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March 31, 2005

~~CLASSIFIED~~ Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

(u) This Classified ARB Submission ("Classified Submission") is made by the law firm of Wilmer Cutler Pickering Hale and Dorr LLP on behalf of its client, Saber Lahmar.¹ It replaces our February 1, 2005, submission to the Board, which is hereby withdrawn. The procedures set forth in the Administrative Review Board Process ("ARB Process") require this Board to undertake "careful consideration" of a number of factors, including the likelihood that Mr. Lahmar "will take up arms against the United States or its allies," and Mr. Lahmar's "intelligence value." This Classified Submission will provide the Board with information concerning those factors to assist its determination that Mr. Lahmar does not pose a threat to the United States or its allies, and that there are no other factors supporting the need for Mr. Lahmar's continued detention.² Because the CSRT, as well as the underlying allegations, focus largely on the asserted relationships among Mr. Lahmar and the five other Bosnian-Algerians taken into custody by U.S. forces in Bosnia in January 2002, we respectfully request that this Board consider the Classified Submissions for all six of our clients when evaluating each of their cases. For

¹ (u) WCPHD provides this submission and the accompanying materials without waiving any claims submitted on behalf of Mr. Lahmar in the *habeas corpus* action *Boumediene et al. v. Bush et al.*, currently pending in the United States Court of Appeals for the District of Columbia. WCPHD has contended in those proceedings, among other things, that Mr. Lahmar was seized unlawfully by U.S. military authorities from Bosnia Herzegovina and is being detained unlawfully at Guantanamo.

² (u) This Classified Submission necessarily focuses on the classified contents of the record relied upon by the CSRT, which is the only classified information available at this time to counsel for Mr. Lahmar. The CSRT record, however, includes only a small portion of the written record reflecting information and statements provided by Mr. Lahmar during his internment at Guantanamo. For example, we are aware that every detainee subject to the Department of Defense's order establishing the CSRTs was determined to be an enemy combatant through "multiple levels of review." See Order Establishing Combatant Status Review Tribunal, § (a) (July 7, 2004). We have not been furnished with documentation demonstrating either the facts or process used in such previous "multiple levels of review" for either Mr. Lahmar or our other five clients.

(u) The Board should affirmatively enquire whether additional information is available that bears on the fact that Mr. Lahmar does *not* pose a risk to the United States or its interests and has no intelligence value. Further, this Board is mandated by its own procedures to assess the reliability of any piece of information presented in the ARB proceeding, including whether the information is "specific as to the matters described," "corroborated by other information," and was obtained by a source that "appears credible." *Administrative Review Board Process*, ARB proceedings at (e)(3). The ARB procedures specifically and importantly recognize that information that is "vague, unsupported, or not established through reliable sources" is considered less reliable.

(u) To the extent the Board relies on any such additional information, we request that it also be made available for immediate review and comments by us as Mr. Lahmar's security-cleared counsel. See *In Re Guantanamo Detainee Cases Memorandum Opinion Denying in Part and Granting in Part Respondents' Motion to Dismiss or for Judgment as a Matter of Law at 45-53* (Jan. 31, 2005) (Classified) (finding CSRT process unconstitutional on the ground that, *inter alia*, counsel must have access to all information relied upon for purposes of reaching "enemy combatant" determination).

SECRET//NOFORN

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March 31, 2005

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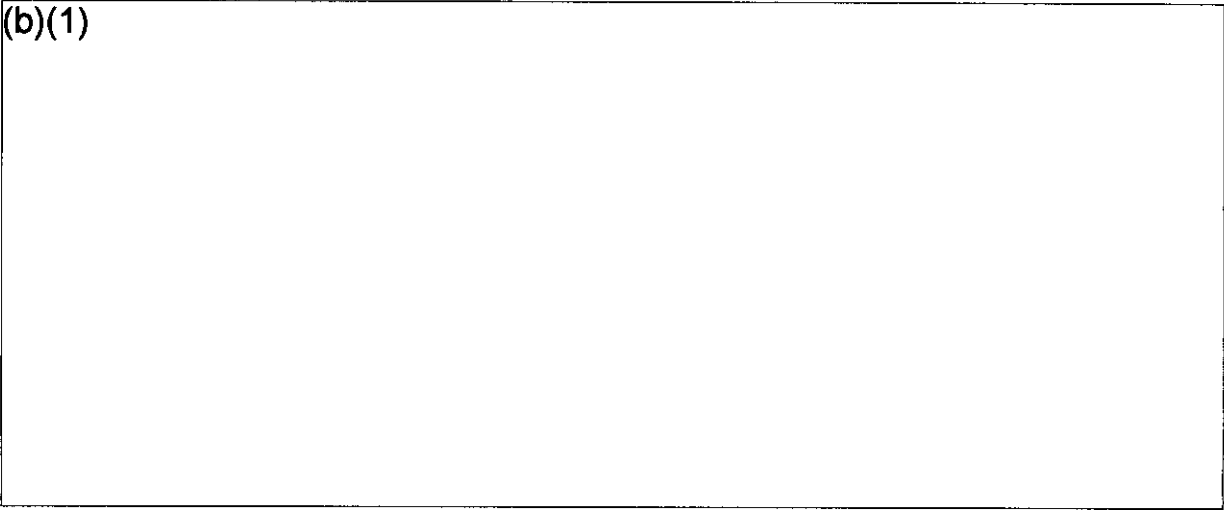
the reasons explained below, this Board should find that Mr. Lahmar does not pose a threat to the United States or its allies, and has no intelligence value.

Summary (u)

(u) Consistent with the procedures and standards set out in the "Administrative Review Board Process" ("ARB Process"),³ *see generally* section 3(f) (1), this submission provides the following information (each point is addressed in greater detail below):

- (u) 1. Personal information about Mr. Lahmar, including his age, work history, health, education, marital and family status. As detailed below, Mr. Lahmar is a 35-year-old married father of two children. In the years prior to his detention, he had a steady history of employment working in Bosnia and Herzegovina ("Bosnia") with the Saudi High Committee, where he was a librarian, scholar, and teacher of Arabic language. He holds a bachelor's degree in Islamic Law from Medina Islamic University in Saudi Arabia. A certificate from his *alma mater* is attached to this submission as Exhibit 3.
- (u) 2. The circumstances of Mr. Lahmar's apprehension and subsequent detention. Mr. Lahmar is a Bosnian resident who was turned over to U.S. authorities on Bosnian soil at the demand of the U.S. government – thousands of miles from the battlefield in Afghanistan, and only after he had been ordered released by Bosnian authorities who had determined following lengthy proceedings that there was no evidentiary support for allegations against him. He has now been held at Guantanamo for over three years.

(b)(1)



(u) ³ The ARB Process is attached to the Memorandum re: Implementation of Administrative Review Procedures for Enemy Combatants Detained at U.S. Naval Base Guantanamo Bay, Cuba, dated September 14, 2004), and is publicly available at <http://www.defenselink.mil/news/Sep2004/d20040914adminreview.pdf>.

March 31, 2005

~~CLASSIFIED~~ Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

significant additional information about the ex brother-in-law and his motivations, as discussed below.

