut my arm with a sharpened toothbrush. As punishment, I was placed in a padded cell and tightly restrained with shackles and a neck collar. Every time I hurt

myself, the CIA guards would come photograph my injuries. I was taken out of my cell and taken to the media room where other detainees would watch TV alone. I think it was because the CIA wanted to document the transfer as something less severe. I didn't think they were reporting that I "cut my wrists" because I couldn't fathom how nothing would be done about it. Nevertheless, my punishments were always the same, loss of privileges and moved back to Building A. At some point, they had no more privileges or amenities to take away from me, which was the source of frustration for the CIA officers. I believe that is why they would sexually assault me.

(U) My feelings of hopelessness continued. I don't really remember the beginning or ending of all of my hunger strikes. There were so many and they sort of run together all these years later.

(U) For the last period of my time at long-term CIA prison, I feel the CIA started to treat me better. Beginning with the start of the new year in 2006, there was a distinct difference in how the CIA officers responded to my protests. I was still struggling, resisting, complaining. For example, in late January 2006, I wrote on the walls of my cell with a red marker or crayon, "Stop torturing me!" I demanded to see my lawyers, the ICRC, the UN, the ICC, and NATO. I remember the CIA officers instructed me to clean the walls or else I would be moved to a smaller cell. I was given some cleaning supplies and supervised, but the ink was permanent. One of the CIA officers offered to help me repaint the walls. Another time, in early April 2006, the CIA wanted to do a medical check-up on me. I demanded to see the International Committee of the Red Cross and let them do a medical health exam on me. They denied my request but didn't force me to complete the medical exam.

(U) In late May 2006 I began a hunger strike by announcing it to the CIA personnel. I told them I wanted a report to be filed so that the situation would get higher levels of attention. The CIA didn't punish me for these protests. Then in early June 2006, I continued to feel very low and depressed. They wanted to prescribe me Prozac, but I didn't trust the medication or the medical care, so I refused. The CIA personnel talked with me for a long time over several days to understand my feelings. They told me that my protests were "willful acts of defiance" but I argued that my depression was the cause of these behaviors. In these sessions, I told these CIA officers about all of the horrible treatment I had suffered to try and convince them. Over three years had passed since I was first captured. Through this time period, I never once saw the sun. The never ending isolation and lack of mental stimulation were almost as difficult to bear as the physical torture.

(U) In September, 2006, I was transported to a plane and flown to multiple stops, eventually ending in GTMO. The flight last 24 to 36 hours. I was amongst a dozen other detainees on our flight to GTMO. Although, I was hooded and my ears were muffled, the treatment during transportation drastically changed. I was no longer physically abused like I had been before. There was definitely a change in how I was treated. I felt grateful to be alive and for the first time I felt that maybe I was going to survive this ordeal. Arriving at GTMO brought some stability and understanding, but further underscored my assumption that I would never be released. I just hoped now that I would have access to my attorney who could help me fight these injustices.

(U) Upon my arrival to GTMO, I was taken to Camp 7 and housed in my cell by myself. The solitary confinement would continue for many years. I was hopeful that things would be

different, but from the very first hours in GTMO I realized the mistreatment would continue. I could barely move and once I was placed in my cell I asked to use the bathroom, but I was left there for 6 hours. I yelled for assistance but was ignored. That's when I knew that GTMO was no different than the other places.

(U) Since I had been through the CIA's torture program I was not to socialize with the rest of the detainees at GTMO. All of the high value detainees (HVD) were housed together in Camp 7. Camp 7 was death by a thousand cuts. I wanted to believe that things would get better, but they never did. Don't get me wrong, the blatant physical and mental torture that I had experienced earlier stopped, but the "drip, drip, drip" of mistreatment continued. I thought that once I arrived at GTMO that I would finally be given access to my attorney. I knew I had attorneys willing to represent me, but no matter how many times I requested to speak to them, it was always denied. I thought being on American soil would allow me certain rights, but that wasn't the case. I had learned from the Long Term CIA Prison that the only way to get attention was to "misbehave" and gain social interaction from the guards.

