

Settlement and Release

By and through their attorneys, the Plaintiffs-Appellants, Ahmer Iqbal Abbasi, Anser Mehmood, Benamar Benatta, Ahmed Khalifa Abd Elaziz Khalifa, Saeed Hammouda, and Purna Raj Bajracharya, and Defendant-Appellee, Dennis Hasty, parties to Appeal No. 21-2926 in the United States Court of Appeals for the Second Circuit, on appeal from No. 1:02-cv-02307 in the United States District Court for the Eastern District of New York, hereby agree as follows:

1. Plaintiffs-Appellants and Defendant-Appellee Hasty hereby agree to settle and compromise each and every claim of any kind, whether known or unknown, arising directly or indirectly from any alleged acts or omissions by Defendant-Appellee Hasty, under the terms and conditions set forth in this Settlement and Release.

2. Defendant-Appellee Hasty's agreement to settle and compromise this action is expressly conditioned upon his former employing agency, the Federal Bureau of Prisons ("BOP"), which is not a party to this action, indemnifying him in full for the agreed-upon settlement sum indicated below. In accordance with 28 C.F.R. § 50.15(c), the BOP has provided written certification to the U.S. Department of Justice, Civil Division, that it will use its appropriated funds to pay the settlement sum indicated below, and the Principal Deputy Assistant Attorney General of the Civil Division approved this settlement on May 21, 2022. Thus, the BOP has advised Defendant-Appellee Hasty and his undersigned counsel that it will indemnify Defendant-Appellee Hasty for the settlement sum of **\$98,000**, and, on his behalf,

cause that sum to be electronically transferred to the bank account of the Center for Constitutional Rights, at which Rachel Meeropol, Esquire, counsel for Plaintiffs-Appellants, is employed, as soon as practicable after receiving notification that: (1) the parties and their counsel have fully executed this Settlement and Release and a separate Stipulation of Voluntary Dismissal; and (2) Ms. Meeropol has provided to Defendant-Appellee Hasty's counsel all information necessary for the BOP to make an electronic-funds transfer to the Center for Constitutional Rights' bank account.

3. The BOP's one-time payment of \$98,000, \$16,000 each for the four Plaintiffs-Appellants detained under six months (Ahmed Khalifa Abd Elaziz Khalifa, Purna Raj Bajracharya, Anser Mehmood, and Ahmer Iqbal Abbasi) and \$17,000 each for the two Plaintiffs-Appellants detained over six months (Saeed Hammouda and Benamar Benatta), shall be in full settlement and satisfaction of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries, damage to property and the consequences thereof, resulting, and to result, from the subject matter of this lawsuit, including any claims alleging deliberate indifference to physical abuse, for which Plaintiffs-Appellants or their guardians, heirs, executors, administrators, or assigns, and each of them, now have or may hereafter acquire against the United States of America; the Department of Justice ("DOJ"), the BOP, or any other DOJ component; Defendant-Appellee Hasty, Salvatore LoPresti, or Joseph Cuciti; any past or present BOP official, officer, or

employee; or any past or present agent, servant, employee, officer, or official of the United States (either in an official or individual capacity).

4. Plaintiffs-Appellants and their guardians, heirs, executors, administrators, or assigns hereby agree to accept the sum set forth in this Settlement and Release in full settlement, satisfaction, and release of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, including claims alleging deliberate indifference to physical abuse, arising from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries, damage to property and the consequences thereof which they may have or hereafter acquire against the United States of America; the DOJ, BOP, or any other DOJ component; Defendant-Appellee Hasty, Salvatore LoPresti, or Joseph Cuciti; any past or present BOP official, officer, or employee; or any past or present agent, servant, employee, officer, or official of the United States (either in an official or individual capacity), on account of the same subject matter that gave rise to this lawsuit, including any future claim or lawsuit of any kind or type whatsoever, whether known or unknown, and whether for compensatory or exemplary damages. Plaintiffs-Appellants and their guardians, heirs, executors, administrators, or assigns further agree to reimburse, indemnify, and hold harmless the United States; the DOJ, BOP, or any other DOJ component; Defendant-Appellee Hasty, Salvatore LoPresti, or Joseph Cuciti; any past or present BOP official, officer, or employee; or any past or present agent, servant, employee, officer, or official of the United States (either in an official or individual capacity),

