

~~SECRET//NOFORN~~

March 31, 2005

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

(4) 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on behalf of its client, Mohamed Nechla.¹ It replaces our February 1, 2005, submission to the Board, which is hereby withdrawn.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. Nechla "will take up arms against the United States or its allies," and Mr. Nechla's "intelligence value." This Classified Submission will provide the Board with information concerning those factors to assist its determination that Mr. Nechla does not pose a threat to the United States or its allies, and that there are no other factors supporting the need for Mr. Nechla's continued detention.² Because the CSRT, as well as the underlying allegations, focus largely on the asserted relationships among Mr. Nechla 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 (4) WCPHD provides this submission and the accompanying materials without waiving any claims submitted on behalf of Mr. Nechla 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 that Mr. Nechla was seized unlawfully by U.S. military authorities from Bosnia Herzegovina and is being detained unlawfully at Guantanamo.

² (4) 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. Nechla. The CSRT record, however, includes only a small portion of the written record reflecting information and statements provided by Mr. Nechla 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. Nechla or for our other five clients.

(4) The Board should affirmatively enquire whether additional information is available that bears on the facts that Mr. Nechla 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 recognize that information that is "vague, unsupported, or not established through reliable sources" is considered less reliable.

(4) To the extent the Board relies on any such additional information, we request that it also be made available for immediate review and comment by us as Mr. Nechla'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).

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

(u) **I. DISCUSSION OF ARB CRITERIA**

A. (u) **Mr. Nechla's Personal Information, Work History, and Family Status**

(u) The CSRT record shows that Mr. Nechla came from a family of modest resources in Algeria, and that his father was permanently disabled in a job-related accident in 1968. To support his family, Mr. Nechla, who did not pass his high school graduation exam, worked selling fruits and vegetables in a street market in Algeria. Like many other youths of his age and education at that time, he left Algeria in 1990 in search of a better paying job, given the high unemployment rates. For eleven years following his departure from Algeria, Mr. Nechla was a teacher and a charity worker, including particularly the period 1994-2001 when he did relief work in Albania and then Bosnia. See Encl. (2) to Nechla CSRT Decision Report at Exhibits R-5, R-8, attached to Joint App. at Ex. H.

(u) Mr. Nechla and his family moved to Bosnia after the end of the Bosnian war from Albania, where he had worked for the Red Crescent Society of the United Arab Emirates ("UAE"), an international charitable organization sponsored by the UAE, a U.S. ally. In 1997, his employer relocated Mr. Nechla and his family to Bosnia because war broke out in Albania making it unsafe to stay.

(u) From 1997 until his arrest in 2001, he continued to work for the Red Crescent Society of the UAE in Bihac, Bosnia. The Red Crescent of the UAE is affiliated with the International Red Cross and Red Crescent Societies ("ICRC").³ The U.S. Government has never determined that the Red Crescent Society of the UAE has any link to al Qaeda or other terrorist organizations. To the contrary, as a member of the ICRC, the Red Crescent Society is part of an internationally respected organization that the United States itself relies upon to monitor the conditions of U.S. prisoners of war.

(u) Mr. Nechla's job with the Red Crescent Society was to provide aid and assistance to some of the thousands of children orphaned during the Bosnian civil war in the period 1991-1995. He was essentially a social worker in American terms, visiting the orphans at their homes (typically they lived with their surviving mothers or other relatives) to ensure that they had adequate food and clothing and were receiving an education. See Ex. 4 (photographs of Mr. Nechla at work with the orphaned children). He was in charge of the Red Crescent Society's Bihac office in the northwestern most part of Bosnia, near the border of Croatia, and hundreds of kilometers from Sarajevo. Bihac was within driving distance of Budapest, Hungary, where Mr. Nechla sometimes went to buy

(u)³ See background information on the Red Crescent of the UAE attached to Joint App. at Ex. I.

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clothing and food at good prices for his orphans. The Organization of Fallen Soldiers and many of the families whom Mr. Nechla assisted in his work at the Red Crescent Society have signed a statement for the Board's consideration testifying to his good work and character. See Ex. 6 and 7.

(u) As counsel for Mr. Nechla, we recently interviewed Mr. Nechla's supervisor, the Director at the Red Crescent Society of the UAE, at his office in Sarajevo. The Director confirmed that Mr. Nechla was always a peaceful, law-abiding, and gentle family man, devoted to the hundreds of Bosnian war orphans whom he supervised. The Director has furnished counsel with a certification of Messrs. Boumediene and Nechla's good employment and character. See *Statement from Red Crescent Society*, Joint App. at Ex. J. Speaking of Mr. Nechla and Mr. Boumediene, the Director notes that the orphan's families "miss them and always ask about them, when they will come, [sic] to complete what they began and to fill the emptiness they left." *Id.* The Director has said he will eagerly welcome Messrs. Boumediene and Nechla back to their old jobs should this Board determine they should be released.

(u) Mr. Nechla has been married for nearly a decade and has two children with his wife, Badra Baouche. Prior to his arrest in Bosnia in 2001, (b)(1) (b)(1) Mr. Nechla had no criminal record in Bosnia, Algeria, or anywhere else.

1. (u) *Mr. Nechla's Friendships Do Not Demonstrate Dangerousness.*

(b)(1)

(u) That Mr. Nechla formed friendships while living in Bosnia with three other men who shared in common his Algerian birthplace and who were also generally involved in humanitarian relief work in Bosnia is entirely unremarkable and in no way presents competent evidence of dangerousness. It is, as the Board knows, quite common for ex-patriot Americans, living in Mexico or Central America, for example, to form

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associations and friendships with each other, and to gravitate to the same areas and communities. This is particularly true of Mr. Nechla's close friendship with Mr. Boumediene, who was not only a fellow Algerian, but a colleague who also worked with him for the UAE Red Crescent in Bosnia and before that also worked for the UAE Red Crescent doing the same general relief work in Albania (1994-1996).⁴

(b)(1)

(b)(1)

⁴(u) The CSRT files reflect that both men were married to Algerian women from the same village and that the Boumedienes had introduced Mr. Nechla to his wife, Badra. Both couples left Albania after the outbreak of war there in 1996 in order to work and raise their families in a safer environment. Their employer, the Red Crescent Society of the UAE, relocated them to Bosnia where it established an office to do relief work following the conclusion of the war in Bosnia in late 1995. The Red Crescent Society of the UAE in Sarajevo denounces terrorism and states that both men were exemplary employees of honesty and integrity. *See Statement from Red Crescent Society*, Joint App. at Ex. J.

⁵(u) Mr. Boumediene has never denied the fact that he provided food and charitable assistance to Mr. Bensayah on a few occasions, and retained a lawyer for him when Mr. Bensayah was arrested in Zenica, Bosnia on October 8, 2001, on the charge that he had falsified his immigration filings. *See generally*, Boumediene Classified ARB Submission.

(b)(1)

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(b)(1)

(b)(1)

(b)(1)

⁷ (u) The orphans told Mr. Nechla that in local dialect the pronunciation of his name, Nechla, sounded like the word for phlegm or stuffed nose. They found this humorous and laughed when he introduced himself. He told them therefore to call him Sherif EdDein, his childhood nick name, which in Arabic means one blessed or honored of religion. The name "Sharfuldin" as it appears in the transcript of Mr. Nechla's statement to the CSRT, and as it appears in various forms ("Sharuldin") in the classified file compiled for the CSRT, is obviously a phonetic spelling used by someone who did not know or understand Arabic well. The actual English spelling of the proper translation, as noted above, is Sherif EdDein. Cf. *Encl. (2) to CSRT Decision Report* at Exhibit R-5 attached to Joint App. at Ex. H(g) ("Mohammed Nechla, aka Mohammed Sharif Al Din,") which comes close to the correct English translation of Mr. Nechla's childhood nick name but was not noted, understood, or properly taken into account by the CSRT).

(u) Notably, nowhere in the Classified CSRT file is there any explanation at all for the names Sharfuldin or Sharuldin emphasized by the CSRT in its Classified Summary (neither the Classified Record nor the CSRT are even clear on which name it is that Mr. Nechla allegedly used), just the repeated claim that he is also known by these names and that they are therefore considered an "alias." Once again, changing a descriptive word from "nick name" to "alias" gives the word itself an entirely different characterization, especially when applied to a detainee being held in Guantanamo for alleged terrorist activities.

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B. Circumstances of Mr. Nechla's Apprehension.