(U) Any type of non-compliance resulted in my being placed on disciplinary status. I would lose the liberties and amenities that were afforded to me.

(U) In October 2006, the International Committee for the Red Cross (ICRC) gave me a picture of my daughter. That was the first time that I was informed that I had a daughter. I was overjoyed with emotion. It's tough to put into words 16 years later, on what I was feeling, but it brought some joy and happiness after years of hopelessness. However, those feelings were fleeting because not long after I received the picture, the guard force took it away. I yelled for hours for the picture to be returned, but to no avail.

(U) The next month, I was afforded an opportunity for recreation time with another detainee. With the exception of my captors, this was the first time since my capture that I had spoken to another human being. It wasn't until 2012 that I was allowed to give someone a hug or a handshake.

(U) As I explained earlier, GTMO was a death by a thousand cuts. I could give you 600 pages of daily logs containing specific details of the arbitrary abuse and indignities that I suffered during those years at Camp 7, but instead, let me give you just some examples that provide the gist of what I suffered on a daily basis. For example, food was a persistent problem at GTMO. On numerous occasions I found stones and pieces of metal in my food. After complaining to the guards and not seeing any tangible results, I decided to withhold my meal trays. I wanted to send a message that the food was unhealthy, but in response the guard force forcibly shaved my head. For the immediate future, my food was then scooped into my hands.

(U) The guard force would make constant banging noises in the middle of the night, which would make it impossible to sleep. They would purposefully wake me up while I was sleeping. The camera in my cell made a constant "whining" noise that would drive me mad. I made several complaints to the guard force and Camp 7 leadership and other authorities, but it made no difference. I had a speaker in my room, which was to be used for the announcement of prayer, but the guards would make announcements when I was sleeping and announce prayer at the wrong time. The ability to practice my religion was really strained during these early years. The guard force frequently disrupted my prayer time and prevented me from celebrating Eid. The guards did not respect my religion and did not afford me the proper entitlements to practice accordingly. I can't recall one straight week without experiencing issues.

(U) By December 2006, I had enough of the mistreatment. I wrote “stop torturing me. I need my attorney” on my cell wall. As a result, I was placed on disciplinary status. From then, I began conducting frequent hunger strikes to get the message across regarding the lack of access to my attorney. The guard force would take away my amenities and place me on disciplinary status in an attempt to break my hunger strikes.

(U) My time in Camp 7 was a daily routine of mistreatments and frustrations. Everything was a struggle. The things that I held dear were frequently taken away. The guards made it almost impossible for me to practice my religion. The continued isolation and lack of mental stimulation was the hardest for me to bear. I so badly wanted to be able to communicate with my lawyers and for the first year I was prevented from doing so. The continued lack of certainty and being held without charges was maddening.

(U) In February 2007, I gave my first statement to the FBI. Before the interview, I asked for my attorney and I informed them that I was represented. The FBI informed me that since I was not charged with a crime, that I was not entitled to an attorney. I later found out that was not correct, and I should have been given access to my attorney before I spoke. I wanted to cooperate and help as much as I could, but I didn't want to say too much without my attorney there. I didn't want others making the same mistakes that I had made. It took another 8 months for me to finally meet my attorneys.

(U) You have to understand that I had been tortured and at times, I said anything my captors wanted to hear in order to make them stop. I was so scared. That fear persisted for years because I felt at any moment, they could start torturing me again. So there were times I said things that I knew to be untrue; things that my interrogators responded to and things that made

them think I was compliant and cooperative. But when I arrived at GTMO, my fears were heightened once again. The new environment wasn't better and it only reinforced my earlier traumas and experiences. So I continued to tell lies from time to time to prevent myself from being tortured again. Before I met with my attorneys, I pretended to know or not know certain answers to my interrogator's questions. I really wanted to do the right thing and tell the truth, but I was still trying to say what I thought they wanted to hear.