- (u) 3. Statements made by Mr. Lahmar prior to or while in detention, and cooperation of Mr. Lahmar and conduct while in detention. Mr. Lahmar has consistently and adamantly maintained that he has no connection to al Qaeda or any other terrorist organization. Nothing in Mr. Lahmar's statements or conduct while in detention suggests that he poses any threat.
- (u) 4. Information regarding Bosnia, including whether Bosnia will accept return of Mr. Lahmar. Bosnia, an American ally, is actively engaged in diplomatic efforts to bring Mr. Lahmar home to his family in Bosnia. A separate memorandum addressing events in Bosnia, and the position of the Bosnian government, is included in the Joint Appendix at Exhibit B.
- (~~SECRET~~) 5. The likelihood of Mr. Lahmar taking up arms against the United States or its allies. Unlike many other detainees who have been deemed "enemy combatants," Mr. Lahmar was not apprehended on the battlefield, and in fact there is no evidentiary support whatsoever to suggest that he has ever taken up arms against the United States or its allies. Notably, no arms, weapons, plans, maps, or bomb-making equipment was ever found in his possession or control. (b)(1)

(b)(1)

Lahmar has consistently and adamantly denied any connection with any such alleged "conspiracy" or with any other terrorist activity.

- (u) 6. Possible intelligence value.⁴ Notwithstanding the original stated basis for Mr. Lahmar's apprehension and transfer to Guantanamo- the alleged U.S. Embassy bombing plot- interrogations of Mr. Lahmar at Guantanamo over the past three years have focused almost entirely on questions relating to his knowledge of Muslim charitable organizations operating in Bosnia. The record amply reflects that Mr. Lahmar has been questioned repeatedly on this topic, and by all appearances, any and all information on this topic he has long since disclosed. There is no reason to believe, at this late date, and following all that has transpired since 2001 that Mr. Lahmar is a source for any additional intelligence information.

(u) ⁴ Detention for purposes of interrogation and intelligence gathering is unlawful, *see Hamdi v. Rumsfeld*, 542 U.S. ___, slip op. at 13 (2004).

UNCLASSIFIED

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

- (u) 7. Mr. Lahmar's health. Based on a detailed form of psychological examination prepared by our consulting forensic psychologist, Dr. Daryl Matthews, which was administered to Mr. Lahmar in Guantanamo Prison by us as counsel in February 2004, Dr. Matthews has now given his professional opinion (discussed below) that Mr. Lahmar is likely to suffer continuing and exacerbated symptoms of depression and stress disorder if he remains confined and subject to interrogation at Guantanamo. In addition, while we have been denied access to Mr. Lahmar's health records, he has told us in counsel interviews of a variety of ailments and illnesses which he has experienced as a detainee at Guantanamo.
- (u) ARB Process requires the Board to undertake "careful consideration of all of the foregoing applicable factors" and to balance them (section 3(f) (1) (e)). The Board must make an assessment of the reliability of any information presented in the proceeding, including "whether the information is specific as to the matters discussed," "corroborated by other information," and "whether the source appears credible" (section 3(e) (3)). Moreover, the Board should give less weight to information – such as much of the information relied upon by the CSRT's – that is "vague, unsupported, or not established through reliable sources" (*id.*). In the end, critically, the Board is specifically admonished to "make an independent recommendation *notwithstanding any prior determinations*" (section 1(b) (emphasis added)).
- (u) These factors, and the available record, show that Mr. Lahmar presents no present security risk to the United States or its allies, and he consequently should be released and returned home to Bosnia. In contrast to all but a handful of other detainees at Guantanamo Bay, Mr. Lahmar was effectively exonerated by both the Supreme Court and the Chief Prosecutor of Bosnia and Herzegovina of the very allegations that formed the basis for his arrest and subsequent detention in Guantanamo. This is particularly significant as Bosnia is a key U.S. ally in that part of Europe, (b)(1)
- (b)(1) Under these circumstances, and in light of Mr. Lahmar's history as a devoted scholar, teacher and family man, Mr. Lahmar poses no risk to the United States. Given the devastating effects of continued detention on Mr. Lahmar and his family, justice and human decency require his release forthwith.

A. (u) Detailed Discussion of ARB Criteria

1. (u) Personal information about Mr. Lahmar, including his age, work history, health, education, marital and family status.

(u) All of the evidence we have been able to obtain concerning Mr. Lahmar's history and family life shows that his life prior to his detention focused not on violence or terrorism, but on scholarship, teaching and his family.

(u) Mr. Lahmar is 35 years old. He is married to Emina Susic Lahmar, a Sarajevo native, whom he met in Bosnia in 2000. Mr. Lahmar has two children – a son, Muad,

UNCLASSIFIED

UNCLASSIFIED

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

who is six years old,⁵ and a daughter, Sara, who is three years old. Mr. Lahmar's daughter was born after he was flown by American forces to Guantanamo for indefinite confinement, and thus father and daughter have never met. See *Affidavit of Emina Lahmar*, dated 8/10/04, at paragraphs 1, 4 ("*Emina Aff.*"), attached as Exhibit 6; see also Photographs of Mr. Lahmar's children attached as Exhibit 2.

(u) Mr. Lahmar was born in Constantine, Algeria, where he attended elementary, middle and high schools. After a year off with illness, he enrolled and studied Islamic studies from 1990 to 1992 at a University in Constantine. After that, he traveled to Italy and spent four month as an imam at a mosque in Perugia. Through a combination of illness and student deferments, Mr. Lahmar was excused from service in the Algerian Army. Mr. Lahmar left Algeria in 1992 to study Islamic Theology at the Medina Islamic University in Medina, Saudi Arabia, another key U.S. ally, from which he graduated in 1996 with a bachelor's degree in Islamic Law. See *Medina Islamic University Certificate* at Ex. 3; see also *Encl. (2) to CSRT Decision Report* at Exhibit R-11, p.2, attached to Joint App. at Ex. E(m). After emigrating from Algeria to Bosnia in the late 1990's, Mr. Lahmar dedicated himself to studying and teaching. He has no documented history of involvement in the advocacy of any terrorist or radical Islamic activities

(u) After completing his Saudi studies in 1996, Mr. Lahmar was offered a job with the Saudi High Committee, a charitable organization established and operated by the Saudi Government, teaching the Arabic language to children in Bosnia. Mr. Lahmar began teaching in Bosnia in 1997. *Emina Aff.* at paragraph 2. After his emigration from Algeria to Bosnia in the late 1990's, Mr. Lahmar dedicated himself to studying and teaching. He has no documented history of involvement in the advocacy of any terrorist or radical Islamic activities. He continued to teach Arabic to children and act as librarian at the Islamic Cultural Center in Sarajevo as an employee of the Saudi High Committee until he was arrested. He is a serious scholar of the Arabic language and theology and was planning to leave Bosnia for study in Lebanon or Syria to seek a master's degree in Islamic Studies at the time of his arrest. Mr. Lahmar is also a major fan of international soccer and devoted substantial amounts of his time to following soccer matches on television.

(u) Mr. Lahmar's commitment to his wife and children in Bosnia and his desire to return to them indicate that he is unlikely to present any danger to the United States upon his release.

2. (u) The circumstances of Mr. Lahmar's apprehension and subsequent detention.

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⁵ (u) Mr. Lahmar's son is from his first marriage, and he resides with his mother in Zenica, Bosnia. Until his arrest and detention, Mr. Lahmar visited his son weekly and provided financial support for him.

UNCLASSIFIED

March 31, 2005

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(b)(1)

(u) All were ordered released by Bosnia's highest court in January 2002 after a three month investigation on the ground that there was insufficient evidence to detain them. See *Supreme Court of the Federation of Bosnia and Herzegovina Decision* of January 17, 2002 attached to Joint App. at Ex. B(b). Immediately after that order was issued, and before their release could occur, the six were instead turned over to United States forces stationed in Bosnia and then flown to Guantanamo where they are entering their fourth year as prisoners. (b)(1)

(b)(1)

(u) In June 2004, the Chief Federal Prosecutor for Bosnia and Herzegovina dismissed all charges against Mr. Lahmar, and closed his almost three-year investigation into the alleged terrorism activities claimed to have involved Mr. Lahmar and the other five men. See *Summary of Action of the Government of Bosnia and Herzegovina Concerning the Return of the Six Detainees Taken from Bosnia and Herzegovina to the U.S. Prison at Guantanamo Bay, Cuba* attached to Joint App. at Ex. B. and attached *Letter from Bosnian Chief Federal Prosecutor to UNOHCHR Sarajevo* at Ex. B(d) (confirming Chief Prosecutor's June 24, 2004 decision to end all criminal investigation against Messrs. Boumediene, Nechla, Lahmar, Boudella, Ait Idir, and Bensayah).