(FOUO//SBU) Detainees Nechla No. 10003 , Bensayah No. 10001, Ait Idir No. 10004, Lahmar No. 10002, Boudella No. 10006, and Boumediene No. 10005 all were born in Algeria and had been living in Bosnia for six to twelve years by 2001 when they were arrested by Bosnian authorities in October (b)(1)

(b)(1)

(u) All were ordered released by Bosnia's highest court in January 2002 on the ground that there was insufficient evidence to detain them. *See Supreme Court of the Federation of Bosnia and Herzegovina Decision*, attached to Joint App. at Ex. B(b). Immediately after the order was issued, and before their release could occur, the six were 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)

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

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despite the order of Bosnia's highest court for their immediate release.

(b)(1)

(b)(1)

(u) In June 2004, the Chief Federal Prosecutor for Bosnia and Herzegovina dismissed all charges against Mr. Nechla, and closed his almost three-year investigation into the alleged terrorism activities involving Mr. Nechla and the other five men. See *Letter from Bosnian Chief Federal Prosecutor to UNOHCHR Sarajevo*, attached to Joint App. at Ex. B(d). Following a successful appeal made to the Human Rights Chamber Court of Bosnia, Mr. Nechla's Bosnian citizenship, stripped at the time of his arrest in 2001, was reinstated.⁹ See *Bosnian Citizenship Certificate* attached as Exhibit 2.

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

(b)(1)

⁹ (u) The Human Rights Chamber court was created pursuant to the Dayton Peace Accords convened by the United States government to end the terrible war in Bosnia and Herzegovina among Muslims, Serbs and Croats that began in 1991 following the break up of the former Yugoslavia. See *To End A War* by Richard Holbrooke, former Assistant Secretary of State for European and Canadian Affairs (1994-1996), the chief architect of the Dayton Accords which brought the war in Bosnia to a negotiated end in late 1995.. By its mandate, the decisions of the Human Rights Chamber (now the Human Rights Court) of Bosnia and Herzegovina are binding on the government of Bosnia and Herzegovina.

¹⁰ (u) See also Lahmar Classified ARB Submission for a full discussion of this evidentiary development.

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(b)(1)

Id. (emphasis added).

(S//NF) Colonel (b)(6) failed to send this essential information, which arrived after the conclusion Mr. Lahmar's CSRT proceedings, to Col. (b)(6) the President of the Boumediene Tribunal.¹¹ Colonel (b)(6) took no action to send it to the members of the Nechla Tribunal or to any members of the Tribunals for Messrs. Boudella, Ait Idir, Bensayah or Boumediene, even though all their CSRT files, like Mr. Nechla's and Mr.

(b)(1)

¹¹ See October 19 and 20, 2004, email exchange in Lahmar CSRT Classified File, attached to Joint App. at Ex. E(x). Those documents show that when the two members of the Lahmar Tribunal stated that this information would not change their conclusions, it was never forwarded to Col. (b)(6) the Tribunal President and its ranking officer.

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(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 and self-interested (see below) ex 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)(1)

(b)(1)

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.¹³ 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”

¹³ (u) The letter is addressed to “Respected Mr. Commander of SFOR General (b)(6)” 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 UPOR.

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is now suspect. Obviously, (b)(6) and SFOR did not find Hamad to be a credible source.

~~(S//NF)~~ 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)

(b)(1)

C. (u) Statements Made By Mr. Nechla and Cooperation and Conduct While In Detention.

~~(S//NF)~~ As the content of the interrogation memoranda in the classified CSRT record reflects, Mr. Nechla has been cooperative with his interrogators, and has answered, to the best of his ability given his general knowledge, their numerous and repeated inquiries (b)(1) This cooperation is reflected in his camp status at Guantanamo and the color and type of clothing he is allowed to wear.

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D. (u) Bosnia's Willingness to Repatriate Mr. Nechla

(u) 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 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.¹⁵

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. Attached to Joint App. at Ex. B(c)

(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, which stated it is necessary to begin negotiations with the United States government for their repatriation. On January 31, 2005, Slobodan Kovac, the Bosnian Minister of Justice confirmed in a statement that Messrs. Boudella, Nechla, Boumediene, and Ait Idir are all citizens of Bosnia, have not been convicted by the court in Bosnia, and are not subject to any on-going criminal proceedings. *See Statement by Bosnian Minister of Justice*, attached to Joint App. at Ex. B(h). Mr. Kovac stated unequivocally, "Ministry of Justice of BiH is interested in getting these individuals back in BiH . . ." *Id.*

¹⁵ (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.

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(u) If Mr. Nechla was the dangerous terrorist he is accused of being, why would the Bosnian government have fully restored his citizenship and initiated proceedings to secure his safe return to Bosnia? ¹⁶

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

E. (u) Mr. Nechla Never Took Up Arms Against the United States and There Is No Basis In the Record to Conclude That He Would In the Future Do So.

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.*

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

(b)(1)

¹⁶ (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.

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(b)(1)

b. (u) Finding of Boudella Tribunal.

(b)(1)

(u) This Board should take note of the complete absence of credible evidence showing that the six were involved in any alleged plot to bomb the U.S. Embassy in Bosnia, and the well-reasoned conclusions of two CSRTs calling into question the existence of any plot involving the six.

2.(u) *There is No Basis in the Record to Support the Assertion that Mr. Nechla is a Member of the Armed Islamic Group ("GIA").*

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(u) Additionally, the United States Department of State has confirmed that the GIA "began its violent activities in 1992 after Algiers voided the victory of Islamic Salvation Front (FIS)—the largest Islamic opposition party—in the first round of legislative Elections in December 1991." *Patterns of Global Terrorism, 2003* (U.S. Department of State, June 2004). (emphasis added). Mr. Nechla was not present in Algeria after 1990, however, and could not have been involved with GIA, which carried out its activities against targets in Algeria.

(u) There is no evidentiary basis in the record to support the assertion that Mr. Nechla 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 (but not included in the record considered by Mr. Nechla's CSRT panel) describes the GIA as follows:

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

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

Strength: Precise Numbers Unknown, probably fewer than 100.

Location/Area of Operation: *Algeria.*

(Emphasis supplied), attached to Joint App. at Ex. E(e). This official U.S. government information hardly supports a serious contention that Mr. Nechla—or the others—could plausibly be considered 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. However, it is easy to see why an embittered ex-brother-in-law wanting to smear the Algerian Mr. Lahmar, *see* footnote 6, would have considered it useful to tell American intelligence that Mr. Lahmar was the leader of a GIA cell in Bosnia, and to supply a list of purported Algerian GIA members "operating" in Bosnia.

(u) Mr. Nechla is not a member of GIA, and does not pose any threat to the U.S. or its allies that such a member might pose.

3. (u) *There is No Basis in the Record to Support the Assertion that Mr. Nechla is a Former Mujahedin Member.*

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(u) Similarly, there is no basis in the record to support the assertion that Mr. Nechla is a former mujahedin fighter. There is no record in his CSRT that he ever had weapons or military training. There is no record in that file that, during the extensive search of his home and office at the time of his October 2001 arrest, any weapons, bombs, plans, sketches, bomb-making materials or other indicia of bomb making were found in his possession or control, or in the possession or control of any of the other five men we represent.

(b)(1)

¹⁸ (u) After the Soviet invasion of Afghanistan, the U.S. provided ever-increasing support to the mujahedin: "The Carter administration allocated \$30 million in 1980 and about \$50 million in 1981. Under the Regan administration this amount increased to \$120 million by fiscal 1984 . . . In the fall of 1984 Congress took the initiative of nearly tripling the administration's 1985 request to \$250 million. . . . In April 1985, President Reagan signed National Security Directive 166, which authorized a new policy, consistent with the Reagan Doctrine, of driving the Soviets from Afghanistan 'by all means available.' The U.S. budget for aid to the mujahedin, reportedly still matched by Saudi contributions, climbed to \$470 million in 1986 and \$630 million in 1987. Starting in September 1986, the United States supplied shoulder-held, laser-guided Stinger anti-aircraft missiles to the mujahedin, the first time this ultrasophisticated weapon had been distributed outside of NATO. Cross-border assistance programs provided civilians living in areas controlled by mujahedin with food, cash for food, and support for health care, educational, and agricultural programs. . . . during 1986-1990, USAID spent \$60.0 million on health, \$30.2 million on education, and \$60 million on agriculture. Additional USAID money financed engineering projects, training programs in various fields, and medical care in the United States for the wounded, road building, demining, and direct food supplies." *Id.* at 180-81. The U.S. also facilitated other countries' support of its allies, the mujahedin: "The Chinese contributed to the effort mainly by selling soviet-style weapons to the CIA for transfer to the [Pakistani] ISI and then to the mujahedin. In addition to the CIA and the ISI, the Saudi General Intelligence Agency, . . . helped to manage the immense flow of money and arms. The Afghan operation became the single largest program of each of these agencies. . . . The arms pipeline consisted of three parts, controlled by the CIA, the ISI, and the resistance parties. The CIA, using Saudi and American funds, bought weapons from China, Egypt, Israel, and elsewhere." *Id.* at 197.