from and against any and all such causes of action, claims, liens, rights, or subrogated or contribution interests incident to or resulting from further litigation or the prosecution of claims by Plaintiffs-Appellants or their guardians, heirs, executors, administrators, or assigns against any third party or against the United States; the DOJ, BOP, or any other DOJ component; Defendant-Appellee Hasty, Salvatore LoPresti, or Joseph Cuciti; any past or present BOP official, officer, or employee; or any past or present agent, servant, employee, officer, or official of the United States (either in an official or individual capacity), including claims alleging deliberate indifference to physical abuse.

5. This Settlement and Release is not, is in no way intended to be, and should not be construed as an admission of liability or fault on the part of the United States; the DOJ, BOP, or any other DOJ component; Defendant-Appellee Hasty or any past or present BOP official, officer, or employee; or any past or present agent, servant, employee, officer, or official of the United States (either in an official or individual capacity), named or unnamed, and it is specifically denied that any such governmental entities or individuals are liable to any Plaintiff-Appellant. This Settlement and Release is entered into by all remaining parties for the purpose of compromising all disputed claims arising out of *Turkmen v. Ashcroft, et al.*, No. 1:02-cv-02307-DLI-RML (E.D.N.Y.), and avoiding the expenses and risks of further litigation.

6. It is also agreed, by and among the parties, that the respective parties will each bear their own costs, attorneys' fees, and any other fees and expenses, and that

any attorneys' fees owed by the Plaintiffs-Appellants will be paid out of the settlement amount and not in addition thereto.

7. Payment of the settlement amount will be made to Plaintiffs-Appellants' counsel by the BOP through government wire transfer as per the following information provided by Plaintiffs-Appellants' counsel:

- A. Name of Bank: TD Bank
- B. Street Address of Bank: 21 East 1st Street
- C. City, State, and Zip Code of Bank: New York, NY 10003
- D. Telephone Number of Bank: (212) 777-4549
- E. Name on Bank Account: Center For Constitutional Rights-IOLA Acct
- F. Account Type: Checking
- G. American Banking Association (ABA) Routing Number: 026013673
- H. Account Number: 4334414721
- I. Law Firm Tax ID Number: 22-6082880
- J. Street Address of Recipient: 666 Broadway, 7th Floor
- K. City, State, and Zip Code of Recipient: New York, NY 10012

8. Immediately upon their execution of this Settlement and Release, counsel for the parties shall execute a Stipulation of Voluntary Dismissal under Federal Rule of Appellate Procedure 42(b) (attached hereto as Appendix A)—providing for the dismissal of the above-captioned action, with each party bearing its own attorneys' or other fees, costs, and expenses. Following the execution of this Settlement and

Release, the Director of the BOP, M.D. Carvajal, will sign letters—addressed to each Plaintiff (unsigned versions of which are attached hereto as Appendix B)—which will be provided by BOP and forwarded by counsel for Defendant-Appellee Hasty to counsel for Plaintiffs-Appellants. The fully executed Stipulation of Voluntary Dismissal shall be held by Plaintiff-Appellants’ counsel and filed by her, with the Court of Appeals, not later than five business days of the agreed-upon settlement sum of \$98,000 being deposited into the bank account designated by her in Paragraph 7, and receipt of the letters referenced in Paragraph 8. Plaintiffs-Appellants’ counsel agrees to distribute the settlement proceeds, as outlined in Paragraph 3, and the letters from the BOP Director to Plaintiffs-Appellants, but not before the Court of Appeals has entered a mandate pursuant to the Stipulation of Voluntary Dismissal.

9. The parties agree that this Settlement and Release, including all the terms and conditions of this compromise settlement and any additional agreements relating thereto, may be made public in their entirety, and the Plaintiffs-Appellants expressly consent to such release and disclosure pursuant to 5 U.S.C. § 552a(b).

