

# Center for Constitutional Rights

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

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## Public Facing Advocacy Writing

Contact: [press@ccrjustice.org](mailto:press@ccrjustice.org)

October 28, 2021, Guantanamo Bay, Cuba Today, a man who was disappeared and tortured at secret CIA prisons, or black sites for three years read aloud a lengthy public statement in a courtroom at Guantanamo. Although many aspects of Majid Khans torture were described in portions of the Senate Select Committee on Intelligence report declassified in 2014, he disclosed new details today, the first day of his sentencing hearing before a jury at a military commission, providing a fuller picture of his experience in the U.S. governments post-9/11 torture program.

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, Mr. Khan told those assembled in the courtroom. 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.

Majid Khan today spoke for the first time about his torture while in U.S. custody, the first so-called high-value detainee at Guantanamo who has been able to speak publicly about the CIA torture program. His testimony runs to 39 pages. Since pleading guilty in 2012, Mr. Khan has cooperated fully with U.S. authorities and has expressed remorse for his prior actions. As a result of his cooperation, his legal team expects that the military commission will set events in motion for Mr. Khan to be transferred from Guantanamo as soon as February 2022.

Majid Khan was finally able to tell his story to the world today, said [Vince Warren](#), Executive Director of the Center for Constitutional Rights, which has represented Mr. Khan since 2006. We knew about some of the horrors he was subjected to, like the so-called rectal feeding, from the Senate torture report, but the new details in his own words were chilling. From the ice-bath waterboardings to the Torture Doctor who put hot sauce on the tip of his IV, the acts committed by our government shock the conscience yet no one has ever been held accountable.

Today, with his family watching, Mr. Khan spoke at length, tracing his path from his teenage years in Baltimore to his involvement with Al Qaeda to his decision to cooperate with the U.S. government.

Mr. Khan is unique among Guantanamo prisoners in that he had political asylum in the United States and has family members who are U.S. citizens. After 9/11, he returned to Pakistan, where he had lived as a child, and it was there, in March 2003, that he was disappeared into the CIA torture program. His family believed he was dead until September 2006 when President Bush announced that the U.S. government had transferred Mr. Khan and 13 other men from the CIA torture sites to the prison at Guantanamo.

What the U.S. government did to Mr. Khan in the interim, at black sites, is discussed at length in the Senate Select Committee on Intelligence report on the CIAs post-9/11 detention and interrogation program. Its key findings, released in December 2014, state that he endured several torture techniques, including rectal feeding, a form of rape. Then, in May 2015, his legal team was able to have notes declassified in which he described being waterboarded and threatened with harm to his family.

Today, Mr. Khan added telling and often gruesome details to the public record. He said, for example, that he was raped with a garden hose, and there is new information about what the CIA did to him in retaliation for his hunger strikes. At one point, officers restrained him in his cell and forced him to take fluids intravenously, and to intensify the torture, a person Mr. Khan calls the Torture Doctor sharpened the tubes and put hot sauce on the tip.

Mr. Khan presented a vivid picture of the barbarism that CIA interrogators inflicted on him: While I was hanging for these three days, I recall one instance where I saw a guard or interrogator's face, he said. 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.

This is a historic day Majids powerful words, the first time the American public has heard a firsthand account of a GTMO detainees torture at the hands of the CIA, reveal devastating atrocities committed by our own government in the name of national security, said **Katya Jestin**, a partner at Jenner & Block as well as a lawyer representing Mr. Khan. The CIA program was a failure and contrary to our democratic principles and the rule of law. Despite his long-endured suffering, Majid regrets his crimes, forgives his captors, and looks forward to his future.

Mr. Khan is one of at least 119 Muslim men who were held at black sites around the world, and one of at least 39 who were identified in

the torture report. The program has been the subject of numerous media accounts and the Senate intelligence committee report, which documented a range of brutal crimes and a coordinated effort by the CIA to conceal the truth about the program.

But the full, unredacted 6,700-page Senate report remains classified, and the new information provided by Mr. Khan indicates that there is still much to be learned about the U.S. torture program. It is an open secret that the U.S. governments desire to keep concealing information is one of the reasons that it may never hold trials for alleged 9/11-mastermind Khalid Sheikh Mohammed and other suspects who were tortured. The government would be loath to give a public platform to people who might reveal, for example, the identity of torturers. The other reason is that evidence gained through torture is inadmissible, and without it the government may have trouble securing convictions.

The Center for Constitutional Rights initially had to fight for a year just to meet Majid Khan as the government resisted due to unique circumstances. Because Mr. Khan was denied access to counsel in his habeas case, he filed a petition for review, *Khan v. Gates*, under the Detainee Treatment Act of 2005.

Mr. Khans sentencing, which takes place tomorrow, will be a formality because under the terms of his plea agreement, he is scheduled for release in February 2022. At that point, his attorneys say, the Biden administration must transfer him to a third country.

Majid Khan will finally be able to start a new life in a new country, continued **Mr. Warren**. But our work will not be done the government must declassify the full torture report, hold those responsible to account, and have a true reckoning with this shameful chapter in our history. So many people are still suffering from the disastrous policies enacted after 9/11. Only by looking backward, with full transparency and accountability, can we truly move forward.

Majid Khan is represented by the Center for Constitutional Rights, the law firm of Jenner & Block LLP, and the Military Commissions Defense Organization.

Read [Majid Khans full statement here](#).

For more information, visit [the Center for Constitutional Rights case page](#).

*The Center for Constitutional Rights has led the legal battle over Guantanamo for nearly 20 years representing clients in two Supreme Court cases and organizing and coordinating hundreds of pro bono lawyers across the country, ensuring that nearly all the men detained at Guantanamo have had the option of legal representation. Among other Guantanamo cases, the Center represents the families of men who died at Guantanamo, and men who have been released and are seeking justice in international courts.*

*The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at [ccrjustice.org](http://ccrjustice.org).*

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