(u) 1. *Newly Disclosed Evidence Sheds Light on Source of U.S. Suspicion*

(b)(1)

March 31, 2005

~~SECRET//NOFORN~~

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(b)(1)

Id. (emphasis added).

(b)(1)

(b)(1)

(u) The fact that Messrs. Boumediene, Boudella, Ait Idir and Nechla also repeatedly freely acknowledged – in interrogations and in their CSRT testimony – that they shared a social friendship encouraged interrogators to characterize them as “known associates.” But without the centerpiece element, the successful “smear campaign” run by Mr. Lahmar’s embittered brother-in-law, what is left of the “GIA cell” and the “terrorist conspiracy” of the six, is little more than a handful of married men, gainfully employed in humanitarian aid work, all Algerian ex-patriots living in Bosnia, four of whom often socialized on weekends.

(b)(7)(A)

(u) ⁶ This memorandum addresses the GIA in more detail in paragraph 5.1.b. *infra*.

~~SECRET//NOFORN~~

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

(b)(1)

(b)(1) (Hamad is married to the sister of Mr. Lahmar's ex-wife) Through Hamad's attorney in Bosnia, counsel recently obtained a copy of a long, rambling handwritten letter that Hamad sent from prison on July 26, 2004 to U.S. General (b)(6) then SFOR Commander in Bosnia.⁷ A copy of this letter and an English translation of the letter are attached to the Joint Appendix at Exhibit M.

(u) The letter by Hamad apparently responds to earlier comments or communications to Hamad which he attributes to General (b)(6) or his aides. The letter begins with a remarkable admission: "I know that you do not trust to what I have publicly stated about Al Qaeda and its engagement in Federation of BiH...I spoke about that with investigators from the FBI on several occasions and we are still in touch." Hamad complains in the letter that General (b)(6) "has no reason to suspect the honesty of my allegations and accusations," and that General (b)(6) is "not right when you think that I only lie, that I do not speak truth and that I only try to get myself out of prison by this."

(u) It is plain from the text of Hamad's letter that (1) he is incensed that General (b)(6) and SFOR no longer believe his "detailed data" concerning Muslim mujahedin activities in Bosnia from 1992 onward; (2) Hamad has been an informant for the FBI and "domestic and international investigators" in Bosnia for years in a long standing but unsuccessful effort to buy his way out of prison in exchange for all the information he can supply; and (3) he is deeply upset that "the honesty of my allegations that Al Qaeda was connected with many Islamic humanitarian organizations which were engaged in Bosnia during and after the war, under the lead of the High Saudi Committee for Relief" is now suspect. Obviously, General (b)(6) and SFOR did not find Hamad to be a credible source.

(u) This letter goes well beyond the information belatedly supplied by email to two members of Mr. Lahmar's CSRT on October 20, 2004. (b)(1)

(b)(1)

⁷(u) The letter is addressed to "Respected Mr. Commander of SFOR General [redacted]" Major General (b)(6) was named SFOR commander in Bosnia on October 2, 2003 and served in that capacity until October 5, 2004, when he was replaced by Brigadier General (b)(6) SFOR itself was replaced on December 2, 2004 by UFOR.

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

3. (u) Statements made by Mr. Lahmar prior to or while in detention, and cooperation of Mr. Lahmar and conduct while in detention.

(b)(1)

a. (u) Mr. Lahmar's employment by the Saudi High Commission does not indicate that he supports terrorism

(b)(1)

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar
by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer
Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

(b)(1)

b. (u) Anti-American statements ascribed to Mr. Lahmar by unreliable sources
do not indicate that he supports terrorism

(b)(1), (b)(7)(A)

(F)

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

~~(S//NF)~~ For whatever reason – whether it was the press of time, the lack of legal training, or the passive role of Mr. Lahmar’s personal representative (who played virtually no role as advocate for Mr. Lahmar at the hearing and either was never copied on the (b)(6) (b)(1) and/or never commented on it) – the CSRT failed to step back and seriously reassess the documentary record (b)(1)

(b)(1)

(b)(1)

(b)(1), (b)(7)(A)

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

(b)(1)

c. (u) Application for a visa from the Iranian Embassy is not evidence that Mr. Lahmar supports terrorism

(b)(1)

(u) In any event, Mr. Lahmar, as noted earlier, told his interrogators that he had planned to leave Bosnia in October 2001 to go to Lebanon or Syria to obtain a Master's degree in Islamic Studies. Flying from Bosnia though Iran to get there would be an obvious, easy, and inexpensive way to travel.

4. (u) Information regarding Bosnia, including whether Bosnia will accept return of Mr. Lahmar.

The Bosnian government has taken a number of steps that demonstrate its unequivocal commitment to repatriating the six men to Bosnia. *See generally, Summary of Actions of the Government of Bosnia and Herzegovina Concerning the Return of the*

(b)(1)

~~(u)~~ The classified CSRT does not show any contradiction of Mr. Lahmar's written CSRT submission on this point: "As for the allegation that I applied for a visa to enter Afghanistan in Sarajevo this is also plain lying as there is absolutely no embassy in Bosnian and Hescovia (sic) that gives Afghanistani entry visas." *See unclassified file of Lahmar CSRT, written submission of Saber Lahmar, page two, October 11, 2004, as witnessed by his Personal Representative (b)(6) USA, attached to Joint App. at Ex. E(y).*

UNCLASSIFIED

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

Six Detainees Taken From Bosnia and Herzegovina to the U.S. Prison at Guantanamo Bay, Cuba, attached to Joint App. at Ex. B.

(u) Specifically, on April 21, 2004, the Bosnia-Herzegovina Parliament House of Representatives Commission on Human Rights, Refugees, Immigration and Asylum ("Commission") issued a report, in accordance with Article 40 of the Rules of Procedure of the Bosnia-Herzegovina Parliament House of Representatives, requesting that BiH and FBiH authorities

(u) [I]nitiate immediately proceedings with the authorities of USA related to return of [Nadja Dizdarevic's] spouse and others in this case detainees [sic] held in the military base, Guantanamo Cuba.¹⁴

Id. at (f), Unofficial Translation of Commission Report.

(u) The Commission also "order[ed] BiH authorities (the Council of Ministers of BiH) and FBiH authorities (government of FBiH) to completely implement the decision of the HR Chamber number CH/02/8697 and others from 3 September 2002." *Id.* That Court (HR Chamber) concluded—and the Commission accepted its conclusions—that various rights of the six were violated as a result of Bosnia's handover of them to the U.S. *Id. at (c).*

(u) While Mr. Lahmar's permanent residency was attacked in Bosnian courts in the days after his October 2001 arrest, the most recent decision on this topic was made by the Bosnian Federation Ministry of Internal Affairs in November 2002. *See* Exhibit 4. That decision abolished an earlier denial of entry to Mr. Lahmar. Based on this decision and the recent actions taken by the Bosnian Government to negotiate for the return of Mr. Lahmar, he is free to return to his home in Bosnia.

