

UNITED STATES)
)
 V) U.S. NAVAL STATION
) GUANTANAMO BAY, CUBA
 MAJID SHOUKAT KHAN)
 ISN 10020)
) FEBRUARY 13, 2012

APPENDIX A TO OFFER FOR PRETRIAL AGREEMENT

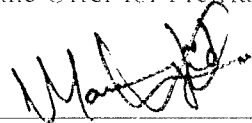
As consideration for the offer of the accused to plead guilty as set forth in the Offer for Pretrial Agreement, dated February 13, 2012, the Convening Authority will undertake that:

1. The approved sentence will not exceed 25 years.
2. Before taking action on my sentence, the Convening Authority will determine whether I have provided full and truthful cooperation amounting to substantial assistance to the Government as set forth in Paragraph in Paragraph 13 of the Offer for Pretrial Agreement. Substantial assistance does not require that my cooperation directly result in an arrest or prosecution.
3. At the time the Convening Authority takes action on the sentence, the Convening Authority may disapprove, suspend, or remit any additional portion of the sentence as the Convening Authority may determine to be appropriate in light of the cooperation I have provided pursuant to this agreement. Among the factors that the Convening Authority will consider in taking action on my sentence, will be a determination regarding the extent of my cooperation and substantial assistance, in deference to the representations of the Trial Counsel. Trial Counsel's representations will be made to the Convening Authority in good faith, and in Trial Counsel's sole discretion. Should the Convening Authority, in his sole discretion, determine that I have provided full and truthful cooperation amounting to substantial assistance, the Convening Authority will approve a sentence not to exceed 19 years.
4. In approving a sentence, the Convening Authority further agrees to consider any arguments that I may submit in mitigation, including without limitation, arguments concerning the nature of my capture, detention and confinement.
5. Except as provided in my Offer for Pretrial Agreement, I waive any right to assert a claim for any day-for-day credit against my sentence to confinement based on any capture, detention or confinement prior to the date that the Military Judge accepts my plea.

(This is the original Appendix A submitted with the Offer for Pretrial Agreement.)

FEB-13-2012

Date



MAJID SHOUKAT KHAN

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

2/13/12

Date



Mr. J. Wells Dixon

2/13/12

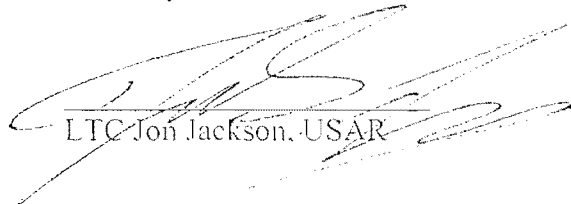
Date



Ms. Katya Jestin

2/13/12

Date



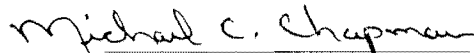
LTC Jon Jackson, USAR

I recommend (acceptance) (~~rejection~~) of this Appendix A.

mcc

2/15/12

Date

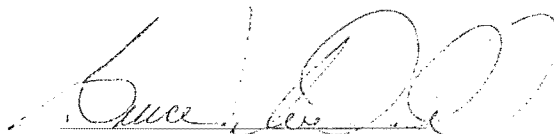


Legal Advisor to the
Convening Authority

The foregoing Appendix A is approved in conjunction with the Pretrial Agreement, dated 2/13/12

2/15/12

Date



Bruce MacDonald
Convening Authority