

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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		:
MAJID S. KHAN (ISN 10020),		:
Prisoner, United States Naval Station,		:
Guantánamo Bay, Cuba		:
		:
<i>Petitioner,</i>		:
		:
v.	Civil Action No. 22-1650	:
		:
JOSEPH R. BIDEN, JR.,		:
President of the United States		:
The White House		:
1600 Pennsylvania Avenue, N.W.		:
Washington, DC 20500;		:
		:
LLOYD J. AUSTIN III,		:
Secretary, United States		:
Department of Defense		:
1000 Defense Pentagon		:
Washington, DC 20301-1000; and		:
		:
ARMY BRIG. GEN. LANCE A. OKAMURA,		:
Commander, Joint Task Force-Guantánamo		:
APO AE 09360,		:
		:
<i>Respondents.</i>		:
		:
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**BRIEF OF AMICUS CURIAE SEPTEMBER 11TH FAMILIES FOR PEACEFUL  
TOMORROWS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

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**I. INTEREST OF AMICUS CURIAE, SEPTEMBER 11<sup>TH</sup> FAMILIES FOR PEACEFUL TOMORROWS**

**A. Background**

Amicus Curiae September 11<sup>th</sup> Families for Peaceful Tomorrows (“Peaceful Tomorrows”) is a non-profit organization founded in 2002. Its members are family members of those killed in the terrorist attacks on September 11, 2001. They view those attacks not as an act of war, but as an egregious international crime, and have sought truth, justice and accountability through the legal system.

Peaceful Tomorrows’ members support a principled, legal response to the September 11 attacks that neither escalates the conflict nor produces more deaths of innocent civilians. Recognizing that no system of justice is perfect, they wish for the U.S. response to the September 11 attacks to reflect the best of American values: our Constitution and Bill of Rights, our obligations under international law, and our professed commitment to human rights.

Since its founding, Peaceful Tomorrows has sought to “encourage a multilateral, collaborative effort to bring those responsible for the September 11, 2001 attacks to justice” and to “demand ongoing investigations into the events leading up to the September 11, 2001 attacks that took the lives of our loved ones, including exhaustive examinations of U.S. foreign policies and national securities failures.”<sup>1</sup>

Peaceful Tomorrows seeks justice for the victims of the September 11 attacks under the rule of law. In connection with those efforts, Peaceful Tomorrows has spoken out against the failure of the 9/11 military commission to progress beyond pre-trial hearings and against the United States’ use of torture. *See, e.g.* Testimony of Colleen Kelly before the Senate Judiciary

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<sup>1</sup> For more information about Peaceful Tomorrows and its mission, *see About Us*, September 11<sup>th</sup> Families for Peaceful Tomorrows, <https://peacfultomorrows.org/about-us/>.

Committee, Closing Guantánamo: Twenty Years of Injustice (Dec. 7, 2021), available at <https://www.judiciary.senate.gov/imo/media/doc/Kelly%20Testimony4.pdf>.

Peaceful Tomorrows is the only September 11 family organization with non-government organization observer status to attend the military commissions at Guantánamo. It has sent a representative to every pre-trial hearing since late 2015. Additionally, its members regularly view the proceedings via closed-circuit television, read transcripts and motions, and discuss the case with prosecution and defense attorneys.

**B. Interest of Amicus Curiae in This Case**

The 9/11 military commission trial of the five men charged with perpetrating the attack (the “9/11 Defendants”) has failed to achieve justice under law. The efforts to try the 9/11 Defendants have spanned more than 15 years, with no possibility of resolution at trial in sight. Indeed, much of the litigation in the commission has concerned torture and disputes about evidence that might be admitted should a trial ever take place.

Not only has there been no conviction of those responsible for the September 11 attacks, but because there has been no trial, very little has been revealed about the September 11 attacks and how or why they occurred. Because of its interminable delay, the 9/11 military commission has not achieved justice for the victims of September 11, for the members of Peaceful Tomorrows, for the public as a whole, or for the 9/11 Defendants themselves.

Because of the failure of the 9/11 military commission to prosecute the 9/11 Defendants, Peaceful Tomorrows now believes that the only realistic mechanism for securing justice under the rule of law for the September 11 attacks—including the conviction of the 9/11 Defendants, their legal punishment, and the disclosure of information about their appalling crimes—is through plea agreements.