¹⁹ (u) In the summer of 1995, at the urging of the United States, NATO initiated an air bombing campaign in Bosnia on the heels of a bloody massacre by the Serbs of thousands of Muslim men and boys in Srebrenica. As this Board knows, that massacre, and many similar atrocities that took place during the Bosnian conflict, is the subject of on-going prosecutions in The Hague by the International Tribunal for War Crimes in the former Yugoslavia.

~~SECRET//NOFORN~~

March 31, 2005

CLASSIFIED Annual Review Board ("ARB" or "Board") Submission on behalf of Mohamed Nechla 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)

F. (u) Mr. Nechla Has No Intelligence Value.

(u) The classified CSRT record shows that the principal reason Mr. Nechla has been detained in Guantanamo for over three years has been in an attempt to gain further understanding of the workings of certain Islamic charities in Bosnia, particularly the UAE Red Crescent which employed him. There is almost no mention of the purported U.S. Embassy bombing plot in any of the classified summaries of his interrogations. Rather, the interrogators' questions focus on Muslim charities.

(s) During his CSRT, Mr. Nechla stated that he was told by an interrogator, "forget about the fact that you were here because of the American Embassy or because you're from Al Qaida or because you are a terrorist. . . . You came here to give us information about relief and rescue operations in Bosnia." See Encl. (3), 2 of 15, attached to Joint App. at Ex. H(jj).²⁰ (b)(1)

(b)(1)

(b)(1) Aside from the fact that detention for purposes of interrogation and intelligence gathering is unlawful, see *Hamdi v. Rumsfeld*, 542 U.S. ___, slip op. at 13 (2004), for Board purposes this record of his interrogation in fact shows that Mr. Nechla poses no risk. As noted earlier, the UAE Red Crescent has not been listed by the US government as a terrorist organization; it is sponsored by the UAE government, a US ally, and there is nothing in the classified CSRT file that indicates it undertook terrorist sponsorship or otherwise supports terrorism. Notably, Mr. Nechla was never interrogated about his participation in any activity that actually has resulted in harm to the United States or its allies, and the CSRT record also that reflects no evidence was ever uncovered of any actual plan to undertake such activity.

(u) Importantly, the record does reflect that Mr. Nechla has been cooperative and answered, to the extent possible, the numerous and repeated questions, directed to him by interrogators under extremely difficult conditions, (b)(1) none of which appears from the record to be of particular value and most of which appears to have already been known to the government by other sources, some of which are publicly available. He consistently has provided the same answers. There is no additional information to be gleaned from interrogating Mr. Nechla in year four that was not already provided by him during his over three years at Guantanamo. The harm to Mr.

(b)(1)

March 31, 2005

~~CLASSIFIED~~ Annual Review Board ("ARB" or "Board") Submission on behalf of Mohamed Nechla 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

Nechla, however, from continued indefinite detention at Guantanamo, will be considerable.

G. (u) Mr. Nechla's Health

(u) Since entering detention, Mr. Nechla's physical and mental health has deteriorated. Counsel have met with Mr. Nechla in December 2004 and in February 2005 and observed his physical and mental condition. This previously physically vigorous man, as can be seen in attached photographs, is now a shadow of his former self. See *photographs* attached as Exhibit 4. Moreover, while he has kept his gentle, kind spirit, he is often despondent.

(u) Due to insufficient time, counsel were unable to survey Mr. Nechla using a questionnaire prepared by forensic psychiatrist, Dr. Daryl B. Matthews, which was used with our five other clients. See *Sample Proxy Psychiatric Exam and Mental Status Examination*, attached to Joint App. at Ex. L. The Board should draw no negative inference from this fact - counsel simply ran out of time in our February 2004 interview with Mr. Nechla.

II. (u) THE CLASSIFIED CSRT SUMMARY HAS ERRORS THIS BOARD SHOULD NOTE.

A. (u) Errors in Findings and In Exhibits Relied Upon by CSRT

(u) We are reluctant to spend too much time pointing out inconsistencies in the CSRT record. That is not the issue before this Board. Nevertheless, pointing out some of the errors (and we have not identified here all that we found) will help this Board avoid similar errors, as well as to put in context certain comments and observations made by the CSRT. Our review of these errors also should assist this Board in better understanding the facts in the record before it. The letter designations below correspond to those found on Encl. (2), *Classified Summary of Basis for Tribunal Decision*, attached to Joint App. at Ex. H.

(S//NF)

(b)(1)

(S//NF)

~~SECRET//NOFORN~~

March 31, 2005

~~CLASSIFIED~~ Annual Review Board ("ARB" or "Board") Submission on behalf of Mohamed Nechla 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)(b)(1)

(u) Obvious and glaring errors like these call into serious question the integrity of the information relied upon by the CSRT for purposes of its enemy combatant determination.

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

(u) Mr. Nechla requested that his former supervisor at the Red Crescent in Sarajevo, Mr. Mahmoud Yousef Said, appear as a witness in Mr. Nechla's CSRT. The Tribunal President determined that Mr. Said was "not reasonably available," because the Department of State "could not locate the witness in Bosnia or in any other location based on the limited information and identifiers provided by the Detainee to locate the witness." See *Unclassified Summary of Basis for Tribunal Decision*, Enclosure (1) at p. 2 of 5, attached to Joint App. at Ex. H(a). Knowing only the same information provided by Mr. Nechla to the CSRT—Mr. Said's name and the place of his employment—counsel for Mr. Nechla easily were able to locate Mr. Said by calling him on a telephone at his office at the Red Crescent Society offices in Sarajevo. Mr. Said agreed to meet with counsel in Bosnia, and provided the statement attached to the Joint Appendix as Exhibit J.

(u) There is no credible basis to believe that Mr. Said was not reasonably available to participate as a witness in Mr. Nechla's CSRT. If he had been called, it is highly likely that his testimony would have been entirely consistent with the personal statement he has now furnished counsel for us in this proceeding (Joint Appendix at Exhibit J).

~~SECRET//NOFORN~~

UNCLASSIFIED

March 31, 2005

~~CLASSIFIED~~ Annual Review Board ("ARB" or "Board") Submission on behalf of Mohamed Nechla 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

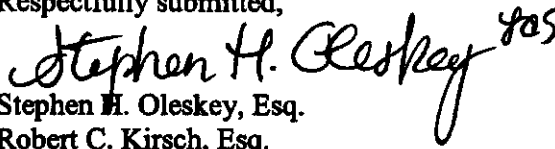
III. (u) CONCLUSION.

(u) Nothing in the record provided to us, as counsel for Mr. Nechla, is sufficient to support a conclusion that he currently poses, or ever posed, any threat to the United States or its allies. Instead, the factors this Board must consider, with the CSRT record, show that Mr. Nechla presents no security risk to the United States or its allies, and has no intelligence value. He should be released and returned to his home and family in Bosnia.

(u) Mr. Nechla and the other five Bosnians have been exonerated by the Bosnian Supreme Court and Federal Prosecutor of the very allegations that formed the basis for their detention. We know of no other similarly situated detainees at Guantanamo. There is every reason to believe that Mr. Nechla was unfortunately and mistakenly swept up in the confusion and obvious concern for U.S. security following the terrible events of September 11, 2001. Mr. Nechla has devoted his adult life to assisting others in need. He is eager to return to his family. The Board now has the opportunity, and the obligation, to review the facts independently, and should recommend his unconditional release to Bosnia.

Should the Board require any further information, please contact one of us.