(u) On November 16, 2004, the Bosnian Council of Ministers adopted the recommendations of the Ministry of Justice with respect to the six detainees, including Recommendation 9 that stated it is necessary to begin negotiations with the United States government for their repatriation. Additionally, on January 31, 2005, Slobodan Kovac, the Bosnian Minister of Justice confirmed in a statement that his office intends to seek the return of Mr. Lahmar and the other five men to Bosnia from Guantanamo.¹⁵ *Id.*

(u) Whatever the terrorist threat level was thought to have been in 2001, last week NATO reported that currently the possibility of a terrorist threat in Bosnia is very low.

¹⁴(u) Nadja Dizdarevic is married to Mr. Boudella, and she submitted an application to the Commission on February 26, 2004, to initiate proceedings to repatriate all six of the men to Bosnia.

¹⁵(u) On March 30, 2005, the House of Representatives of the Parliament of Federation of Bosnia and Herzegovina (a regional government body in Sarajevo) declared to the Bosnian Prime Minister that the Bosnian government should actively seek the release of the six men from Guantanamo. *See Declaration* attached to Joint App. at Ex. Q.

UNCLASSIFIED

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of **Saber Lahmar** by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

See *NATO: Possibility of Terrorist Threat in BiH Very Low, Fena* (March 22, 2005) attached to Joint App. at Ex. P.

5. (u) The likelihood of Mr. Lahmar taking up arms against the United States or its allies

(u) For the reasons described previously, there is no sound basis upon which to assert that Mr. Lahmar has ever taken up arms against the United States. He was not captured on a battlefield – indeed, he was on his way home after being released from Bosnian prison when he was captured by American forces. Significantly, when thorough searches were conducted of his home and personal effects, no arms, weapons, plans, maps, sketches, bomb-making equipment or any other tangible evidence of an Embassy bombing plot was ever found in his possession or control.

1. (u) *Mr. Ait Idir's and Mr. Boudella's CSRTs Recognized the Absence of Evidence Purporting to Show that the Six Were involved in a Plot to Bomb the U.S. Embassy.*

(u)a. *Finding of Ait Idir Tribunal.*

(b)(1)

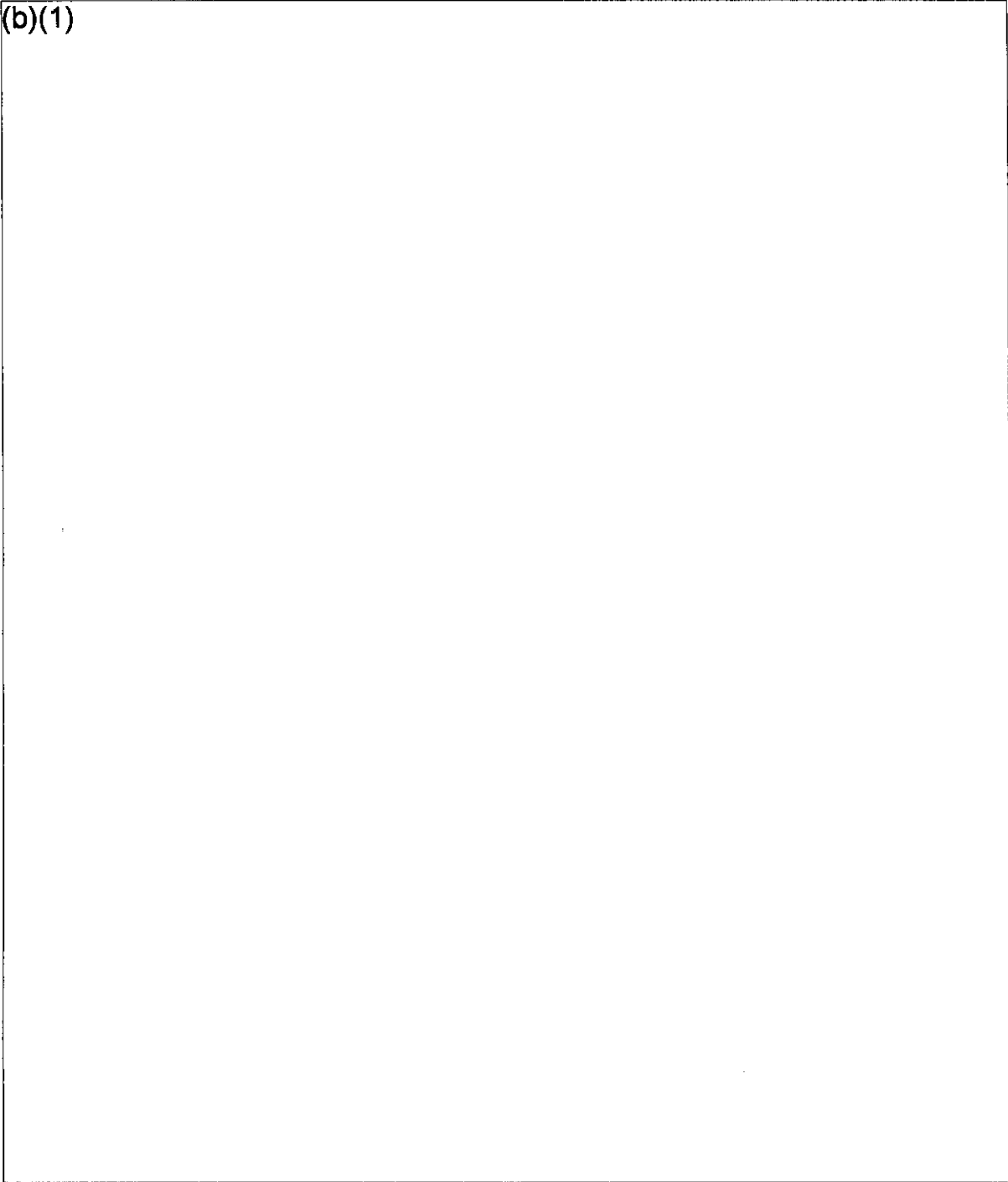


March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of **Saber Lahmar**
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Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

(U) b. Finding of Boudella Tribunal.

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March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

(b)(1)

(u) There is no evidentiary basis in the record to support the assertion that Mr. Lahmar is now, or ever has been, a member of GIA. Notably, the *Terrorist Organization Reference Guide* (U.S. Dept. of Homeland Security January 2004), *Encl. (2) to Lahmar CSRT Decision Report* at Exhibit R-3 (attached to Joint App. at Ex. E(e) describes the GIA as follows:

(u) Description: An Islamic extremist group, the GIA aims to overthrow the secular Algerian regime and replace it with an Islamic state.

(u) Activities: Frequent attacks against civilians and government workers [in Algeria].

(u) Strength: Precise Numbers Unknown, probably fewer than 100.

(u) Location/Area of Operation: *Algeria*.

(u) This official U.S. government publication hardly supports a serious contention that Mr. Lahmar—or the others—could plausibly be determined to be active GIA terrorists fixed on bombing the U.S. and British embassies in *Bosnia* in 2001. Rather, the *Guide* actually undermines that contention. (b)(1)

(b)(1)

(u) The CSRT classified file does not provide credible evidence from which to conclude that Mr. Lahmar was a member of the GIA or that he poses the threat to the U.S. or its allies that such a member could pose.