Peaceful Tomorrows views the resolution of Petitioner Khan’s criminal case through a plea agreement as a model for the just and legal resolution of the charges against the 9/11 Defendants. Petitioner Khan has accepted legal responsibility for his crimes. He has expressed remorse consistently over the course of nearly two decades. And he has cooperated with United States law enforcement to provide assistance and information, not only to the government, but also to the victims of terrorism and the public more broadly.

Peaceful Tomorrows hopes earnestly that the 9/11 Defendants will similarly accept responsibility their for crimes, publicly admit their actions and explain the attacks, assist the government in prosecution of other terrorists, and receive and serve legally imposed sentences. The government’s failure (as detailed in the petition) to transfer Petitioner and abide by the terms of its plea bargain with Petitioner—in a case likely to be closely watched by the 9/11 Defendants, their defense counsel and prosecutors—may dissuade the 9/11 Defendants from pleading guilty, depriving the victims of September 11 (including the members of Peaceful Tomorrow) of the finality, justice and information to which they are entitled.

## **II. THE 9/11 MILITARY COMMISSION HAS PROVEN TO BE INEFFECTIVE IN ADMINISTERING JUSTICE**

Petitioner—like the five 9/11 Defendants and others detained at Guantánamo Bay—has not been prosecuted in an Article III court. These defendants have been prosecuted by “military commissions,” war-time tribunals that were “established to adjudicate violations of the laws of war.” Benjamin R. Farley, *Getting It Wrong: The 9/11 Military Commission and the Justiciability of Armed Conflict*, Just Security (May 13, 2020), <https://www.justsecurity.org/70123/getting-it-wrong-the-9-11-military-commission-and-the-justiciability-of-armed-conflict/>.



The military commissions system was established in 2001 by President George W. Bush. *See* Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, 66 Fed. Reg. 57833 (Nov. 13, 2001). In 2006, the Supreme Court held that these military commissions violated both federal statute and the Geneva Conventions. *See Hamdan v. Rumsfeld*, 548 U.S. 557 (2006). Following *Hamdan*, the military commissions system was revised and reauthorized by Congress pursuant to the Military Commissions Act (“MCA”) of 2006. In 2009, the MCA was further revised under President Barack Obama. *See* Military Commissions Act of 2006, Pub. L. No. 109-366, 120 Stat 2600 (codified at 10 U.S.C. §§ 948-950); National Defense Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84, 123 Stat 2190.

Since its inception, the military commissions system at Guantánamo Bay has been plagued by legal and procedural uncertainties. In addition to the challenges inherently posed by a novel, quasi-judicial body operating outside the ordinary processes of Article III courts and addressing sensitive issues of national security, the military commissions systems has faced logistical challenges in holding hearings and trials at a remote military base. *See, e.g.*, Lt. Col. Michael J. Lebowitz, *Zombie Courts: Lessons Learned from a Guantánamo Bay Military Commissions System that Refuses to Die*, 37 AM. U. INT’L. L. REV. 1, 2 (2021). The result has been a process that is “slow, inefficient, expensive, and at times out of control.” *Id.* at 2.

The attempted prosecution of the 9/11 Defendants has slogged on for more than 15 years. The five 9/11 Defendants were captured between 2002 and 2003. Carol Rosenberg, *Trial Guide: The Sept. 11 Case at Guantánamo Bay*, N.Y. TIMES (Apr. 4, 2022), <https://www.nytimes.com/article/september-11-trial-guantanamo-bay.html>; *see also*, USA: *The Show Trial Begins: Five Former Secret Detainees Arraigned at Guantánamo*, Amnesty Int’l

(Jun. 6, 2008), <https://www.amnesty.org/ar/wp-content/uploads/2021/07/amr510562008eng.pdf>.

In September 2006, they were transferred to Guantánamo Bay to await trial and were arraigned (under the 2006 MCA) in 2008. William Glaberson, *9/11 Suspects Arraigned at Guantánamo Hearing*, N.Y. TIMES (June 6, 2008),

[https://www.nytimes.com/2008/06/06/world/americas/06iht-](https://www.nytimes.com/2008/06/06/world/americas/06iht-06gitmo.13513180.html?searchResultPosition=3)

[06gitmo.13513180.html?searchResultPosition=3](https://www.nytimes.com/2008/06/06/world/americas/06gitmo.13513180.html?searchResultPosition=3). In 2009, Attorney General Eric Holder

attempted to remove the September 11 case to federal court, but the effort was abandoned amid security concerns and intense political pressure. See Jane Mayer, *The Trial: Eric Holder and the Battle Over Khalid Sheikh Mohammed*, NEW YORKER (Feb. 3, 2010),

<https://www.newyorker.com/magazine/2010/02/15/the-trial-2>. In May 2012—almost six years after the 9/11 Defendants’ transfer to Guantánamo and nearly a decade after their capture—they were arraigned again under the revised 2009 MCA.