Respectfully submitted,


Stephen H. Oleskey, Esq.
Robert C. Kirsch, Esq.
Douglas Curtis, Esq.
Melissa A. Hoffer, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
(617) 526-6000

UNCLASSIFIED

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Mohamed Nechla Exhibits to ARB Submission

1. Algerian Citizenship Certificate
2. Bosnian Citizenship Certificate
3. Photograph of Mr. Nechla
4. Photographs of Mr. Nechla working with orphaned children in Bosnia
5. Petition from Organization of Fallen Soldiers in Buzim, Bosnia
6. Petition from Organization of Fallen Soldiers in Velika Kladusa, Bosnia
7. Petition of Trustees of Fifty Orphans Helped by Mr. Nechla

UNCLASSIFIED

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Nechla Exhibit 1

UNCLASSIFIED

Ambasciata
della Repubblica Algerina
Democratica e Popolare
Roma

UNCLASSIFIED

سفارة
الجمهورية الجزائرية
الديمقراطية الشعبية
روما

N° 13/05 A.C

**ATTESTATION
DE
NATIONALITE**

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

Nom : **NECHLA**
Prénom : **Mohamed**
Né le : **02/04/1968** à : **Laghouat**
Fils de : **Abdelkader** et de : **DAHKANE Keltoum**
Titulaire du passeport n° **3914224** délivré par **Laghouat -Algerie** le
14/10/1990 valable au **13/10/1995**.
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

MOUD

UNCLASSIFIED

UNCLASSIFIED

Nechla Exhibit 2

UNCLASSIFIED

UNCLASSIFIED

BOSNA I HERCEGOVINA
FEDERACIJA BOSNE I HERCEGOVINE
ZENIČKO-DOBOJSKI KANTON
Općina ZENICA
Služba za opću upravu i građanske poslove

Broj : 03-13-5-1006/05

Dana : 22.02.2005

Na osnovu člana 189. Zakona o općem upravnom postupku i člana 39. Zakona o državljanstvu Bosne i Hercegovine, ("Službeni glasnik Bosne i Hercegovine" br. 4/97), na zahtjev
DIZDAREVIĆ NADE iz SARAJEVA izdaje se

UVJERENJE

0 2 0 4 9 8 8 1 9 0 0 3 7

Jednolinični matični broj

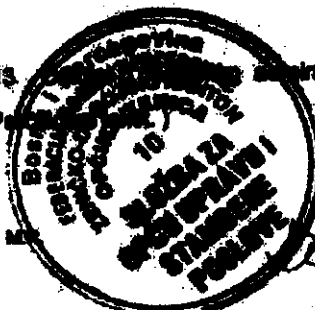
da je NECHLA MOHAMED rođen-a
02.04.1988 godine u LAGHOVAT LAGHOVAT općina ALŽIR
državljanin-ka

Ovo uvjerenje izdaje se na osnovu podataka iz upisa u MATIČNU KNJIGU
RODENIH koja se vodi za naseljeno mjesto ZENICA
općina ZENICA na strani 139 pod rodnim brojem 3071
za godinu 1985

Taksa po tarifnom broju 12 Odluka o općinskim administrativnim taknama općine
ZENICA u iznosu od 0 KM naplaćena je i
na odresku poništena.

Osiobođeno od plaćanja takse po članu 12 . 13 administrativnim taknama
("Službene novine općine Zenica", broj 304 -Pe

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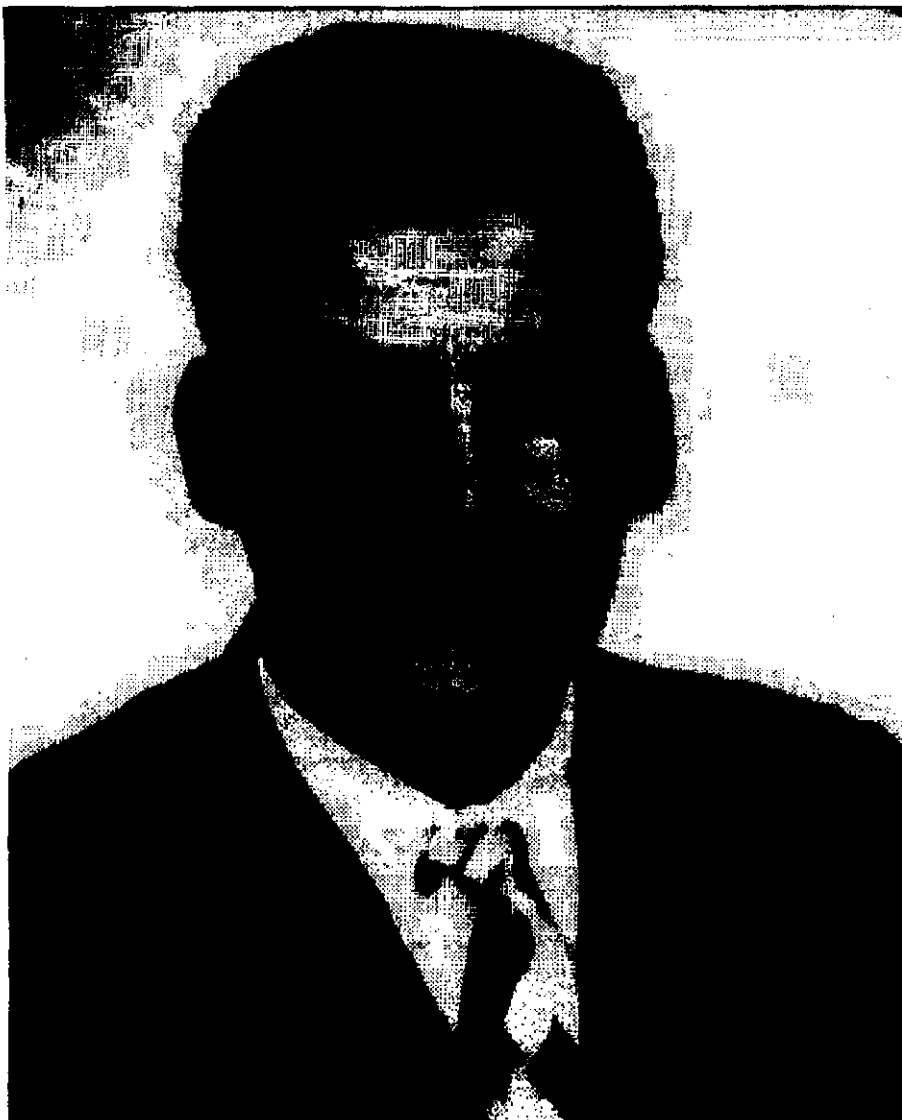
Popis
službenog lica
Mirza Bajramović
Mirza Bajramović

UNCLASSIFIED

Nechla Exhibit 3

UNCLASSIFIED

UNCLASSIFIED



Mohamed Nechla

UNCLASSIFIED

UNCLASSIFIED

Nechla Exhibit 4

UNCLASSIFIED

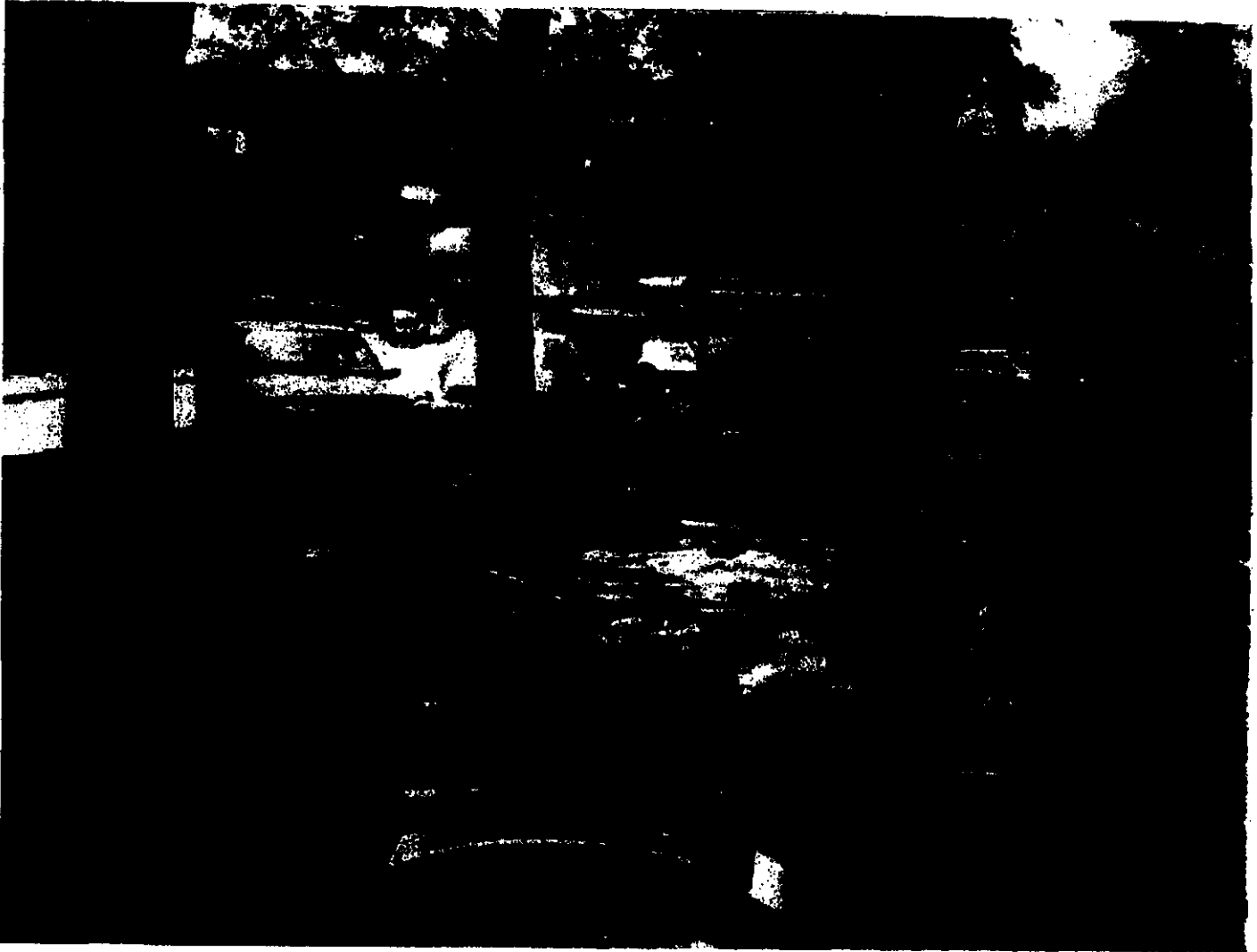
UNCLASSIFIED



Mohamed Nechla (upper right corner with arms crossed in yellow shirt) working with children in Bosnia through the Red Crescent Society of the UAE