(U) But all that changed in October 2007. This is when I met my defense team for the first time. I communicated to them that I would be willing to tell the truth and cooperate, and as I explained before, I had to make things right. I made a decision early on that I was going to take responsibility for what I had done. I wasn't going to let Guantanamo be the last chapter written in my life. It took almost two years, before negotiations commenced regarding a plea deal in exchange for my cooperation. I gave proffers to the U.S. Government and told them everything that I had to offer.

(U) On February 29, 2012, I pled guilty to all of the crimes that I was guilty of. Pleading guilty and deciding to cooperate with the U.S. Government was a very good decision. I have never doubted this decision and I remain steadfast in my commitment to assist the U.S. Government in any way that I can. In addition to my lawyers and my family, I also received good advice from people that I came to trust at Guantanamo. The people I came to meet in 2009 treated me well. They treated me with respect. They treated me like a human being. SJAs here at GTMO also talked to me at length regarding my situation and my decision to plead guilty. I wouldn't be where I am today without them and I thank them for their support.

(U) Since pleading guilty, I have done everything that has been asked of me. I have cooperated with the U.S. authorities to include Prosecutors and Investigators, both for Commissions Cases and for federal civil and criminal cases. I have always told the truth and never shied away from what my involvement has been.

(U) Over the last nine plus years, I have had a lot of time to reflect. My time in my new location has been no picnic. Although, I am afforded many amenities that other prisoners don't have access to, the tradeoff has been solitary confinement. I have been essentially alone for almost a decade. I have no one to talk to with the exception of the occasional friendly guards, the FBI, and the occasional bird, iguanas, and cats that show up to visit me. There's also one SJA whom I developed a close relationship with. This senior military officer spent a lot of time talking with me, mentoring me, and this person was instrumental in my decision to cooperate. I won't name this person in order to spare them any unwanted attention, but you know who you are, you've always supported me, and I want to thank you from the bottom of my heart.

(U) But again, it hasn't been easy for me. Especially since the Pandemic, the only way to communicate with my attorneys is through legal mail and that has made my preparation for sentencing extremely challenging. I am provided one phone call (or recording) every three months with my wife and child and/or my family back in the U.S. Without social interaction, I have tried to better myself through learning how to cook, reading, watching documentaries, and studying all those subjects that most people learn in college. I hope to attend college someday, as I should have done when I was younger. I have done everything in my power to educate myself and broaden my horizons, including studying various languages from across the world, but without access to technology, learning these languages has been a struggle. Still, I have

become quite familiar with several languages such as Arabic, Persian, Spanish, Italian, French, Russian, Chinese, and of course Urdu and English. I have a real interest in languages and I am truly proud of what I have accomplished.

(U) When I am released, I have simple dreams. I want to be reunited with my wife and daughter, and provide for them. I have been absent from their lives for so long and I know that I will not be able to make up for lost time, but I can only hope to provide for them a better life with me around. I know the future is uncertain and I can't predict what will become of me after I am released, but I do know a few things for certain. I have been detained and isolated for nearly the last 20 years and I have paid dearly for it. But I have tried to take responsibility and do the right thing and I can clearly say that I'm not the person I was in 2002 and 2003. I'm not the young, impressionable, vulnerable kid I was 20 years ago.

(U) I would like to end by once again reiterating my apologies to all that have been hurt by my actions. First, to all those people who have been harmed by my actions. There is no way that I can change the past, but I can look to be a constructive contributing member of society, make amends, and take responsibility for my actions, and which is what I have done for the last decade. There is not a day that goes by that I am not sorry for what I have done. I have done everything in my power to make this right, but I understand that it may never be enough.

(U) Next, to my wife: Rabia, I am so very sorry for leaving you to raise our daughter alone. I dream of our life together after I am released and cannot wait to be with you again.

(U) To my daughter: Manaal, I am sorry I haven't been there to see you grow up. I have missed your childhood. I am so sorry that you had to endure growing up without a Dad. It hurts my heart to know that you have had to answer questions about me and that I have caused you so

much pain. Your commitment to me has meant the world. Hugging you for the first time will be the happiest day of my life.