Despite the passage of decades, two arraignments and four presidential administrations, there is no plan for the case against the 9/11 Defendants to move forward.<sup>2</sup> Peaceful Tomorrows sees no realistic possibility that any trial of any 9/11 Defendant will ever occur.

Today, the 9/11 military commission lacks even a projected jury selection date, let alone a trial date. In March of this year, however, it was reported that prosecutors began negotiating with the 9/11 Defendants for the possibility of guilty pleas. See Carol Rosenberg, *The 9/11 Trial: Why Are Plea Bargain Talks Underway?*, N.Y. Times (Mar. 20, 2022),

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<sup>2</sup> Throughout this period, there has been extraordinary turnover in key legal personnel. There have been four judges who have presided over the 9/11 military commission. Over the years, the presiding judges have at times overturned or set aside their predecessors’ decisions. Two learned counsel have been replaced. In 2021, the Chief Prosecutor retired, followed by one of the lead civilian attorneys for the government in 2022. At the end of 2021, the Chief Defense Counsel also retired.

<https://www.nytimes.com/2022/03/20/us/politics/sept-11-trial-guantanamo.html?searchResultPosition=14>; John Ryan, *U.S. Government Initiates Plea Talks with 9/11 Defendants*, LAWDRAGON (Mar. 15, 2022), <https://www.lawdragon.com/news-features/2022-03-15-us-government-initiates-plea-talks-with-9-11-defendants>. After 15 years of waiting, Peaceful Tomorrows’ members—the families of those killed in the September 11 attacks—view guilty pleas as the only realistic path to the finality, information, and just resolution of this case that they deserve.

### **III. KHAN’S SUCCESSFUL PLEA CONTRASTS SHARPLY WITH THE FAILURES OF THE 9/11 MILITARY COMMISSION**

Petitioner’s time at Guantánamo Bay started much the same as that of the 9/11 Defendants. His status today, however, stands in stark contrast to that of the 9/11 Defendants.

As Petitioner states more fully in his motion, Petitioner is a citizen of Pakistan who became involved with al Qaeda in 2002. He was arrested in Pakistan in 2003 and spent several years in CIA custody. In September 2006, Petitioner was transferred to Guantánamo. Majid Khan’s Unsworn Statement at 5-7, available at [https://ccrjustice.org/sites/default/files/attach/2021/10/Majid\\_Khan\\_Sentencing\\_Statement](https://ccrjustice.org/sites/default/files/attach/2021/10/Majid_Khan_Sentencing_Statement).

Petitioner was given access to counsel in 2007 and began negotiating a guilty plea with the government. In 2012—the same year the 9/11 Defendants were arraigned for the second time—Petitioner entered an agreement with the government and pled guilty to multiple crimes. Petitioner admitted his crimes and accepted legal responsibility for them.

As part of his plea agreement, Petitioner agreed to “cooperate fully and truthfully with the Government,” including “providing complete and accurate information in interviews, depositions, and testimony wherever and whenever requested by prosecutors from the Office of

Military Commissions, the United States Department of Justice, United States law enforcement, military, or intelligence authorities while in United States custody.” Petition for Writ of Habeas Corpus at 6-7, *United States v. Khan* (June 7, 2022) (22-cv-1650).

As he promised, Petitioner provided reliable information that has helped authorities “investigate and build legal cases against numerous other Guantánamo detainees, criminal defendants, and others suspected or accused of terrorist acts,” including against 9/11 Defendants Khalid Sheikh Mohammed and Ammar al Baluchi. *Id.* at 9. In one instance regarding a terrorism suspect named Jaffar Al Tayyar, Petitioner was able to provide trustworthy information after it was revealed that some of the intelligence on Al Tayyar gathered through the interrogation of other prisoners had been fabricated. Stipulation of Fact at ¶¶ 28, 44, *United States v. Khan* (Feb. 13, 2012), available at <https://www.washingtonpost.com/wp-srv/world/documents/stipulation-of-facts-signed-by-majid-khan.html>; SENATE SELECT COMMITTEE ON INTELLIGENCE, COMMITTEE STUDY OF THE CENTRAL INTELLIGENCE AGENCY’S DETENTION AND INTERROGATION PROGRAM, S. Rep. No. 113-288 (Dec. 9, 2014), available at <https://www.intelligence.senate.gov/sites/default/files/publications/CRPT-113srpt288.pdf>.