6.(u) Possible intelligence value

(u) Notwithstanding the original stated basis for Mr. Lahmar's apprehension, the

(b)(1)

~~(u)~~ Mr. Lahmar himself stressed in both his written and oral CSRT testimony how implausible it was for anyone to seriously contend that the Algerian government ever considered him a GIA terrorist when it repeatedly allowed him to register at its Jeddah, Saudi Arabia and Rome, Italy embassies, the latter in the year 2000 after a four month wait while the Home Affairs Department in Algeria (Ministry of Interior) reviewed his passport renewal request. Mr. Lahmar put the point very directly and very correctly in his written CSRT submission:

~~(u)~~ What is meant here is that if I were a member of the (AIA G) (sic) then I would have been arrested and my passport would not have been renewed. And if I were a member of the (AIAG) (sic) I would not have registered myself in the Embassy as it makes my arrest easy and I would have uncovered myself." See Lahmar CSRT unclassified file, page two, written statement of Saber Lahmar October 11, 2004, witnessed by his CSRT Personal Representative (b)(6) USA.

UNCLASSIFIED

FOUO

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

(b)(1)

(b)(1) The record amply reflects that Mr. Lahmar has been questioned repeatedly on this topic, and by all appearances, any information he had on this topic has been disclosed during his over three-year long detention. There is no reason to believe, at this late date, and following all that has transpired since 2001 that Mr. Lahmar is a source for any additional intelligence information on this topic.

(b)(1)

(b)(1)

His stubbornness in refusing to engage in further extended discussions with interrogators reflects the frustration of a proud man held in Guantanamo for over three years, mistreated, unhealthy, arrested on specific charges but only questioned on other issues, who simply has nothing left he can say.¹⁸

(u) An interrogator relying on a casual reading of Mr. Lahmar's CSRT file, without the benefit of the dozens of hours that have gone into preparing this Submission alone or of the investigation that we have undertaken for Mr. Lahmar and our five other clients over the last eight months, might superficially conclude that Mr. Lahmar has not disclosed everything of value he knows, when the much more plausible and reasonable conclusion from our detailed deconstruction of the classified CSRT file is that Mr. Lahmar, in plain fact, never had much of value that he could disclose. It is not that Mr. Lahmar has been withholding useful intelligence, but rather that he has no intelligence to offer.

7.(u) Mr. Lahmar's Health Issues

(u) Mr. Lahmar has been physically damaged and his mental health has deteriorated substantially due to his ongoing detention in Guantanamo. Counsel have requested and been denied access to Mr. Lahmar's medical records in Guantanamo but were able to survey Mr. Lahmar's mental health using a detailed questionnaire prepared by forensic psychiatrist, Dr. Daryl Matthews. *See Sample Proxy Psychiatric Exam and Mental Status Examination*, attached to Joint App. at Ex. L. Dr. Matthews is the Director of the Forensic Psychiatry Program at the John Burns School of Medicine, University of

(u//~~FOUO~~) Mr. Lahmar in his written CSRT submission put this matter with a mixture of extreme frustration and bluntness:

(u//~~FOUO~~) "As for the accusation that I tried to blow up the American Embassy in Sarajevo. This is all bull shit and plain wrong for the following reasons: Since the day I was arrested and up to this people's(sic) day No one had interrogated me on this subject. Yet so many times have I asked the interrogators to interrogate me for that but they were evading this each time. They even said to me about a year back, we do not want to talk to you about the Embassy subject because it is not at all in your file. We brought you here to give us information only. Accordingly I say that how can I face such an allegation that I have not been interrogated for, they even deny it."

See Lahmar written submission, pages one-two, October 11, 2004, witnessed by his Personal Representative, (b)(6) USA, attached to Joint App. at Ex. E(z).

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March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

Hawaii. *See Curriculum Vitae of Dr. Daryl B. Matthews*, attached to Joint App. at Ex. K. For the last ten years, Dr. Matthews has also served as a Consultant to the U.S. Army Medical Command and Co-Director of Training in Forensic Psychiatry at Tripler Army Medical Center in Honolulu, Hawaii. *Id.*

(u) Based on Dr. Matthew's review and analysis of Mr. Lahmar's responses to the questionnaire, it is his professional opinion that Mr. Lahmar may be suffering from a Major Depressive Episode due to his treatment and prolonged detention at Guantanamo. *See Letter from Forensic Psychiatrist, Dr. Daryl B. Matthews*, attached as Exhibit 6. Mr. Lahmar also may be suffering from Post Traumatic Stress Disorder, in light of his sleeplessness, numbing, feeling of detachment and other symptoms. According to Dr. Matthews, the experiences Mr. Lahmar has encountered in detention, including kicks to his head, near suffocation, and forced isolation, are well-known to trigger major depression and stress disorders in previously healthy people. Dr. Matthews concludes that Mr. Lahmar is likely to suffer continuing and exacerbated symptoms of depression and stress disorder if he is not removed from the "stressors" he currently faces in his Guantanamo detention.

B.(u) CSRT Errors Concerning Availability of Evidence.

(u) At his CSRT, Mr. Lahmar requested and was denied access to exculpatory evidence, which was in fact readily available to the CSRT and the public. The CSRT found that the "Bosnian government document finding detainee not guilty of attempting to bomb US Embassy," requested by Mr. Lahmar, was not "readily available." *See Encl. (1) CSRT Decision Report, Unclassified Summary of Basis for Tribunal Decision*, attached to Joint App. at Ex. E(a). This was incorrect. By the time of Mr. Lahmar's CSRT, the Bosnia Supreme Court order that he requested had been appended to at least two court filings made by us as his counsel and served on the Department of Justice in the District Court for the District of Columbia in Mr. Lahmar's habeas proceeding. *See requested Bosnia Supreme Court Decision of January 17, 2002*, attached to Joint App. at Ex. B(b). It was also a document that was publicly available at the Supreme Court of Bosnia and Herzegovina in Sarajevo. As Mr. Lahmar's counsel, we were easily able to obtain a copy of that order.

(u) Additionally a Human Rights Chamber Decision, which discussed the Bosnian Supreme Court ruling, and was also appended to multiple court filings served on the Department of Justice, *see Joint App. at Ex. B(c)*, was also posted on the Internet, most notably on the website of the National Institute of Military Justice (a well-known U.S. non-profit organization) at www.nimj.org immediately after it was issued in 2002. There is no credible reason why these documents were not made available to the CSRT by the Department of State or the Bosnian government upon request.

(u) When men's liberty, health, families and futures are in the balance, such critical evasions as occurred on this important point either by the Department of State or by

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March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Saber Lahmar by his Attorneys Stephen H. Oleskey, Robert C. Kirsch, Douglas Curtis and Melissa A. Hoffer Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

someone in the Bosnian government is no small matter. This ARB has the opportunity, indeed the duty, to correct this wrong and the others we have detailed which were committed against Mr. Lahmar over the last three and one-half years by recommending that he is returned to Bosnia without conditions.

C. Conclusion

~~(S//NF)~~ When Mr. Lahmar's CSRT classified file is subjected to any real scrutiny (even without our ability at this time to call and cross examine witnesses or to seek additional exculpatory evidence in intelligence files, for example), it cannot support a good faith determination that he now presents any meaningful security risk to the U.S. or its allies.

(b)(1)

(u) The ARB panel cannot give Mr. Lahmar or his family back those now lost three and one-half years. It cannot salvage the damage to his reputation after he was publicly labeled and charged as a mujahedin and terrorist in his adopted home and then interned at Guantanamo. It cannot restore his mental or physical well-being, which has been diminished by over three years of close confinement and mistreatment in Guantanamo in order to permit extended interrogation of Mr. Lahmar about Muslim charities in Bosnia-information that the record before this Board now shows he never had, in any meaningful intelligence sense The Board can and should declare that he is not now a threat to U.S. citizens or its allies and thereby allow the Bosnian government to negotiate his return - as well as that of the five other Bosnian Detainees - to their families, community and jobs at an early date.