(U) To my father. I have so much sorrow knowing what I have caused you. I know that you have forgiven me, but as your youngest son, you deserved so much more. I am thankful for all that you have done for me. I only hope that I can be as good of as father to Manaal as you have been to me.

(U) To my brothers and sisters and my nephews and nieces. I know that I have made your lives incredibly hard. I know that my actions have impacted you in ways that I could never have imagined and I am so sorry for that. I am sorry for not being around and helping after mother died. Collectively, your love and support has helped me get through each and every day.

(U) I also want to say to all the vulnerable, lost kids out there searching for meaning. Don't find meaning in violence and hatred: Learn from my mistakes and don't make the same decisions that I did. Try to understand that life is short, and it is a gift to be alive each day, so don't waste your life the way I wasted the first half of mine.

(U) Finally, I would like to end this statement by reiterating where I stand today. I am a 41-year-old man who has spent the last 18 years behind bars. I am here because of my own doing. As a young man, I allowed myself to be manipulated by others and committed crimes that, only months before my mother died and my life spiraled out of control, I could never have imagined myself doing. But I did what I did. I don't deny it. I don't minimize it. I accept responsibility and have tried to atone for my actions. After my capture, I was tortured in ways that are hard to describe and I have endured unimaginable physical and mental pain. I have physical and emotional scars. For a long time, I had nightmares and suffered from PTSD. I've taken a lot of

medications. But I've come a very long way and taking responsibility for my actions was the first step. Since arriving at GTMO I have done everything in my power to make amends for my actions by pleading guilty and cooperating with the U.S. Government at every possible opportunity. I am a husband, a father, a son, and a brother. My only wish is to be released so I can see and hug my daughter for the first time. I have so many wrongs that I wish to right. I know that my story must be tough to comprehend, it has been an unthinkable journey. From a normal U.S. teenager to being a high-value detainee at GTMO. But I don't want to be defined by Guantanamo and how I got here. Rather, I want to be defined by the positive contributions that I make going forward and by being a loving and supportive husband and father.

(U) Thank you. Thank you all for listening to me and for hearing what I had to say. I have wanted to tell my story for a very long time and I am so very appreciative for your attention. Thank you for letting me share it with you today.

# **ATTACHMENT B**

Letter From *United States v. Khan* Panel  
Recommending Clemency

29 Oct 21

From: Panel ICO U.S. vs. Khan

To: Convening Authority

The panel members listed below recommend clemency in the case of Majid Shoukat Khan.

Mr. Khan committed serious crimes against the U.S. and partner nations. He has plead guilty to these crimes and taken responsibility for his actions. Further, he has expressed remorse for the impact of the victims and their families.

Clemency is recommended with the following justification:

- 1) Mr. Khan has been held without the basic due process under the U.S. Constitution. Specifically, he was held without charge or legal representation for nine years until 2012, and held without final sentencing until October 2021. Although designated an "alien unprivileged enemy belligerent," and not technically afforded the rights of U.S. citizens, the complete disregard for the foundational concepts upon which the Constitution was founded is an affront to American values and concept of Justice.
- 2) Mr. Khan was subjected to physical and psychological abuse well-beyond approved

enhanced interrogation techniques, instead being closer to torture performed by the most abusive regimes in modern history. This abuse was of no practical value in terms of intelligence, or any other tangible benefit to U.S. interests. Instead, it is a stain on the moral fiber of America; the treatment of Mr. Khan in the hands of U.S. personnel should be a source of shame for the U.S. government.

3) Mr. Khan committed his crimes as a young man reeling from the loss of his mother. A vulnerable target for extremist recruiting, he fell to influences furthering Islamic radical philosophies, just as many others have in recent years. Now at the age of 41 with a daughter he has never seen, he is remorseful and not a threat for future extremism.

It is the view of the panel members below that clemency be granted based on the points above, as well as Mr. Khan's continued cooperation with U.S. efforts in other, more critical, prosecutions.

Panel #1, Panel #8, Panel #5, Panel #9  
Panel #12, Panel #4, Panel #11