On March 11, 2022, Colonel Jeffrey Wood, the Convening Authority for the Military Commissions, sentenced Petitioner to 10 years’ confinement, with confinement since February 29, 2011 counting as time served.<sup>3</sup> Convening Authority Action, *United States v. Khan* (Mar. 11, 2022). To date, Petitioner is the only “high-value detainee” who has agreed to cooperate with U.S. authorities and is the only high-value detainee whose case has reached a conclusion. *Id.*

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<sup>3</sup> Consistent with the terms of his pretrial agreement, the Convening Authority determined 11 years to be the appropriate sentence in this case. The Convening Authority applied a one-year credit due to prosecutorial misconduct.

There is no dispute that Petitioner has fully complied with his plea agreement and has fully served his sentence. He nonetheless remains detained at Guantánamo, without a foreseeable prospect of release.

#### **IV. PLEA AGREEMENTS SERVE IMPORTANT JUSTICE-PROVIDING FUNCTIONS**

##### **A. Plea Agreements Are Routinely Used in Article III Courts**

As demonstrated by Petitioner's agreement, plea agreements provide significant benefits to the government, defendants, and crime victims. Plea agreements can speed judicial resolution, provide accountability, and provide valuable information.

Plea agreements are a path to judicial finality. They provide a means of obtaining convictions without the expense, time, and uncertainty of a trial. For example, although Petitioner's criminal conduct came after the 9/11 Defendants', Petitioner pled guilty the same year the 9/11 Defendants were arraigned on their charges. Ten years later, Petitioner has served his sentence in full before the 9/11 Defendants' trial has even been scheduled.

Plea agreements are also a path towards public accountability for criminal conduct. Guilty pleas provide the public and crime victims with information about and recognition of a defendant's crimes. A criminal defendant must acknowledge, in open court, that a crime was committed and the factual basis for the plea and must accept legal responsibility for that conduct.

Given the delays in the 9/11 military commission, Peaceful Tomorrows sees plea agreements as the only realistic way to end the legal stagnation and achieve judicial finality.

##### **B. Plea Agreements Have Been Used Successfully in Terrorism and Other Complex Criminal Prosecutions in Federal Court**

Plea agreements also assist in the investigation and prosecution of terrorist networks and other complex criminal organizations. Examples are legion. Bryant Neal Viñas, a United States

citizen from Long Island, converted to Islam and joined al Qaeda after the September 11 attacks. Bryant Neal Viñas & Mitchell Silber, *Al-Qa'ida's First American Foreign Fighter after 9/11*, CTC SENTINEL, Sept. 2018, 1. Viñas travelled to Pakistan and Afghanistan, where he eventually trained with al Qaeda and carried out attacks on their behalf. After Viñas' arrest in 2008, he immediately began cooperating with United States counter-terrorism forces. While the details of much of the Viñas case remain under seal, in 2017, during Viñas' sentencing hearing, the government described Viñas' cooperation pursuant to his plea agreement as having provided "unparalleled insight into external and internal operations of al-Qaeda during the time before his arrest" and stated that Viñas had "contributed to the opening and closing of more than 30 criminal investigations." For his own part, Viñas accepted responsibility for his conduct and was convicted of serious crimes. On May 11, 2017, after approximately eight years in confinement, Viñas was sentenced to time served plus 90 days, along with lifetime supervision. Transcript of Criminal Cause for Sentencing, *United States v. Bryant Neal Viñas* (No. 08-CR-823 (NGG)). At the completion of his sentence, Viñas was released.

Reza Zarrab, a Turkish-Iranian gold trader, pled guilty in 2017 to conspiring to violate United States sanctions against Iran and agreed to cooperate with United States authorities. As part of his plea agreement, Zarrab cooperated with federal prosecutors by testifying as a witness at the trial of an official at a Turkish state bank that prosecutors believed was involved in the conspiracy. See Benjamin Weiser, *Reza Zarrab, Turk at Center of Iran Sanctions Case, Is Helping Prosecution*, N.Y. TIMES (Nov. 28, 2017), <https://www.nytimes.com/2017/11/28/world/europe/reza-zarrab-turkey-iran.html>.