Respectfully Submitted,

Stephen H. Oleskey 403

Stephen H. Oleskey
Robert C. Kirsch
Douglas Curtis
Melissa A. Hoffer
Wilmer Cutler Pickering Hale and Dorr LLP
617.526.6000

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Saber Lahmar Exhibits to ARB Submission

1. Algerian Citizenship Certificate
2. Photographs of Mr. Lahmar and his children
3. Medina Islamic University Certificate
4. Unofficial translation of Federation of Bosnia and Herzegovina, Ministry of Interior Affairs Decision (November 7, 2002)(abolishing January 2002 decision to deny Mr. Lahmar entry to Bosnia)
5. Affidavit of Emina Susic Lahmar
6. Letter from Forensic Psychiatrist Dr. Daryl B. Matthews (March 24, 2005)

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Lahmar Exhibit 1

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Ambasciata
della Repubblica Algerina
Democratica e Popolare
Roma

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سفارة
الجمهورية الجزائرية
الديمقراطية الشعبية
روما

N° 12/05 A.C

**ATTESTATION
DE
NATIONALITE**

L'Ambassade de la République Algérienne Démocratique et
Populaire à Rome atteste par la présente que :

Nom : LAHMAR

Prénom : Saber

Né le : 22/05/1969 à : Constantine

Fils de : Mahfoud et de : CHIKH Akila

**Titulaire du passeport n° 0705315 délivré par notre Ambassade le
03/10/2000 valable au 02/10/2005.**

Est de nationalité Algérienne

**La présente attestation est délivrée pour servir et valoir ce que
de droit.**

Rome, le 13 janvier 2005



Le Chargé des Affaires Consulaires

Passport

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UNCLASSIFIED

Lahmar Exhibit 2

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Saber Lahmar

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UNCLASSIFIED



Saber Lahmar's son, Muad

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Saber Lahmar has never met his young daughter, Sara, who was born soon after he was detained.

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Lahmar Exhibit 3

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Arabic Saudi Kingdom
Ministry of Higher Education
Medina Islamic University
Shari'ah College (Islamic Law)

High Certificate

The Director of Medina Islamic University certify that Lahmar Sabir from Algeria born in Constantine year 1389 Hijri / 1969 has completed higher studying in the Shari'ah College and has passed the final exams for the academic year of 1416/1417 Hijri corresponding to 1995/1996 with grade GOOD . According to this the University committee has awarded him the High Degree Licence.

Certified # 5442 Dated 20/2/1417 Hijri 6/7/1996

Signed by the College Dean
Pr : Abd Al Salam Ben Salem

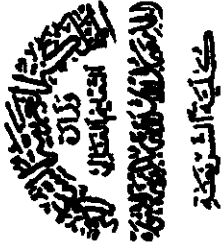
Singed by the University Director

Pr Saleh Ben Abd Allah Aleboud

University Stamp

UNCLASSIFIED

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



الإجازة العالمية



أشهد لله رب العالمين، وأصلاة والسلام على سيدنا الأنبياء والمرسلين، وعلى آله وصحبه، أما بعد، فإن ميدان الإجازة الإنسانية، بالمدينة النورية يشهد بأن لحسن مصراير من الجزائر شر للولود في قسطنطينة عام ١٣٨٩م ١٩٦٩م قدام الدارسة العالمية في كليات الشريعة وتحت إشراف إمتحاننا النهائي للعام الدراسي ١٩٦٧م الموافق ١٩٩٥م بتقدير جيد وثمة على ذلك قور مجلس الجامعة منحه درجة الإجازة العالمية، والى سائس، والتجلس إذ تمتحه هذه الشهادة، بوصيه يقوى الله تعالى، ولأنك لله عز وجل أن يسلك به سبيل العلماء العالمين.

عينة الكلية



مدير الجامعة

(Handwritten signature)

م. صالح عبد الله العبود

سجلت برفقم ٥٤٤٩ و تاريخ ٥/٩/١٤٧٧

توقيع صاحب الشهادة ٢١/٦/١٩٦٧

م. حيدر بن محمد السميوي

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Lahmar Exhibit 4

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Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
Federation Ministry of Internal Affairs
SARAJEVO

Number: 02/1-04-3-639

Date: 7 November 2002

KOCO MIDHAT
Ul. Kolodvorska 11

SARAJEVO

Subject: Implementation of the Decision by the Human Rights Chamber for Bosnia Herzegovina from 3 September 2002 in the case of the so called "Algerian Group"

In attachment we submit you the Decision of this Ministry on abolition of Decision on declining the entering to territory of Bosnia and Herzegovina for SABER LAHMAR, dated 10 January 2002, which was taken with the goal of implementation of obligations from chapter IX, item 12 of the Decision of the Human Rights Chamber for Bosnia and Herzegovina.

Attachment:

- The Decision on abolition of Decision on declining the entering to territory of Bosnia and Herzegovina for SABER LAHMAR

Minister

Dr. Ramo Maalica

(signature)

Seal stamp of Ministry of Internal Affairs

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Bosnia and Herzegovina

Federation of Bosnia and Herzegovina

FEDERATION MINISTRY OF INTERNAL AFFAIRS

SARAJEVO

Number: 02/1-04-3-639

Date: 7 November 2002

On basis of provisions of article 35, item 2 of the Law on Immigration and Asylum of Bosnia and Herzegovina ("Official Gazette of BiH" number 23/99), Annex 6, item XI paragraph 3 and 6 of General Framework on Peace in Bosnia and Herzegovina, and Decision of the Human Rights Chamber for Bosnia and Herzegovina on admissibility and meritum number CH02/8691 from 3 September 2002, the Federal Minister of Internal Affairs issues;

DECISION

Abolished is the Decision of this Ministry number 02/1-04-3-639 from 10 January 2002 by which the entering to territory of Bosnia and Herzegovina was declined for SABER (Mahfura) LAHMAR, born on 22 May 1969 in place Constantinos, state of Algeria.

Rationale

By the Decision of this Ministry number 02/1-04-3-639 from 10 January 2002, the entering to territory of Bosnia and Herzegovina was declined to SABER (Mahfura) LAHMAR, born 22 May 1969 in place Constantinos, state of Algeria.

By that Decision the named individual was ordered to immediately leave the territory of Bosnia and Herzegovina, that the Decision would be implemented by the Federal Ministry of Interior Affairs in co-operation with the Sector for relations with INTERPOL of the Ministry for Civil Affairs and communications of BiH and State Border Service of Bosnia and Herzegovina, and that appeal against this Decision does not delay its execution.

SABER LAHMAR, through his lawyer, submitted an application to the Human Rights Chamber of Bosnia and Herzegovina against the Decision of this Ministry number 02/1-04-3-639 from 10 January 2002.

The Human Rights Chamber - after its proceedings, in its Decision on admissibility and merits from 3 September 2002, in chapter IX, item 12, and while considering its findings related to

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delivery of the Decision on declining the entering to the applicant, which it obtained in the context of discussion according to the article 1 Protocol number 7 of Convention - has ordered to the Federation of BiH to take all necessary measures toward abolition of the Decision of this Ministry on declining the entering from 10 January 2002, and thus it was decided as in the disposition of this Decision.

INSTRUCTION ON LEGAL REMEDY

Against this Decision it is possible to submit the appeal to the Ministry for Civil Affairs and Refugees of BiH within 15 days from the day of receiving this Decision.