UNCLASSIFIED

UNCLASSIFIED



**Mohamed Nechla (standing with
white hat) working with children**

UNCLASSIFIED

UNCLASSIFIED



Mohamed Nechla

UNCLASSIFIED

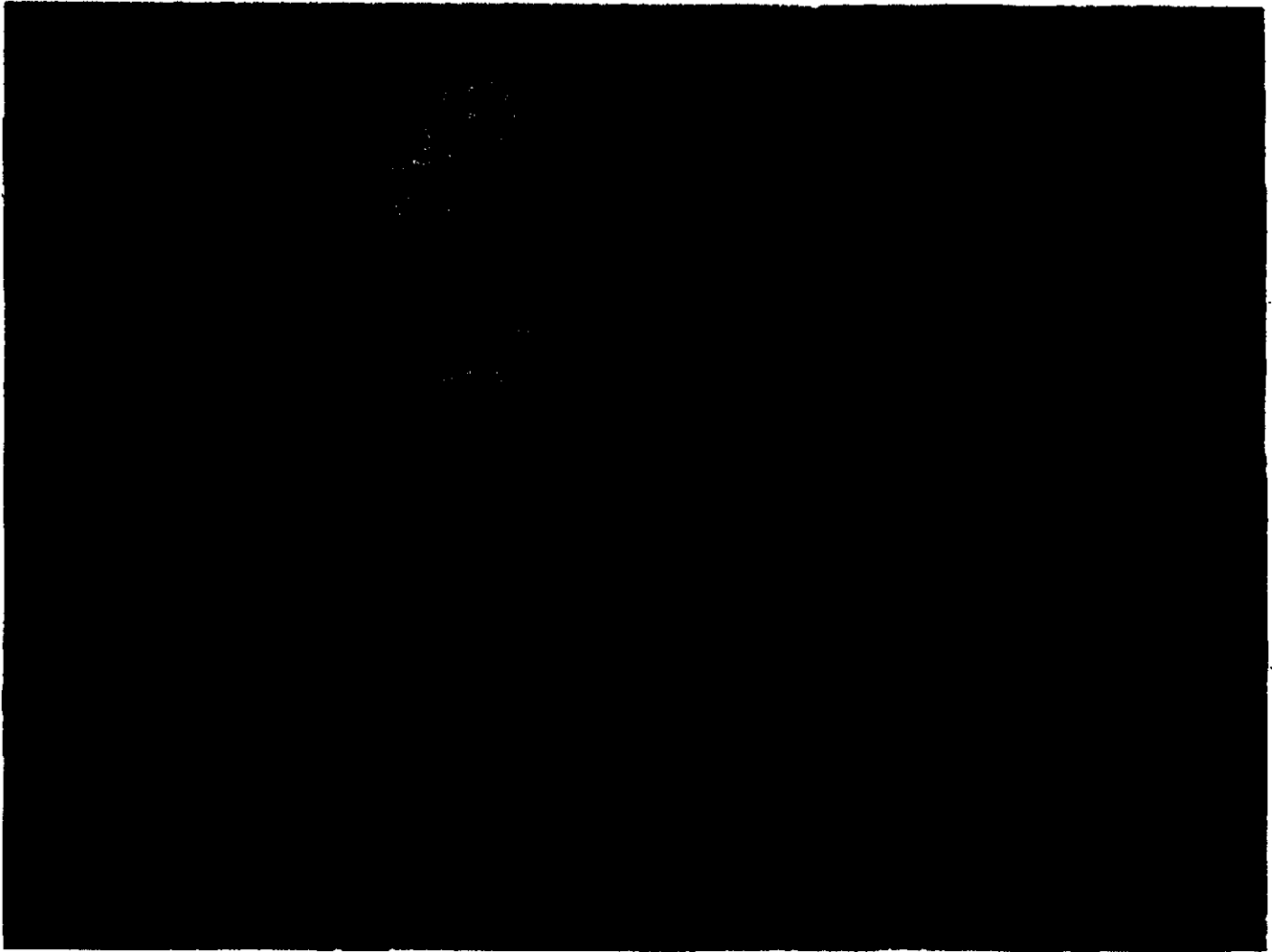
UNCLASSIFIED



**Mohamed Nechla (in necktie)
working with Bosnian children**

UNCLASSIFIED

UNCLASSIFIED



**Mohamed Nechla (on the right)
delivering supplies to children**

UNCLASSIFIED

UNCLASSIFIED



Mohamed Nechla working with children in Bosnia

Mohamed Nechla



UNCLASSIFIED

UNCLASSIFIED



Mohamed Nechla (upper right corner with goatee in yellow shirt) working with children in Bosnia through the Red Crescent Society of the UAE

UNCLASSIFIED

UNCLASSIFIED



2
1 Mohamed Nechla
1 (center in tan suit)

UNCLASSIFIED

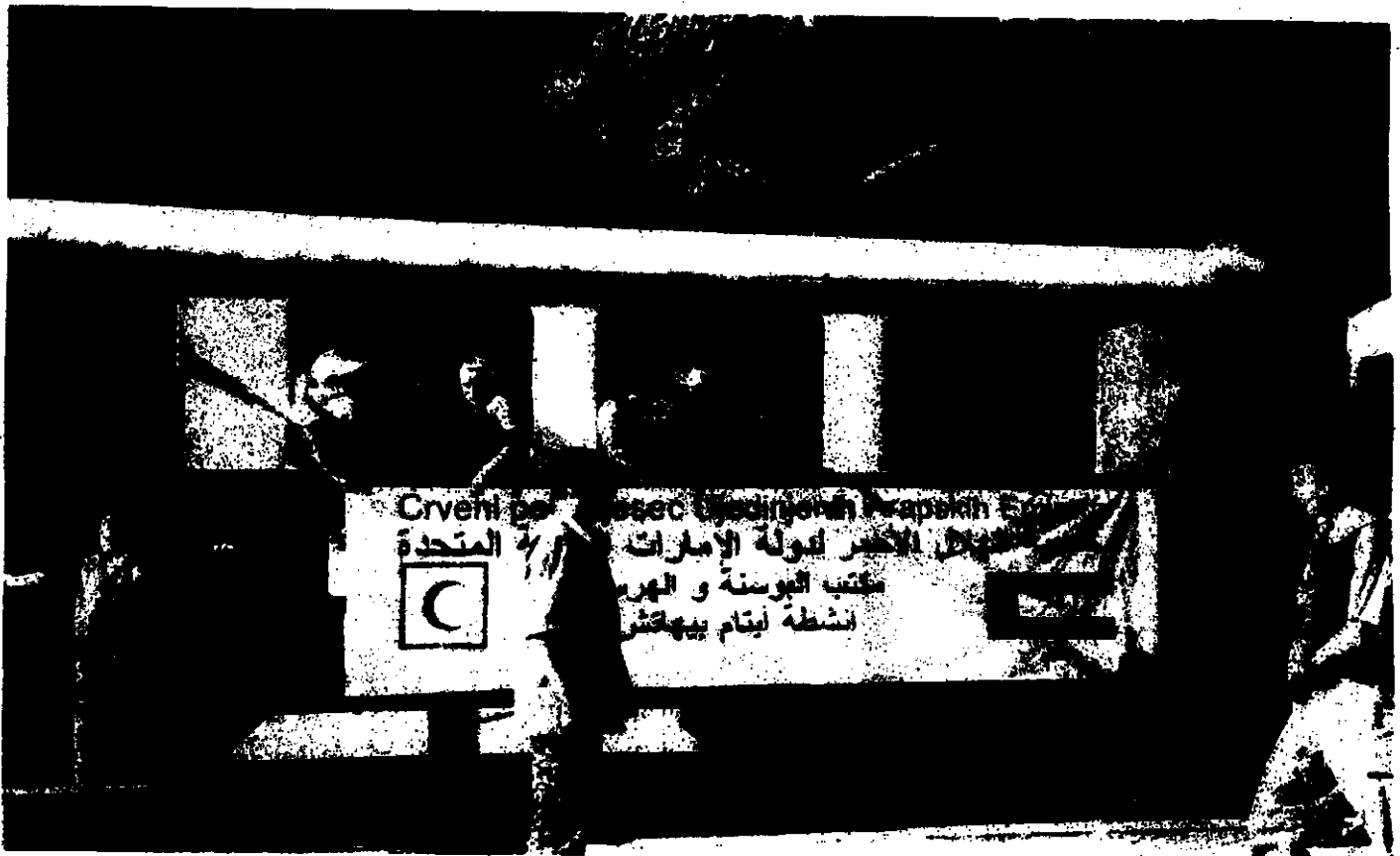
UNCLASSIFIED



Mohamed Nechla (center in athletic clothes) delivering supplies to Bosnian children

UNCLASSIFIED

UNCLASSIFIED



Mohamed Nechla with children he assisted while working for the Red Crescent Society of the UAE.