10. This Settlement and Release shall be binding upon, and inure to the benefit of, all parties and their principals, agents, representatives, heirs, successors, and assigns. This Settlement and Release shall be fully enforceable by the parties in an action at law or in equity, and nothing contained herein shall preclude or be construed to preclude an action at law or in equity by the parties against each other to enforce the provisions of this Settlement. Nothing herein shall in any way limit the use of this

Settlement and Release as evidence in a proceeding to enforce any or all of the Settlement's provisions.

11. The persons signing this Settlement and Release warrant and represent that they possess full authority to bind the persons on whose behalf they are signing the terms of the settlement.

12. Each party affirms that they have been represented by, and have relied upon, their own counsel in the negotiations for the preparation of this Settlement and Release; that they have completely read the Settlement's contents and had them fully explained to them by counsel; that they fully understand all of the terms of the Settlement and the legal consequences thereof; and that they freely and voluntarily enter into this Settlement, of their own free will and with the advice of counsel, who have explained the Settlement's legal effect.

13. This Settlement and Release shall be deemed to have been drafted by all parties to this Settlement and shall not, therefore, be construed against any party for that reason in any subsequent dispute.

14. This Settlement and Release contains the entire settlement agreement between the parties, who acknowledge that there are no warranties, promises, representations, terms, conditions, or obligations other than those contained in this Settlement. Any prior statements, representations, promises, agreements, understandings, conversations, communications, or negotiations, oral or otherwise, between the parties or their counsel, are merged into this Settlement and have no

force or effect other than as expressed in the body of this Settlement.

15. This Settlement and Release may not be altered, modified, or otherwise changed in any respect except by writing, duly executed by all of the parties or their authorized representatives.

16. It is contemplated that this Settlement and Release may be executed in several counterparts, with a separate signature page for each party or attorney. All such counterparts and signature pages, together, shall be deemed to be one document. The parties further agree that a copy of the fully executed Settlement and Release shall have the same legal effect and shall be equally enforceable at law or in equity as the original fully executed Settlement.

17. If any provision of this Settlement and Release is to any extent invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

18. The parties submit to the Court of Appeal's retention of jurisdiction over this case pending the BOP's payment of the agreed-upon settlement sum of \$98,000, the provision of the signed letters, and the parties' filing of the Stipulation of Voluntary Dismissal discussed in Paragraph 8.

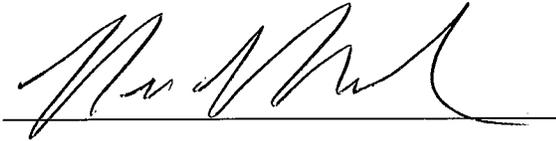
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Executed this 13th day of June, 2022.



Rachel Meeropol
Baher Azmy
CENTER FOR
CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, New York 10012-2317
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David M. Zions
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, DC 20001
Tel: (202) 662-6000

Counsel for Plaintiffs-Appellants

Executed this 25 day of May, 2022.



Ahmer Iqbal Abbasi
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Anser Mehmood
Plaintiff-Appellant

Executed this _____ day of May, 2022.

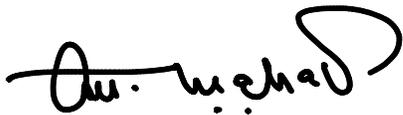
Benamar Benatta
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Executed this _____ day of May, 2022.

Ahmer Iqbal Abbasi
Plaintiff-Appellant

Executed this _____ 26th _____ day of May, 2022.



A handwritten signature in black ink, appearing to read "An. Mehmood". The signature is fluid and cursive, with a large loop at the end.

Anser Mehmood
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Benamar Benatta
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Ahmer Iqbal Abbasi
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Anser Mehmood
Plaintiff-Appellant

Executed this 24th day of May, 2022.



Benamar Benatta
Plaintiff-Appellant

Executed this 13th day of June, 2022.