TO BE DELIVERED TO:

- The named individual
- Council of Ministers of Bosnia and Herzegovina
- Ministry for Human Rights and Refugees of BiH
- Ministry of Civil Affairs and Communications of BiH
- State Border Service
- The Human Rights Chamber for BiH
- Government of Federation of BiH - Department for co-operation and representation
- Commission for Human Rights
- Archive

MINISTER

Dr. Ramo Maslesa

(signature)

Seal Stamp of Ministry of Interior

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03/30/2005 14:38 FAX

FROM : ICG

W C P H AND D LLP

003

Mar. 30 2005 05:21PM P82

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08-11-2002

Bosna i Hercegovina
Federacija Bosne i Hercegovine
FEDERALNO MINISTARSTVO UNUTRAŠNJIH POSLOVA
FEDERALNO MINISTARSTVO UNUTRAŠNJIH POSLOVA
SARAJEVO



Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
FEDERATION MINISTRY OF INTERNAL AFFAIRS
SARAJEVO

08-11-2002

Broj: 02/1-043-639
Datum: 07.11.2002. godine

KOČO MIDHAT
Ul. Kolodvorska 11.

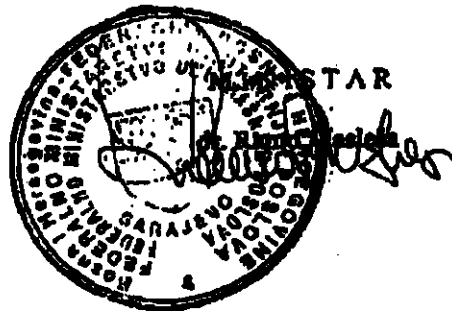
SARAJEVO

PREDMET: Provedba Odluke Doma za ljudska prava za Bosnu i Hercegovinu od 03.09.2002. godine,
u slučaju tzv. "Alžirsko grupe"

U prilogu vam dostavljamo rješenje ovog ministarstva o poništenju rješenja o odbijanju ulaska na teritoriju Bosne i Hercegovine od 10.01.2002. godine, na ime SABER LAHMAR, a koje je donijeto u cilju sprovođenja obaveza iz poglavlja IX tač. 12. Odluke Doma za ljudska prava za Bosnu i Hercegovinu:

PRILOG:

- Rješenje o poništenju Rješenja o odbijanju ulaska na teritoriju BiH na ime SABER LAHMAR



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Bosna i Hercegovina
Federation of Bosnia and Herzegovina
FEDERALNO MINISTARSTVO UNUTRAŠNJIH POSLOVA
FEDERALNO MINISTARSTVO UNUTARNJIH POSLOVA
SARAJEVO



Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
FEDERATION MINISTRY OF INTERNAL AFFAIRS
SARAJEVO

Broj: 02/1-04-3-639

Datum: 07.11.2002. godine

Na osnovu odredbi člana 35. stav 2. Zakona o imigraciji i azilu Bosne i Hercegovine ("Službeni glasnik BiH" broj 23/99), Aneksa 6. član XI tač. 3. i 6. Opšteg okvirnog sporazuma za mir u Bosni i Hercegovini i Odluke Doma za ljudska prava za Bosnu i Hercegovinu o prihvatljivosti i meritumu broj CFI02/8691 od 03.09.2002. godine, **f e d e r a l n i m i n i s t a r u n u t r a š n j i h p o s l o v a , d o n o s i**

R J E Š E N J E

Poništava se rješenje ovog ministarstva broj 02/1-04-3-639 od 10.01.2002. godine, kojim se odbija ulazak na teritoriju Bosne i Hercegovine SABER (Mahfuda) LAJMAR-u, rođenom 22.05.1969. godine, u mjestu Constantinos, država Alžir.

Obrazloženje

Rješenjem ovog ministarstva broj 02/1-04-3-639 od 10.01.2002. godine, odbijen je ulazak na teritoriju Bosne i Hercegovine SABER (Mahfuda) LAJMAR-u, rod. 22.05.1969. godine, u mjestu Constantinos, država Alžir.

Tim rješenjem imenovanom je naloženo da odmah napusti teritoriju Bosne i Hercegovine, te da će rješenje izvršiti Federalno ministarstvo unutrašnjih poslova u saradnji sa Sektorom za odnose sa INTERPOL-om Ministarstva civilnih poslova i komunikacija BiH i Državnom graničnom službom Bosne i Hercegovine, a da žalba protiv tog rješenja ne odlaže njegovo izvršenje.

SABER LAJMAR podnio je putem zastupnika prijavu Domu za ljudska prava za Bosnu i Hercegovinu protiv rješenja ovog ministarstva broj 02/1-04-3-639 od 10.01.2002. godine.

Dom za ljudska prava za BiH je nakon provedenog postupka u svojoj Odluci o prihvatljivosti i meritumu od 03.09.2002. godine u poglavlju IX u tački 12, a razmatrajući svoje nalaze u pogledu uručenja Odluke o odbijanju ulaska podnosiocu prijave do kojih su došlo u kontekstu diskusije prema članu 1. Protokola broj 7. uz konvenciju, naredio Federaciji BiH da preduzme sve neophodne mjere radi poništenja rješenja ovog ministarstva o odbijanju ulaska od 10.01.2002. godine, pa je s tim u vezi rješeno kao u dispozitivu ovog rješenja.

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FROM : ICG

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-2-

POUKA O PRAVNOM LJEDKU:

Protiv ovog rjelenja može se uložiti žalba Ministarstvu za ljudska prava i izbjeglice BiH u roku od 15 dana od dana prijema ovog rjelenja.

DOSTAVITI:

- imenovani,
- Vijeću ministara Bosne i Hercegovine
- Ministarstvo za ljudska prava i izbjeglice BiH
- Ministarstvo civilnih poslova i komunikacija BiH
- Državna granična služba
- Dom za ljudska prava BiH
- Vlada FBiH - Ured za saradnju i zastupanje
- pred Komisijom za ljudska prava
- s/a



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UNCLASSIFIED

Lahmar Exhibit 5

UNCLASSIFIED

UNCLASSIFIED

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (RJL)

GEORGE WALKER BUSH, President
of the United States of America;
DONALD RUMSFELD, Secretary of
Defense; GENERAL JAY HOOD,
Commander, Joint Task Force;
COLONEL NELSON J. CANNON,
Commander, Camp Delta; *in their
individual and official capacities,*

Respondents.

AFFIDAVIT OF EMINA LAHMAR

I, Emina Lahmar, of Mahmutovac 24, Sarajevo, Bosnia and Herzegovina ("BiH"), depose and state as follows:

1. I was born on September 17, 1976, in Sarajevo, BiH as Emina Susic. I am a Bosnian citizen. I married Saber Lahmar in April 2001. We have one child, our daughter Sara, born February 13, 2002. My husband has another child, his son Muad, born in 1999. Muad lives with his mother in Zenica. Both children are citizens of BiH.
2. My husband was born on May 22, 1969, in Algeria, in the settlement of Constantine, as an Algerian citizen. His parents are Mahfud and Akila nee Sadj. My husband completed his Islamic Theological faculty studies in Medina in 1996. He then came to BiH in 1997 to work for the High Saudi Committee and on April 4, 1997, he was granted a permit for permanent residence in BiH.
3. I completed my training as a dentist technician in Sarajevo. I then began my theological studies at the Islamic Theological Faculty in Sarajevo. My studies were interrupted during the second year when my husband was removed from BiH and I did not resume my studies. I have never worked. When my husband was living in BiH, we lived with my parents. I continue to live with my parents, brother, and daughter in my parents' home.
4. My husband worked as a professor of Arab language and worked at the Islamic Center of the High Saudi Committee. When my husband first arrived in BiH in 1997, he lived in

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Mostar. He moved to Sarajevo in 2000, where we first met. He paid for my education. He also provided financial support to his son in Zenica, and we often went from Sarajevo together to visit his son. My husband had regular contacts with his family in Algeria, and, in his free time, he liked to play football and read literature.

