

Military jury calls torture of Majid Khan “a stain on the moral fiber of America”

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Seven of eight senior officers on a military jury responsible for sentencing Guantánamo Bay detainee Majid Khan have condemned his torture by the Central Intelligence Agency (CIA) as “a stain on the moral fiber of America” and said his treatment by US personnel “should be a source of shame for the US government.”

The condemnation by the jurors of Khan’s torture underscores the utter criminality of the Bush administration’s “rendition” and “enhanced interrogation” programs, for which no senior officials have been held criminally liable.

The officers made their statements in a clemency letter on behalf of Khan, 41, at the time of his sentencing and following his 2 hours of testimony where he gave a detailed description of the torture he endured at CIA “black sites” over the three-year period 2003–2006.

In the two-page, handwritten letter dated October 29, the seven jurors recommend clemency for Khan because he 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.”

The clemency recommendation from the military jury is not binding and it is not clear whether it will have any impact on the final sentencing decision. Their letter has been sent to the senior Pentagon official in charge of the case, along with a sentence of 26 years in prison for Khan, among the lowest possible sentences under the military commission rules.

The extraordinary letter states that Khan was “held without the basic due process under the US Constitution” and was “held without charge or legal representation for nine years until 2012 and held

without final sentencing until October 2021.” The letter says further that although Mr. Khan was designated an “alien unprivileged enemy belligerent,” “the complete disregard for the foundational concepts upon which the Constitution was founded is an affront to American values and concept of Justice.”

Khan’s testimony, which included descriptions of CIA waterboarding, sexual assault, sleep deprivation, beatings and psychological torture, is the first time that a former prisoner of the CIA’s “black sites” has publicly described his treatment.

The revelations confirm that the methods used on “enemy combatants” initiated by the administration of George W. Bush following the events of September 11, 2001, and under the name of “the war on terror,” included systematic violations of human rights and both US and international laws. The barbaric and medieval forms of torture carried out at remote sites in the Middle East, Europe, Asia and Africa under the CIA “extraordinary rendition program” were used to extract information from detainees that could be used to justify the wars of US imperialism in Iraq and Afghanistan.

According to the Open Society Justice Initiative, US intelligence collaborated with more than fifty other countries to build a global detention program to apprehend and detain without legal process at least 136 individuals. The known black sites run by the CIA have existed in Afghanistan, Lithuania, Morocco, Poland, Romania and Thailand.

It is widely known that the detained “enemy combatants” include many “erroneous renditions” in which the CIA had abducted and detained the wrong people. In the case of Majid Khan, he left the US following 9/11, was arrested in his native Pakistan and was rendered to the CIA black site in Afghanistan known as the “Salt Pit.” The Bush administration

claimed he had significant al-Qaeda connections and labeled him a “high-value detainee.”

In September 2006, Khan was transferred to the detention facility at Guantánamo Bay under the terms of the military tribunal system governed by the Military Commissions Act.

While Khan’s future remains unclear—his 26-year sentence would include time served since he pled guilty to terrorism-related charges in 2012—not a single US government official involved in the design and operation of the criminal rendition and interrogation programs has been brought to justice.

This fact is an indictment of the Democrats, including Barack Obama and Joe Biden, as well as the Republicans in the White House and Congress since George W. Bush publicly acknowledged the existence of the secret CIA prisons on September 6, 2006.

The use of criminal apprehension and torture of detainees and the launching of imperialist wars were also combined with the passage of the USA Patriot Act in the aftermath of 9/11. This bipartisan legislation authorized a government assault on the fundamental democratic rights of American citizens and led to mass secret electronic surveillance that was later exposed by former NSA contractor and intelligence analyst Edward Snowden in 2013.

The refusal by both parties of US imperialism or any branch of the US government to bring to justice anyone involved in these violations of the Constitution and international law, such as former President Bush, Vice President Dick Cheney and others, has revealed the degree to which the American ruling establishment is prepared to dispense with democratic forms of rule in pursuit of its global interests.



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