

Center for Constitutional Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://ccrjustice.org/home/what-we-do/our-cases/khan-v-obama-khan-v-gates-united-states-v-khan>

Campaign and Advocacy

Khan v. Obama and *Khan v. Gates* have been dismissed or withdrawn without a ruling on the legality of Khans detention. In February 2012, Khan was charged by military commission with certain offenses under the Military Commissions Act of 2009. Khan pled guilty and was sentenced on October 29, 2021. He is due to be released in February 2022.

Jenner & Block LLP; Military Commissions Defense Organization (*U.S. v. Khan*)

[Majid Khan](#)

CCR has represented Majid Khan in three cases: *Khan v. Obama*, a habeas corpus petition filed in the U.S. District Court for the District of Columbia; *Khan v. Gates*, a petition for review under the Detainee Treatment Act of 2005, filed in the U.S. Court of Appeals for the District of Columbia Circuit; and *United States v. Khan*, a military commission prosecution at Guantanamo Bay.

CCR's representation of Khan is part of our efforts to end indefinite detention without charge or trial and close Guantanamo and to ensure accountability for U.S. torture. We were among the first attorneys to work on behalf of Guantanamo prisoners, and we will continue to do so until the prison is closed.

Majid Khan is unique among Guantanamo prisoners in two important respects. First, a citizen of Pakistan, he has long had political asylum status in the United States and other substantial ties to this country. He grew up outside of Baltimore, Maryland, graduated from Owings Mills High School, and lived and worked in the area. He is married and has a young daughter he has never met. Several of his other family members are U.S. citizens and still live near Baltimore. Second, in March 2003, Khan was captured and forcibly disappeared by the United States. There is no serious dispute that he was abducted, imprisoned, and tortured by U.S. officials at secret overseas black sites operated by the Central Intelligence Agency before he was transferred to Guantanamo Bay in September 2006. Nor is there any serious dispute that Majid Khans detention and interrogation violated U.S. and international law.

Majid Khans torture is described at length in the Senate Select Committee on Intelligence report on the CIAs post-9/11 detention and interrogation program, key findings of which were released on December 9, 2014. The report describes some of the methods inflicted on Majid Khan, which were deliberately and systematically applied to cause him severe physical and psychological harm, but which produced no actionable intelligence. The report states that Majid Khan was subjected to torture methods such as sleep deprivation and nudity. The report also states that he was subjected to rectal feeding, a form of rape. In May 2015, CCR obtained declassified notes describing some of Khans personal recollections of his experience in secret detention, including additional details of his torture such as the fact that he was waterboarded and threatened with harm to himself and his family.

In February 2012, Khan was charged and pled guilty to various offenses before a military commission at Guantanamo. He pled guilty pursuant to a plea agreement with the Convening Authority for Military Commissions. He is scheduled to be sentenced on October 28-29, 2021. Given his longstanding cooperation, Khan will conclude his military commission sentence in February 2022, after which he will be transferred from Guantanamo Bay.

In its initial representation of Khan, CCR had to fight for more than a year just to meet with our client, as the government objected because of the unique circumstances of his case, which CCR argued was an attempt to conceal illegal conduct and acts that would embarrass the United States. Because Khan was initially denied access to counsel in his habeas case, *Khan v. Obama*, he filed a petition for review under the Detainee Treatment Act of 2005, *Khan v. Gates*.

Declassified information about Khan's torture is made public for the first time by *Reuters*

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Government declassifies notes CCR submitted for review

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CCR submits notes describing some of Majid Khans personal recollections of his experience in secret detention to government for formal classification review in light of new CIA classification guidance

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Senate Select Committee on Intelligence publicly releases [executive summary](#) and [key findings](#) from report on CIAs post-9/11 detention and interrogation program, including details of Majid Khans torture

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CCR moves to dismiss Majid Khan's habeas case, without prejudice, pursuant to terms of his military commission plea agreement (*Khan v. Obama*)

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Court enters protective order in Majid Khan's habeas case (*Khan v. Obama*)

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Following the U.S. Supreme Court's *Boumediene* decision, a coordination judge enters a protective order that provides Majid Khan with access to his CCR attorneys in connection with his habeas case.

CCR also files a motion to exceed the page limit for Khan's brief.

The D.C. Circuit dismisses the DTA petition for lack of jurisdiction based on the U.S. Supreme Court's affirmance in *Boumediene v. Bush* of the right of Guantnamo detainees to challenge their detention through habeas corpus. The D.C. Circuit transfers all pending motions filed by Majid Khan to the U.S. District Court for the District of Columbia for consideration in his pending habeas case, *Khan v. Obama*. The court also holds that the New York Times Company, the Associated Press, and USA Today's motion to unseal Majid Khan's court documents is moot.

CCR files petition in appeals court challenging Khan's CSRT (*Khan v. Gates*)

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CCR files habeas corpus petition on behalf of Majid Khan (*Khan v. Obama*)

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