Ahmed Khalifa Abd Elaziz Khalifa

Dr. Ahmed Khalifa Abd Elaziz Khalifa
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Saeed Hammouda
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Purna Raj Bajracharya
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Ahmed Khalifa
Plaintiff-Appellant

Executed this 26th of May, 2022.



Saeed Hammouda
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Purna Raj Bajracharya
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Ahmed Khalifa
Plaintiff-Appellant

Executed this _____ day of May, 2022.

Saeed Hammouda
Plaintiff-Appellant

Executed this 28 day of May, 2022.

Purna

Purna Raj Bajracharya
Plaintiff-Appellant

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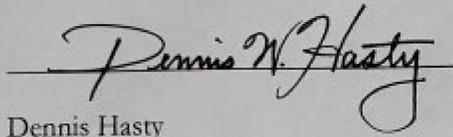
Executed this 26th day of May, 2022.



Clifton S. Elgarten
Kate M. Growley
Elizabeth B. Dawson
CROWELL & MORING LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004
Tel: (202) 624-2523
Fax: (202) 628-5116
celgarten@crowell.com

Counsel for Defendant-Appellee Dennis Hasty

Executed this 24th day of May, 2022.

A handwritten signature in cursive script that reads "Dennis W. Hasty". The signature is written in black ink and is positioned above a horizontal line.

Dennis Hasty
Defendant-Appellee

Appendix A

No. 21-2926

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

AHMER ABASSI, ANSER MEHMOOD, BENAMAR BENATTA, SAEED
HAMMOUDA, AND PURNA BAJRACHARYA,

Intervenors-Plaintiffs-Appellants,
ASHRAF IBRAHIM,

Plaintiff-Respondent,

IBRAHIM TURKMEN, ASIF-UR-REHMAN SAFFI, SYED AMJAD ALI JAFFRI,
on behalf of themselves and all others similarly situated, AKIL SACHVEDA,
SHAKIR BALOCH, HANY IBRAHIM, YASSER EBRAHIM, and AKHIL
SACHDEVA,

Plaintiffs,

v.

WARDEN DENNIS HASTY,

Defendant-Appellee.

(caption continued inside front cover)

On Appeal from the United States District Court for the Eastern District of New
York The Honorable Judge Dora L. Irizarry (No. 1:02-cv-02307-DLI-RML)

**STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO
FEDERAL RULE OF APPELLATE PROCEDURE 42(B)**

ELIZABETH TORRES, MDC Lieutenant, JOHN OSTEEEN, MDC Correctional Officer, MICHAEL DEFRANCISCO, MDC Correctional Officer, RICHARD DIAZ, MDC Correctional Officer, MARIO MACHADO, MDC Correctional Officer, BRIAN RODRIGUEZ, MDC Correctional Officer, SCOTT ROSEBERRY, MDC Correctional Officer, and STUART PRAY, MDC Lieutenant,

Defendants-Cross-Claimants,

JOHN ASHCROFT, Attorney General of the United States, ROBERT MUELLER, Director, Federal Bureau of Investigations, JAMES W. ZIGLAR, Commissioner, Immigration and Naturalization Service, JOHN DOES 1-20, MDC Corrections Officers, JOHN ROES, 1-20, Federal Bureau of Investigation and/or Immigration and Naturalization Service Agents, MICHAEL ZENK, Warden of the Metropolitan Detention Center, CHRISTOPHER WITSCHER, MDC Correctional Officer, JAMES SHERMAN, Unit Manager, CLEMET'T SHACKS, MDC Counselor, RAYMOND COTTON, MDC Counselor, WILLIAM BECK, MDC Lieutenant, SALVATORE LOPRESTI, MDC Captain, STEVEN BARRERE, MDC Lieutenant, LINDSEY BLEDSOE, MDC Lieutenant, JOSEPH CUCITI, MDC Lieutenant, HOWARD GUSSAK, MDC Lieutenant, MARCIAL MUNDO, MDC Lieutenant, DANIEL ORTIZ, MDC Lieutenant, PHILLIP BARNES, MDC Correctional Officer, SYDNEY CHASE, MDC Correctional Officer, KEVIN LOPEZ, MDC Correctional Officer; MICHAEL MCCABE, MDC Correctional Officer, RAYMOND MICKENS, MDC Correctional Officer, and JAMES CUFFEE, MDC Counselor,

Defendants,

OMER GAVRIEL MARMARI, YARON SHMUEL, PAUL KURZBERG, SILVAN KURZBERG, JAVAID IQBAL, EHAB ELMAGHRABY, and IRUM E. SHIEKH,

Intervenors.