Alexanda Kotey, a British terrorist who was part of an ISIS cell that tortured and killed Western hostages, pled guilty in 2021. As part of his plea deal, Kotey agreed to meet with the

families of his victims, and to share information with United States law enforcement. The family members of Kotey's victims were permitted to address him at his sentencing, and while Kotey himself declined to speak, he did submit a 25-page handwritten letter detailing his life and explaining his motivations in carrying out the crimes he committed. *See* Letter to Judge Ellis by Alexandra A. Kotey, *United States v. Kotey*, 1:20-cr-239 (Apr. 2022), available at <https://int.nyt.com/data/documenttools/alexanda-kotey/a620c67c740ce48c/full.pdf>. Kotey was sentenced to multiple life sentences in a high-security "supermax" prison. In exchange for his cooperation pursuant to the terms of his plea agreement, Kotey could be transferred to a British prison after 15 years to serve the remainder of his life sentence. *See* Adam Goldman, *British Terrorist Receives Life Sentence for Role in Americans' Deaths*, N.Y. TIMES (Apr. 29, 2022), <https://www.nytimes.com/2022/04/29/us/politics/isis-beatles-kotey-sentenced.html>.

The Viñas, Zarrab, and Kotey cases demonstrate the diversity of successful outcomes available through plea agreements. While the details of each case and each agreement differ, each achieved judicial finality in a complex criminal proceeding through the pleading process, and provided the government, the public, and, most crucially, the victims' families with information.

**C. The Success of Petitioner's Case Underscores the Value of Plea Agreements**

Petitioner's case has demonstrated the importance of plea agreements in the military commissions system. Unlike the 9/11 Defendants, Petitioner has accepted responsibility for his conduct. He provided valuable, reliable information to the government to enable it to investigate and prosecute others. His plea and sentencing proceedings provided information to the public and terror victims about his conduct, and his remorse. He has been convicted of serious crimes and has been in custody for almost 20 years. Resolution of his case has provided the type of

finality, information, and justice to which the public, the victims of September 11, and the members of Peaceful Tomorrows are entitled.

The importance of a legal conviction and sentence to crime victims cannot be overstated. Indefinite confinement, not pursuant to a criminal conviction, may practically resemble a prison sentence, but it undermines the rule of law and, more important, does not provide public recognition of victims' suffering and the community's opprobrium. Commentators have explained: "Public prosecution and punishment . . . works symbolically to show victims that their communities care that their welfare has been compromised and that they are committed to punishing those who have violated them." Erin Ann O'Hara, *Victims and Prison Release: A Modest Proposal*, 19 FED. SENT. R. 130, 130, 2006 WL 3912222 (Vera Inst. Just.) (Dec. 1, 2006). Professor Jamie Goti has explained that one goal of legal punishment is to "restoring [the] lost self-respect" of those who—like the victims of the September 11 attacks—have "los[t] control over [their] lives to somebody else's violence." Jaime Malamud Goti, *Equality, Punishment, and Self-Respect*, 5 BUFF. CRIM. L. REV. 497, 499 (2002); *see also id.* (explaining that legal conviction and punishment of an offender is "the strongest institutional acknowledgment not only that the victim is worthy of respect but also that she is right").

What matters is not simply punishment of the 9/11 Defendants, but as Peaceful Tomorrows has explained, punishment under the rule of law, with a conviction announcing the community's judgment that crimes have been committed and legal punishment demonstrating that there is a just response to the victims' suffering.



**V. PLEA AGREEMENTS, ESPECIALLY COOPERATION AGREEMENTS, MUST BE ENFORCED TO BE EFFECTIVE**

Plea agreements are bargained-for contracts. A criminal defendant agrees to admit guilt and accept responsibility, typically in exchange for some tangible benefit such a reduced charge or sentence. Without those benefits, there is no incentive for a defendant to plead guilty. If the government cannot be trusted to abide the terms of its agreement—particularly in the context of a military commissions system that is already viewed with skepticism—plea agreements cease being a useful tool in the criminal justice system, to the detriment of the government, public and crime victims.

**A. Entering a Plea Agreement Requires Trust that the Defendant Will Receive a Benefit from His Bargain with the Government**

Plea agreements allow prosecutors to offer a lesser sentence in exchange for the defendant’s acceptance of responsibility and (with respect to cooperation agreements) assistance.

When defendants cooperate with the government, they provide information against other criminals, often times extremely dangerous criminals. Providing this information comes at enormous risk to the defendants themselves and, often, to their loved ones. Without assurance that the government will follow through on its agreement, no defendant would entertain such a deal.