UNCLASSIFIED

UNCLASSIFIED



Mohamed Nechla

UNCLASSIFIED

UNCLASSIFIED



Mohamed Nechla (on the right
w/sunglasses on top of his head)

UNCLASSIFIED

UNCLASSIFIED



**A computer program for Bosnian
children through the Red Crescent
Society of the UAE**

UNCLASSIFIED

UNCLASSIFIED



A program for Bosnian children
through the Red Crescent Society of
the UAE

UNCLASSIFIED



UNCLASSIFIED



**A program for Bosnian children
through the Red Crescent Society of
the UAE**

UNCLASSIFIED

UNCLASSIFIED



**A program for Bosnian children
through the Red Crescent Society of
the UAE**

UNCLASSIFIED

UNCLASSIFIED

Nechla Exhibit 5

UNCLASSIFIED

UNCLASSIFIED

Bosnia and Herzegovina

Federation of Bosnia and Herzegovina

Una-Sana Canton

Municipality Buzim

Organization of families of fallen soldiers in municipality Buzim

Number: 07-81-05

Buzim, 25 February 2005

Subject: Statement

Respected,

On behalf of the organization of the families of fallen soldiers of municipality Buzim I write this to confirm that Mohamed Nechle from Algeria has worked for the Red Crescent Society from United Arab Emirates' office in period from 1 April 1997 until 21 October 2001.

Mr. Mohamed Nechle was in that period helping and working for our organization, trying to help the children who lost their parents during the war. He has organized several excursions for kids and provided them with clothing and other goods. All his work was focused at orphans.

During our cooperation he has never forced or in any other way mentioned terrorism, which we deeply despise and condemn. During our cooperation we had no objections regarding his work. Had there been any reasons for that we would have immediately ceased any cooperation with him.

Our organization despises any form of terrorism and condemns all those who help terrorists; we support all legal domestic and international efforts in fight against terrorism and other forms of criminal.

President of municipal organization

Signature and seal of the organization of fallen soldiers of municipality Buzim

UNCLASSIFIED

UNCLASSIFIED

BOSNA I HERCEGOVINA
FEDERACIJA BOSNE I HERCEGOVINE
UNSKO SANSKI KANTON
OPCINA BUZIM

ORGANIZACIJA PORODICA SEHIDA I
POGINULIH BORACA OPCINE BUZIM

Broj: 02-19-05
Buzim: 25.02.05.

PREDMET: I Z J A V A

Postovani!

Obracamo se u ime organizacije porodica sehida i poginulih boraca općine Buzim, sa pismenim dopisom što potvrđujemo da je MOHAMED NECHLE iz Alzira radio u periodu od 01.04.1997.god.do 21.10.2001.god.za RED CERSCENT SOCIETY FOR U.A.E.

Gos.Mohamed Nechle u navedenom periodu pomagao i radio za nasu Organizaciju, gdje je želio da pomogne našoj djeci koja su izgubila svoje roditelje u ratu. Organizao je više izleta, novčani sredstava, a više puta je vrsio i podjelu odjeće i drugi artikala, što je sve bilo namjenjeno za jetime.

Stoga navodimo da imenovani nije u toku naše saradnje nije nikog primoravo ili na bilo koji način spominjao terorizam, što i mi to duboko preziremo i osudjujemo. Takodjer u toku naše saradnje sa imenovanim nismo imali nikakve primjedbe na rad sa našom organizacijom, jer protiv toga su da bi prekinuli svaki vid saradnje.

Naša organizacija prezire svaki oblik terorizma, te osudjuje sve one koji pomazu teroristima, te dajemo podršku svim legalnim domacim i međunarodnim institucijama koje se bore protiv terorizma i svim ostalim vrstama kriminala.

U prilogu vam dostavljamo nekoliko potpisa roditelja cijij djeci gos.MOHAMED NCHLE pomagao i svim srcem imao je zelju da i dalje pomaze.

- 1.
- 2.
- 3.
- 4.
- 5.

Dostavljeno:

- 1.Naslovu,
- 2.a/a



PREDSJEDNIKA OPSIPB BUZIM

Catic Renzija

UNCLASSIFIED

UNCLASSIFIED

Nechla Exhibit 6

UNCLASSIFIED

UNCLASSIFIED

Bosnia and Herzegovina

Federation of Bosnia and Herzegovina

Una-Sana Canton

Municipality Velika Kladusa

Organization of families of fallen soldiers in municipality Velika Kladusa

Number: 05-02/05

25 February 2005

Subject: Statement

Respected,

On behalf of the organization of the families of fallen soldiers of municipality Velika Kladusa I write this to confirm that Mohamed Nechle from Algeria has worked for the Red Crescent Society from United Arab Emirates' office in period from 1 April 1997 until 21 October 2001.

Mr. Mohamed Nechle was in that period helping our organization, particularly by helping children who have lost one or both parents during the war. He has organized several trips and picnics for them and helped them with money donations and by providing other goods for them.

During our cooperation we have never noticed or been alerted to by our members of family members of the orphans that Mohamed Nechle supports, promotes or in any other way mentions terrorism, which we deeply despise and condemn. Also, during that time we had no objections regarding the work of Mr. Mohamed Nechle. Had there been any reasons for that, we would have immediately ceased any cooperation with him.

Our organization despises any form of terrorism and condemns all those who help terrorists; we support all legal domestic and international efforts in fight against terrorism and other forms of criminal.

In attachment here is several signatures of parents of kids to whom Mr. Mohamed Nechle has helped.

- 1. Lakic Rasima**
- 2. Okic Razija**
- 3. Tabakovic Seada**
- 4. Topalovic Mine**
- 5. Omeragic Refika**

UNCLASSIFIED

UNCLASSIFIED

President of municipal organization

Signature and seal of the organization of fallen soldiers of municipality Velika Kladusa.

UNCLASSIFIED

UNCLASSIFIED BOSNA I HERCEGOVINA
UNSKO-SANSKI KANTON
ORGANIZACIJA PORODICA ŠEHIDA
I POGINULIH BORACA
VELIKA KLADUŠA

Broj: 5-02/05

Datum: 25. 02. 2005 god

PREDMET: IZJAVA

Postovani!

Obručamo Vam se sa dopisom u kojem vam potvrđujemo da je MOHAMED NECHLE iz Alzira radio u periodu od 01.04.1997god. do 21.10.2001god. za RED CERSCENT SOCIETY FOR U.A.E.

gosp. Muhamed Nechle je u tom periodu pomagao našu Organizaciju, prvenstveno je pažnju usmjerio na djecu koja su u ratu izgubila jednog ili oba roditelja. Organizovao je nekoliko putovanja-izleta za djecu, te je novčanim sredstvima, te drugim stvarima nastojao da pomogne djeci.

U toku naše saradnje nismo primjetili, niti smo bili obavješteni od naših članova t.j djece i njihovih roditelja da gosp. Muhamed Nechle potječe, promovira, ili na bilo koji drugi način spominje terorizam kojeg mi duboko preziremo i esudujemo. Također u tom periodu nismo imali nikakvih primjedbi na rad gosp. Muhameda Nechle jer bih u protivnom prekinuli svaki vid saradnje.

Naša Organizacija prezire svaki oblik terorizma, te osuđuje sve one koji pomažu teroristima te dajemo podršku svim legalnim domaćim i međunarodnim institucijama koji se bore protiv terorizma i svih ostali vrsta kriminala.

U prilog vam dostavljamo nekoliko potpisa roditelja čijoj je djeci gosp. MUHAMED NECHLE pomogao.