IT IS HEREBY STIPULATED AND AGREED by and between the parties that the above-captioned appeal is voluntarily dismissed pursuant to Federal Rule of Appellate Procedure 42(b). The parties request the Court of Appeals issue a mandate consistent with this stipulated dismissal.

Each party shall bear its own costs.

Respectfully submitted,

Rachel Meeropol
Baher Azmy
CENTER FOR
CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
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Counsel for Plaintiffs-Appellants

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Fax: (202) 628-5116
celgarten@crowell.com

Counsel for Defendant-Appellee Dennis Hasty

Appendix B

[Month] [Day], 2022

Mr. Purna Raj Bajracharya
Satdobato-15
Lalitpur
Nepal

Re: *Turkmen, et al. v. Hasty, et al.*, Appeal No. 21-2926 (2d Cir.)

Dear Mr. Purna Raj Bajracharya:

As reflected in the public-record reports issued by the Department of Justice Office of the Inspector General, the DOJ/OIG investigated the conditions of confinement and treatment of you and other individuals detained at the Metropolitan Detention Center (MDC) after September 11, 2001. The DOJ/OIG determined that detainees were held in excessively restrictive and unduly harsh conditions of confinement and a number of individuals were physically and verbally abused by certain MDC officers. The Federal Bureau of Prisons takes allegations of abuse of individuals in its custody seriously. Under the exceptional circumstances of this unique case and before the facts have been fully litigated or there has been any final judgment by the court in this case, the Federal Bureau of Prisons has agreed to provide funds to the former Warden of the MDC, Dennis Hasty, to indemnify him for the settlement of your claims. This will resolve all of your claims in this litigation.

Sincerely,

M.D. Carvajal
Director
Federal Bureau of Prisons

[Month] [Day], 2022

Mr. Ahmer Iqbal Abbasi
c/o Ms. Rachel Meeropol
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Re: *Turkmen, et al. v. Hasty, et al.*, Appeal No. 21-2926 (2d Cir.)

Dear Mr. Ahmer Iqbal Abbasi:

As reflected in the public-record reports issued by the Department of Justice Office of the Inspector General, the DOJ/OIG investigated the conditions of confinement and treatment of you and other individuals detained at the Metropolitan Detention Center (MDC) after September 11, 2001. The DOJ/OIG determined that detainees were held in excessively restrictive and unduly harsh conditions of confinement and a number of individuals were physically and verbally abused by certain MDC officers. The Federal Bureau of Prisons takes allegations of abuse of individuals in its custody seriously. Under the exceptional circumstances of this unique case and before the facts have been fully litigated or there has been any final judgment by the court in this case, the Federal Bureau of Prisons has agreed to provide funds to the former Warden of the MDC, Dennis Hasty, to indemnify him for the settlement of your claims. This will resolve all of your claims in this litigation.

Sincerely,

M.D. Carvajal
Director
Federal Bureau of Prisons

[Month] [Day], 2022

Mr. Anser Mehmood
c/o Ms. Rachel Meeropol
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Re: Turkmen, et al. v. Hasty, et al., Appeal No. 21-2926 (2d Cir.)