Because Petitioner desired to take responsibility for his actions, to make amends, and to find a way to return to the world, he pursued a plea agreement while confined at Guantánamo Bay. His plea and cooperation have provided information to the government, the public, and his victims. His renunciation of terrorism and his cooperation against other defendants has placed himself and his family in danger of retaliation. The risk he took is so great that he will never be able to return to Pakistan, his home country.

Yet having entered into an agreement with the government, and, having fulfilled all his obligations under the agreement and served the sentence imposed by the commission, the government now refuses to release him from custody. Despite his cooperation and plea, he is now situated no differently from the other Guantánamo detainees still awaiting trial.

Not only is releasing Petitioner from custody the only just resolution to his case, but requiring the government to comply with its bargain and release Petitioner would serve as a strong message to other detainees—including the 9/11 Defendants—that pre-trial resolution has tangible benefits, and that the government must follow through on its obligations. Failure to enforce the agreement to do so sends precisely the opposite message, communicating that there is no benefit to a defendant in entering into a plea agreement, a result that will leave victims continuing to wait for finality and justice. Indeed, if the government’s obligations under the plea agreement are not enforced, any ongoing plea discussions involving the 9/11 Defendants are likely to fail.

**B. Entering a Plea Is Binding on the Parties Involved**

Petitioner’s release is not only strategically important for preserving the plea agreement process, it is also legally required. “In interpreting the terms of a plea agreement, [courts] look to principles of contract law.” *United States v. Murray*, 897 F.3d 298, 304 (D.C. Cir. 2018). As the Supreme Court has held, “[a]lthough the analogy may not hold in all respects, plea bargains are essentially contracts.” *Puckett v. United States*, 556 U.S. 129, 137 (2009). In keeping with that understanding, the Court stated that “when one of the exchanged promises [in a plea agreement] is not kept . . . we do not say the voluntary bilateral consent to the contract never existed . . . we say that the contract was broken.” *Id.*

“When a defendant agrees to a plea bargain, the Government takes on certain obligations. If those obligations are not met, the defendant is entitled to seek a remedy [including] specific

performance of the contract.” *Id.* Indeed, the government itself regularly argues that provisions of a plea agreement must be specifically enforced. For example, in *United States v. Lee*, 888 F.3d 503 (D.C. Cir. 2018), the government argued that “[plea] bargains depend on the trust of the parties that their agreed-upon terms would be enforced.” Brief for Appellee at 22, fn. 5, *United States v. Lee*, 888 F.3d 503 (D.C. Cir. 2018) (No. 17-3039). The D.C. Circuit agreed, holding:

In a plea agreement, the defendant obtains certain benefits, and the Government obtains certain benefits. One of the benefits the Government sometimes bargains for is the defendant’s waiver of the right to appeal the sentence. When the defendant knowingly, intelligently, and voluntarily waives the right to appeal but later can still appeal because of a technical violation at the plea hearing, the Government loses that benefit, and the defendant obtains a windfall.

*Lee*, 888 F.3d at 506.

Petitioner has complied, even at personal risk, with every requirement of his plea agreement. The government must now be required to live up to its end of the bargain and release him—both because it is the just result in this case and because other detainees—including the 9/11 Defendants—should be assured that the government will fulfill its legal obligations.

## **VI. CONCLUSION**

Members of Peaceful Tomorrows have, for the past two decades, sought justice and resolution under law for the September 11 attacks. More than 20 years after their relatives’ deaths, the 9/11 military commission has failed to provide either.

Petitioner’s case, on the other hand, serves as a model for justice and accountability, which Peaceful Tomorrows earnestly hopes will be followed by the 9/11 Defendants. Petitioner has not only served his sentence but has also explained his actions, demonstrated his remorse, and has helped the United States in its effort to deter and prosecute other terrorists. Petitioner’s release will pave a way for other defendants to choose a similar path.

For two decades Peaceful Tomorrows' families have waited for answers, information, acceptance of responsibility, and reliable, final convictions pursuant to the rule of law. In that time, many of Peaceful Tomorrows' members, and other victims' family members, have passed away never having seen a measure of justice served for the crimes that occurred on September 11, 2001. The government now has a chance—perhaps its last—to resolve the case against the 9/11 Defendants and provide these victims with the justice, finality and information they deserve. The success of that effort depends to a large degree on whether the government will follow through on its commitments and legal obligations.

To that end, Peaceful Tomorrows respectfully requests that this court grant Petitioner's writ of habeas corpus.

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