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# ATTACHMENT A



# ATTACHMENT B

**UNITED STATES** ) **SECOND MODIFICATION TO**  
 ) **FEBRUARY 13, 2012**  
**V.** ) **PRETRIAL AGREEMENT**  
 ) **AND APPENDIX A**  
**MAJID SHOUKAT KHAN** )  
**ISN 10020** ) **April 13, 2021**

**SECOND MODIFICATION TO PRETRIAL AGREEMENT**

I, MAJID SHOUKAT KHAN, ISN 10020, with the benefit of the sound advice of my Defense Counsel, request the Convening Authority accept a second proposed modification to the February 13, 2012 Pretrial Agreement (AE 012) and Appendix A (AE 013), as previously amended by the Modification of October 1, 2015 (AE 012A).

I make this proposal voluntarily and with full knowledge of its meaning and effect. Should it be agreed upon by the Convening Authority and accepted by the Military Judge, and in consideration of the agreement by the Convening Authority to remain bound by the provisions of the February 13, 2012 Pretrial Agreement and Appendix A, and the terms of the Modification of October 1, 2015, I shall remain bound by, and intend to receive the benefits of, the provisions of the February 13, 2012 Pretrial Agreement and Appendix A, as modified here, and the terms of the Modification of October 1, 2015, because it is in my best interest to do so.

In order to effect my intentions and in accordance with Paragraph 30 of the February 13, 2012 Pretrial Agreement, I hereby offer to modify the February 13, 2012 Offer for Pretrial Agreement (AE 012), as previously amended by the Modification of October 1, 2015 (AE 012A), as follows, with the Convening Authority's countersignature below indicating his acceptance and thus our mutual agreement:


1. In paragraph 5.d, "7 years" (the change effected by the October 1, 2015 modification) is changed to "9 years," and in paragraph 18 "seven (7) years" (also the change effected by the October 1, 2015 modification) is changed to "nine (9) years."
2. Paragraph 21 of the February 13, 2012, Pretrial Agreement is amended by deleting the word "may" from the first sentence of the paragraph and substituting therefore the words "will not." Additionally, the words "subject to any rulings by the military judge" are also deleted from that sentence. Paragraph 21 is further modified by adding the following language after the first sentence: "Upon the signing of this modification I agree not to make any future motions, except ones relating to procedural or scheduling matters, and to move to withdraw AE 030, AE 033, and all pending motions, including any for which the Commission has deferred ruling on mixed questions of law and fact. I will also move to vacate the Commission's AE 033K ruling, because I believe it is in my best interest to do so. In any event, I agree not to pursue any additional administrative sentencing credit. I agree that if the Military Judge denies any motions to withdraw pending motions and/or to deny a motion to vacate AE 033K, that this second modification to the February 13, 2012 Pretrial Agreement is void.

3. Paragraph 22 of the Pretrial Agreement is amended by adding the following language after the first sentence: "However, the Government agrees that my father Khan Ali shall be permitted to attend my sentencing at Guantanamo, in person, as an observer of the proceedings provided he meets all applicable travel and security requirements. He may be accompanied by one additional member of my immediate family as needed to care for and assist him. Before that individual travels they must also meet all applicable travel and security requirements."
4. Paragraph 23 of the Pretrial Agreement is amended by deleting the words "or present at a sentencing hearing" from the first sentence and the period after the word "Commission" is deleted and the following is added, ", and compensation will be accorded consistent with the Regulation for Trial by Military Commission."
5. Paragraph 24 is amended to delete the word "written." The paragraph is otherwise unchanged.
6. Paragraph 27 is amended to delete the words "between now and the time" from the second sentence of the paragraph and substituting therefore the word "after."

As consideration for the offer of the accused presented above in this Second Modification of the Pretrial Agreement, the Convening Authority agrees to the following modification of Appendix A to the February 13, 2012 Pretrial Agreement, as amended by the Modification of October 1, 2015:

1. Paragraph 1 of Appendix A is amended by deleting the number "25" from that paragraph and substituting therefore the number "14."
2. The last sentence of Paragraph 3 of Appendix A is amended by deleting the number "19" and substituting therefore the number "11."

APRIL-14-21  
Date

  
MAJID S. DUKAT KHAN

I certify I advised the accused of the effect of the foregoing, and I witnessed his voluntary signature to this MODIFICATION.

//s// April 15, 2021  
Mr. J. Wells Dixon/Date

//s// April 15, 2021  
Ms. Katya Jestin/Date

//s// April 15, 2021  
CPT Michael Lyness /Date

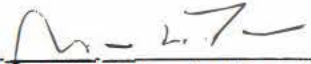
//s// April 15, 2021  
Mr. Ian Moss/Date

//s// April 15, 2021  
COL Wayne Aaron/Date

//s// April 15, 2021  
Ms. Natalie Orpett/Date

I recommend (acceptance) (~~rejection~~) of this MODIFICATION.

16 Apr 2021  
Date

  
Legal Advisor to the Convening Authority

The foregoing MODIFICATION is accepted and approved.

16 April 2021  
Date

  
Convening Authority