1. JAKIĆ RASINA 04CPB5982
2. OKIĆ RAZIJA 04GPC1324
3. Tahirović Sevdada 04CPB5445
4. TOPALović Milica 04CPA8956
5. ČERBAKić ZEFIKA 04CPA2664

Dostavljeno
1. Naslovu
2. u

Pred
Velika Kladuša



UNCLASSIFIED

UNCLASSIFIED

Nechla Exhibit 7

UNCLASSIFIED

UNCLASSIFIED

Wilmer Cutler Pickering

Hale and Dorr

Stephen H. Oleskey

60 State Street

Boston, MA 02109

PETITION

Under full moral and criminal responsibility I state here that I have personally known Mohamed Nechle, and that he has performed the duties of the head of department for orphans, for the period from 16 July 1997 until 21 October 2001. He has performed his work conscientiously, responsibly, morally and honestly, trying with his work to help our children and us. We could have always asked for help from him and he was always responsive to such calls.

Number	Full name and surname	BiH Identification Card Number	Signature
1.	Derviša Dervišević	04CLB9765	
2.	Hasija Begić	04CLB9762	
3.	Nurka Begić	03CLA2115	
4.	Kado Mušić	04CLD9792	
5.	Džehva Lipovača	04CLD5058	
6.	Asima Mizić	04CCD1395	
7.	Edina Kulenović	04CLB4954	
8.	Fikreta Dizdarević	04CLB9714	
9.	Fate Kasić	04CLD3570	
10.	Elvira Mahmutović	5226/98	
11.	Indira Jusić	04CLC6039	
12.	Enisa Mujadžić	04CLD0181	
13.	Fadila Jufić	04CLC7852	
14.	Dika Lonić	04CLC7249	
15.	Refika Veladžić	04CLD8776	
16.	Fatima Baručić	04CLD0664	

UNCLASSIFIED

UNCLASSIFIED

17.	Emina Jusić	04QBB2428
18.	Enisa Duraković	04CDL0642
19.	Nisveta Abdijanović	04CLD4337
20.	Dijana Kurtović	988/01
21.	Senada Zukić	4043/96
22.	Vera Rekanović	04CLC2164
23.	Suada Mujarić	04CLC2708
24.	Emira Vojniković	04CLC1170
25.	Rasema Majstorović	04CLC1172
26.	Jasminka Alagić	8126/96
27.	Sabiha Fajković	04CLD1322
28.	Ismeta Kolaković	04CLB9499
29.	Azra Čavkić	03CLB9515
30.	Jasminka Berhrem	04CLC2654
31.	Semira Ibrilimović	04CLC7777
32.	Edina Hasanagić	03CLB3840
33.	Senada Bećirević	04CLB8377
34.	Rasima Huskić	04CLC0100
35.	Jasminka Midžić	04CLC7808
36.	Zlata Hafizović	04CLD9016
37.	Mersiha Dizdarević	04CLD2871
38.	Bekira Belić	04CLD3446
39.	Jasminka Salihagić	03CLB0529
40.	Rabija Šehić	03CLA7130
41.	Zemira Zulić	03CLA4897
42.	Sona Mujanović	03CLA4898
43.	Amra Korilić	04CLB5343
44.	Safija Toroman	04CLC9744
45.	Ismeta Sević	04CLB8821

UNCLASSIFIED

UNCLASSIFIED

46.	Emina Čaušević	04CLC1140
47.	Samira Demirović	03CLB3612
48.	Safeta Pačić	04CLD8576
49.	Katka Žerić	04CLC8297
50.	Indira Totić	04CLC9336

This petition has been signed by trustees of orphans who have been receiving help from organization Red Crescent from United Arab Emirates, office in BiH.

UNCLASSIFIED

UNCLASSIFIED

WILMER CUTLER PICKERING
HALE AND DORR

Stephen H. Oleskey
80 State Street
Boston, MA 02109

PETICIJA

Pod punom moralnom i krivičnom odgovornošću izjavljujem da mi je lično poznat MOHAMED NECHLE da je dugi niz godina od 16/07/1997 do 21/10/2001 obavljao dužnost šefa odjela za jetime. Svoj posao je obavljao savjesno, odgovorno, moralno i iskreno pomažući svojim radom nama i našoj djeci. Njemu smo se mogli uvijek obratiti za pomoć i svaki put bi našli na razumjevanje.

r.b.	Prezime i ime	br.l.k.	potpis
1	DERVIŠEVIĆ Derviša	04CLB9765	D. Derviša
2	BEGIĆ HASIJA	04CLB9762	Begić Hasija
3	BEGIĆ NURKA	03CLA2115	Begić Nurka
4	MUŠIĆ KADO	04CLO9792	Mušić Kado
5	LIPOVAČA DIČHVA	04CLO5058	Lipovača Dičhva
6	MIZIĆ ASIMA	04CLO1395	Mizić Asima
7	KULENOVIĆ EDINA	04CLB4954	Kulenović Edina
8	DIJADARVIĆ FERETA	04CLB9714	Dijadarović Fereta
9	KASIĆ FATE	04CLO3570	Kasić Fate
10	MAHMUTOVIĆ ELVIRA	5226/98	Mahmutović Elvira
11	JUSIĆ INDIRA	04CLO6039	Jusić Indira
12	MUJATIĆ ENISA	04CLO0121	Mujatić Enisa
13	JUSIĆ FADILA	04CLO7352	Jusić Fadila
14	LONIC DIKA	04CL7249	Lonić Dika
15	VELADŽIĆ REFIKA	04CLO8776	Veladžić Refika
16	BARUČIĆ FATIMA	04CLO0664	Baručić Fatima
17	JUSIĆ ENISA	04CLO5242	Jusić Enisa
18	MUJATIĆ ENISA	04CLO2042	Mujatić Enisa
19	ABDJIHANVIĆ MISVETA	04CLO4337	A. Misveta
20	KURTOVIĆ DIJANA	988/01	Kurtović Dijana
21	JUSIĆ JENADA	4043/90	Jusić Jenada
22	VERA PEKANOUĆ	04CLC2164	Vera Pekanović
23	MUJATIĆ SUADA	04CLC2708	Suada Mujatić
24	VOJNJKOVIĆ ENISA	04CLC1170	Vojnjković Enisa
25	HAJDOVIĆ RASMA	04CLC1172	Hajdović Rasma
26	ALABIĆ JASMINA	3126/96	Alabić Jasmina
27	FAJKOVIĆ SABIRA	04CLO1322	Fajković Sabira
28	KOLAKOVIĆ ISMETA	04CLB9499	Kolaković Ismeta

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30	BEHREM JASMINKA	04CLC2654	Behrem Jasminka
31	IBRISIMOVIC SEHIRA	04CLC7777	IBRISIMOVIC SEMIRA
32	HASANAGIC EDINA	03CLB3840	Hasanovic Edina
33	BECIREVIC SENADA	04CLB8377	Becirovic SENADA
34	MUSKIC RASIMA	04CLC0100	Music Rasima
35	MIDZIC JASMINKA	04CLC7808	Midzic Jasminka
36	HAFIZOVIC ZLATE	04CLD9016	Hafizovic Zlate
37	DIZDARVIC MERSIHA	04CLD2221	Dizdarcic Mersiha
38	BALIC BEKIRA	04CLD3446	Balic Bekira
39	SALIHAGIC JASMINKA	03CLB0529	Masminka Salihagic
40	ŠCIC REZJA	03CLA2130	Scic Rezja
41	ZULIC ZEMIRA	03CLA4897	Zulic Zemira
42	MUJANOVIC SENA	03CLA4898	Mujanovic Sena
43	KORICIC AMRA	04CLB5343	Koricic Amra
44	TOROHAN SAFIJA	04CLC9244	Torohanic Safija
45	SOVIC ISMETA	04CLB8821	Sovic Ismeta
46	ČAUŠEVIĆ EMINA	04CLC1140	Čaušević Emina
47	DEMIROVIC SAMIRA	03CLB3612	Demirovic Samira
48	PASIC SAFETA	04CLD8576	Pasic Safeta
49	ŽERIC KATKA	04CLC8297	Zeric Katka
50	TOTIC INDIRA	04CLC9336	Totic Indira

Peticiju potpisali staratelji jetima koji primaju pomoć kod organizacije RED CRESCENT FOR U.A.E. ured u BiH.

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In the beginning, I thank the members of this esteemed board, headed by the esteemed presiding board officer, for giving me the opportunity to express my opinion, and if this indicates anything, it is an indication of some form of justice and freedom that you live by, in your country, and also that we, as Arabs, benefited from, and that provides others to express their opinions with absolute freedom. I would also like to wish the members of the board success and prosperity in their work.