5. My husband never had Bosnian citizenship, because he never applied for it. On November 23, 2001, the Ministry of Human Rights and Refugees issued a decision terminating my husband's permanent residence permit on the ground that he had been sentenced to imprisonment in 1998 for 5 years. He had served part of his sentence, and on January 6, 2000, was released on parole. My husband appealed the decision of the Ministry for Human Rights and Refugees terminating his residency permit. However, he was taken into United States' custody before the appeal was decided. The revocation of my husband's residence permit was affirmed on May 27, 2002; but due to his absence he was not able to appeal this decision.
6. My husband was arrested on October 18, 2001, in connection with suspected terrorist activity. On January 17, 2002, the Bosnian Supreme Court ordered my husband's immediate release on the ground that there were no reasons upon which pre-trial detention could be ordered. Disregarding that decision, the Federation Police transferred my husband to United States custody at 6:00 a.m. on January 18, 2002.
7. On January 16, 2002, my husband lodged an application with the Human Rights Chamber for BiH ("Chamber"). According to the decision of the Chamber, the respondent parties, BiH and the Federation of Bosnia Herzegovina, violated my husband's right not to be arbitrarily expelled and his right not to be subjected to death penalty. The Chamber also ordered the respondent parties to take all necessary action to protect my husband's rights while in United States custody and to pay compensation for non-pecuniary damages.
8. Presently, my husband is being held in custody of the United States military at Guantanamo Bay, Cuba. I was first notified of my husband's removal from BiH by a Bosnian police officer a few days after January 18, 2002. A few days later, a representative of the International Committee of the Red Cross ("ICRC") told me that my husband was in Guantanamo Bay. At the beginning, I regularly received letters from him but since September 2002 I have not received any correspondence from him. In response to my concerns, the United States Embassy in Sarajevo told me that I most likely did not receive any new letters from my husband because he did not want to write to me. I cannot accept this explanation because my husband was always very considerate and interested in family matters and would not simply stop communicating with us. In fact, a representative of the ICRC told me that he was present when my husband opened a letter from me containing a picture of our new baby and observed that my husband was overjoyed. Until approximately two months ago, I had no more news at all about my husband. Recently, I received news through released inmates of Guantanamo Bay, who told me my husband is alive. I am extremely worried, however, about the conditions under which my husband is being held.

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9. My financial situation has been very difficult since my husband was taken to Guantanamo. I interrupted my studies, and now spend a lot of my time trying to seek assistance for my husband. My activities include regular contacts with the BiH government, international organizations and human right groups. My only income is child support provided by the BiH government. My daughter and I receive support from my family and my husband's family in Algeria. In our family, my mother is the only one who has a job; my father used to work for the United States Embassy in Sarajevo, but he lost his job on October 20, 2001, as a result of my husband's arrest a few days before. My brother lost his job for the same reason. Since my stepson's family in Zenica is also in serious economic difficulties, we try to help them as well.
10. It is my belief, based on the messages my family received, and from everything I know about my husband, that he is seeking my assistance and support and would want me to take appropriate legal action on his behalf as his next friend. In this capacity, I have retained and hereby request Wilmer Cutler Pickering Hale and Dorr LLP, and any person authorized by that Firm, to act on my own and Saber Lamar's behalf and to take whatever legal steps they consider to be in our best interests in connection with my husband's detention at Guantanamo.

I know the facts deposed herein to be true to the best of my knowledge.

Sworn to by the deponent on this 10. day of August, 2004.



Emina Lahmar



Witness : Lilianna Scasascia Kleiser

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LAKHDAR BOUMEDIENE, et al.

Petitioners,

vs.

04-1166 (RJL)

**GEORGE WALKER BUSH, President
of the United States of America;
DONALD RUMSFELD, Secretary of
Defense; GENERAL JAY HOOD,
Commander, Joint Task Force;
COLONEL NELSON J. CANNON,
Commander, Camp Delta; in their
individual and official capacities,**

Respondents.

AFFIDAVIT OF EMINA LAHMAR AUTHORIZING REPRESENTATION

I, Emina Lahmar, heroby depose and say:

1. I am Emina Lahmar, of Mahmutovac 24, Sarajevo, Bosnia and Herzegovina.
2. I am acting as the next friend of my husband Saber Lahmar, who is in the custody of the United States at Guantanamo Bay Naval Base, Cuba.
3. I hereby authorize Wilmer Cutler Pickering Hale and Dorr LLP, and any person authorized by that Firm, to represent me in all proceedings relating to my husband's detention by the United States, and any and all proceedings related to my husband's status under custody of the United States.

Signed:

Emina Lahmar

Date:

10.8., 2004

Witnessed:

Liliana Scasascia Kleiser

Liliana Scasascia Kleiser

Date:

10. August, 2004

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UNCLASSIFIED
Lahmar Exhibit 6

UNCLASSIFIED

DARYL B. MATTHEWS, M.D., PH.D.

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FORENSIC PSYCHIATRY

DIPLOMATE IN PSYCHIATRY AND FORENSIC
PSYCHIATRY, AMERICAN BOARD OF
PSYCHIATRY AND NEUROLOGY

March 24, 2005

Stephen H. Oleskey, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109

Re: Saber Lahmar

Dear Mr. Oleskey:

You have asked me to provide you with assistance in evaluating Mr. Lahmar's mental health situation in view of his ongoing detention at the United States Naval Base, Guantanamo Bay, Cuba. You have expressed concern about his mental condition, yet you have been unable to secure an independent mental health evaluation. Because of this inability, my colleagues and I at the University of Hawaii Forensic Psychiatry Program, with the assistance of Anita Schlank, Ph.D., have developed an attorney/translator-administered questionnaire which we believe to be appropriate for the proxy assessment of individuals in confinement without access to mental health evaluation. My qualifications for conducting such an assessment are outlined in the enclosed c.v.

The findings presented below are derived from attorney/translator administration of this questionnaire, interpreted by Dr. Schlank and me. This is not, however, to be considered a substitute for a full psychiatric or psychological evaluation and the opinions are limited as there was no personal examination.

Findings and Opinions

Mr. Lahmar endorsed sufficient symptoms to suggest that he may meet full criteria for a diagnosis of a Major Depressive Episode. These symptoms included decrease in appetite, loss of energy, insomnia, psychomotor retardation or agitation, dysphoric mood and hopelessness about the future.

Mr. Lahmar also endorsed symptoms suggestive of Acute Stress Disorder or Post Traumatic Stress Disorder. These symptoms included irritability, difficulty concentrating, feeling of detachment from others, numbing, difficulty falling or staying asleep, and intrusive distressing recollections of traumatic events/images.

Mr. Lahmar reported being subjected to being kicked in the head, forced isolation,

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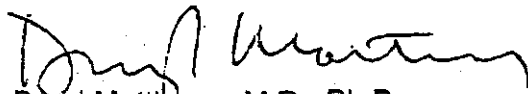
violation of very important religious practices, and near suffocation. He also reported being threatened with attacks dogs. These experiences are well known to precipitate major depression and stress disorders in previously healthy individuals.

It should be noted that the manner in which Mr. Lahmar responded to the questions suggested that it was likely he was reporting accurately. He did not show the over-endorsement of symptoms or experiences that might be seen in a person who is malingering. (For example, he did not claim to have witnessed murder, given electric shock, or to have been threatened with execution, and did not claim all symptoms that might appear to be related to depression or trauma responses.)

In my opinion Mr. Lahmar, is likely to suffer continuing and exacerbated symptoms if he is not removed from the stressors described.

Please let me know if you would like clarification of these findings.

Sincerely,



Daryl Matthews, M.D., Ph.D.