Dear Mr. Anser Mehmood:

As reflected in the public-record reports issued by the Department of Justice Office of the Inspector General, the DOJ/OIG investigated the conditions of confinement and treatment of you and other individuals detained at the Metropolitan Detention Center (MDC) after September 11, 2001. The DOJ/OIG determined that detainees were held in excessively restrictive and unduly harsh conditions of confinement and a number of individuals were physically and verbally abused by certain MDC officers. The Federal Bureau of Prisons takes allegations of abuse of individuals in its custody seriously. Under the exceptional circumstances of this unique case and before the facts have been fully litigated or there has been any final judgment by the court in this case, the Federal Bureau of Prisons has agreed to provide funds to the former Warden of the MDC, Dennis Hasty, to indemnify him for the settlement of your claims. This will resolve all of your claims in this litigation.

Sincerely,

M.D. Carvajal
Director
Federal Bureau of Prisons

[Month] [Day], 2022

Mr. Benamar Benatta
c/o Ms. Rachel Meeropol
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Re: Turkmen, et al. v. Hasty, et al., Appeal No. 21-2926 (2d Cir.)

Dear Mr. Benamar Benatta:

As reflected in the public-record reports issued by the Department of Justice Office of the Inspector General, the DOJ/OIG investigated the conditions of confinement and treatment of you and other individuals detained at the Metropolitan Detention Center (MDC) after September 11, 2001. The DOJ/OIG determined that detainees were held in excessively restrictive and unduly harsh conditions of confinement and a number of individuals were physically and verbally abused by certain MDC officers. The Federal Bureau of Prisons takes allegations of abuse of individuals in its custody seriously. Under the exceptional circumstances of this unique case and before the facts have been fully litigated or there has been any final judgment by the court in this case, the Federal Bureau of Prisons has agreed to provide funds to the former Warden of the MDC, Dennis Hasty, to indemnify him for the settlement of your claims. This will resolve all of your claims in this litigation.

Sincerely,

M.D. Carvajal
Director
Federal Bureau of Prisons

[Month] [Day], 2022

Mr. Saeed Hammouda
c/o Ms. Rachel Meeropol
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Re: Turkmen, et al. v. Hasty, et al., Appeal No. 21-2926 (2d Cir.)

Dear Mr. Saeed Hammouda:

As reflected in the public-record reports issued by the Department of Justice Office of the Inspector General, the DOJ/OIG investigated the conditions of confinement and treatment of you and other individuals detained at the Metropolitan Detention Center (MDC) after September 11, 2001. The DOJ/OIG determined that detainees were held in excessively restrictive and unduly harsh conditions of confinement and a number of individuals were physically and verbally abused by certain MDC officers. The Federal Bureau of Prisons takes allegations of abuse of individuals in its custody seriously. Under the exceptional circumstances of this unique case and before the facts have been fully litigated or there has been any final judgment by the court in this case, the Federal Bureau of Prisons has agreed to provide funds to the former Warden of the MDC, Dennis Hasty, to indemnify him for the settlement of your claims. This will resolve all of your claims in this litigation.

Sincerely,

M.D. Carvajal
Director
Federal Bureau of Prisons

[Month] [Day], 2022

Dr. Ahmed Khalifa Abd Elaziz Khalifa
c/o Ms. Rachel Meeropol
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Re: Turkmen, et al. v. Hasty, et al., Appeal No. 21-2926 (2d Cir.)

Dear Dr. Ahmed Khalifa Abd Elaziz Khalifa:

As reflected in the public-record reports issued by the Department of Justice Office of the Inspector General, the DOJ/OIG investigated the conditions of confinement and treatment of you and other individuals detained at the Metropolitan Detention Center (MDC) after September 11, 2001. The DOJ/OIG determined that detainees were held in excessively restrictive and unduly harsh conditions of confinement and a number of individuals were physically and verbally abused by certain MDC officers. The Federal Bureau of Prisons takes allegations of abuse of individuals in its custody seriously. Under the exceptional circumstances of this unique case and before the facts have been fully litigated or there has been any final judgment by the court in this case, the Federal Bureau of Prisons has agreed to provide funds to the former Warden of the MDC, Dennis Hasty, to indemnify him for the settlement of your claims. This will resolve all of your claims in this litigation.

Sincerely,

M.D. Carvajal
Director
Federal Bureau of Prisons