

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