Thereafter:

As you know, I spoke at the first board about everything in regards to the allegations that were presented, and I have defended myself as much as I possibly could, with the testimonies of four witnesses. Also, my lawyer whom I have appointed presented a document to the members of the esteemed court, which pertained to my case, which states that I am an employee and bear the responsibility of my wife and my children and I do not pose a threat to anybody. I hope that this document ended up in your procession.

Nevertheless, I want, through this statement, to familiarize you with my life, and based upon my statement, I want for you to evaluate my case and my situation: Am I a bad person or not? Do I pose a threat or not?

So I say:

My name is Nechle Mohammad, I was born in Algeria, and my birth date is April 2nd, 1968. I am married to a kind hearted woman who loves me and whom I love. I am a father to two children who are just like two roses. I have not seen them for four years. I have missed them badly, as every father would miss his children.

As you know I departed Algeria, headed to Pakistan, in the year 1990 A.D, to seek work with charity organizations because the economic circumstances in Algeria were very bad. I also wanted to support my family, and my father, who was ill. I worked at the (AL-TA'MIR) organization in Pakistan at the office of administration. After that I traveled to The Philippines to work as a teacher for the Arabic language. After that I headed to Albania and worked at the Bin Hamoodah Center, which is affiliated with the United Arab Emirates Red Crescent Agency, and then I was transferred from the Albania office to the Bosnia and Herzegovina office to work with orphans. My duty was entirely charitable, to help people and educate them to do good deeds.

I also worked at the Bosnia and Herzegovina office in the city of Bihac as a supervisor and a caretaker of orphans for five years. As you also know, Bosnia and Herzegovina were in a constant war that lasted for five years, innocents were killed from both sides, and after that, the Europeans and the Americans got involved in solving this predicament which resulted in the loss of thousands of souls, so the famous (Dayton) agreement was convened, which stopped the war and which the Americans had a big role in executing. Then, after the war ended, as you know, it resulted in thousands of orphans and widows, so the international organizations and charities started to provide the necessary aid for

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those people, among these organizations there was the United Emirates Red Crescent organization, which provided a helping hand to those in need.

I was transferred from the Albania office that I used to work in to Bosnia in the year 1997 A.D, in the month of April, and that was three years after the end of the war. This transfer was conducted with the approval of the main office in the United Arab Emirates. As you also know, the Emirates are allied with America, and the Red Crescent is a governmental organizations affiliated with the Emirates.

I started my work with the orphans, and I used to provide them with compassion and I loved them very much. I tried to compensate them with the compassion of the father and mother. I would wipe their tears, visit their homes to deliver clothes for Eid (holiday), I would give them school bags so they could go to school and provide them with mattresses along with the warm blankets, I would give them the food and drinks and all what they needed. My only concern was to bestow happiness upon them and their mother's hearts.

I have been raised and disciplined to have good manners and good behavior. I lived in Bosnia as a respected citizen, respected in my words and respected in my appearance. I spent most of my time taking care of my own family and then taking care of those orphans whose number amounts to about 500 hundred orphans, their ages between 3 years and 12 years of age, among them Muslims and Christians, and thinking how I could bring happiness into their lives.

I lived in Bosnia and Herzegovina for 5 years continuously and the American forces lived in Bosnia as well, as did other forces from several nations. These forces had never been exposed to any assault or inconvenience from anybody and never will be. At the Red Crescent, we used to coordinate with some of these forces in distributing some aid among the needy orphans to several distant places. Our relationship with them was a good one, because these forces had come to spread peace in Bosnia, and yet if these forces leave the country it will be exposed to a second war.

So I swear to you that I am a person who does not pose a threat to you or to your allies, not even in the future, because I do not hold hatred towards anybody at all. I have raised my children to love people and wish them the best. I swear to you that I am not a terrorist for how could terrorism gather in a heart that sympathized with orphans.

Should you want a testimony, ask about me those orphans that I loved severely. Ask them one by one and tell them, what do you know about this person who used to guide you and take care of you?

Should you want a second testimony, ask about me the people of the city of Bihac. Tell them, what do you know about this person who used to live among you?

Should you want a third testimony, request a certificate of good conduct and reputation from our headquarters in Abu Dhabi, who hired me and knew me very well.

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Should you want a fourth testimony, ask about me the investigators, for I have been honest and cooperative with them for the last 3 years.

Should you want a fifth testimony, ask about me the soldiers and the superiors in Guantanamo prison, about how my manners were in dealing with them for the past 4 years.

Should you want a sixth testimony, this white gown that I am wearing, if I was bad, I would not be qualified to wear it.

Should you want a seventh testimony, ask about me the Bosnian government. The Bosnian parliament voted in its vast majority for negotiating with the Americans to retrieve us to Bosnia to live there as a good citizens.

Finally, I implore your esteemed board, which is headed by the court president, to perceive my case with a heart filled with freedom and justice. My conscience is clear, because I am innocent of any accusation presented against me and I am a person who takes responsibility for my family, because if I left this place my only concern would be bread on the table for my wife and children, because I lost my job when I came to this place.

I am a person who would like to live freely and help the needy and the orphans because that is my mission in life, and I swear to you one more time that I do not pose a threat to anybody at all. Thank you.

Mohammad Al Nechle

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في البداية أشكر أعضاء المحكمة الموقرة وعلى رأسهم رئيس المحكمة
المحترم على أن أتاحوا لي الفرصة للتعبير عن رأيي، وهذا إن ذل
على شيء وإنما يدل على العدالة والمروية التي تعيشونها في بلدكم والتي
استفدنا منها نحن العرب والتي تمنى أعضاء المحكمة الفاج والمؤيق في أعمالهم
بكل حرية كما أتمنى لأعضاء المحكمة الفاج والمؤيق في أعمالهم
أما بعد:

وكما تعلمون أنني تكلمت في المحكمة الأولى عن كراهتي والتفهم التي
وجهت لي وقد دافعت عن نفسي بما فيه الكفاية، ومستحينا ما أربعة
من القهود. وقد قام المحامي الذي وكلته بتقديم بيان لأعضاء
المحكمة المحترمة بما يخص قضيتي، والذي احتوى فيه أختي شخص
موظف وأتحمّل مسؤولية زوجته وأولادها ولا أتمثل خطر على
أحد، وأتمنى أن يكون قد وصل إليكم هذا البيان - إلا أنه أريد
من خلال هذا التقرير التبرير عن حياتي ومنحلاله تقوونون وضعي
وخالتي هل أنا إنسان نسي أم لا؟ وهل أتمثل خطراً أم لا؟

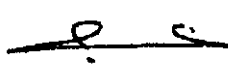


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فأقول :

باسمه فضله محمد بن مواليد الجزائر بتاريخ 2- أفريل - 1968 ،
 أنا متزوج بامرأة طيبة القلب نجف وأجبتا ، وأنا أنت لولدتين هيل
 الوردتين لم أرقام هذه أربع سنوات ، وقد اعتقدت إليهم كثيرا
 كما اعتاد كل أبي لابنه .
 وكما تعلمون أنت غادرت الجزائر متحفا الى باكستان سنة 1990م
 للبحث عن عمل في المجالات الهندية لاذن ظروف الاقتصاديه
 للجزائر كانت سيئة جدا ، وكنت أردت أن أساعد عائلتي
 والدي الذي كان مريضا وعملت بصحة التقمير في باكستان
 بإدارة الأمانة بالكتب ، بعد هذا انتقلت الى الفلبين للعمل
 كأمينة في اللغة العربية وبعد هذا انتقلت الى ألبانيا
 وعملت في مركز من جمود والتاريخ لجمعية الهلال الأحمر
 الإحسان وبعد فترة تحولت من مكتب ألبانيا الى مكتب البوسنة
 والهرسك للعمل مع الإيثار ، وكان عملي كله أمانة أساعد
 الناس وأعلمهم الخير .
 وقد عملت في مكتب البوسنة والهرسك بدرجة بيحائش بوظيفة
 مسؤول وخبرتي أيتام لمدة خمس سنوات .
 وكما تعلمون أيضا أنا البوسنة والهرسك كانت في حروب دامية دامت
 خمس سنوات فقتل فيها الأبرياء من كلتي الطرفين ، وبعد هذا


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تدخل الأوروبيون والأمريكان في حل هذه الأزمة التي حصلت
أرواح آلاف الناس، فتم عقد اتفاقية (دائتو) المشهور الذي
أوقف الحرب، الذي كان الأمريكيان لهم الدور الأكبر في تنفيذها،
ثم بعد نهاية الحرب كما تعلمون فقد خلفت الآلاف من الأيتام والأرامل
في أوقات الهيئات العالمية والإنسانية بتقديم المساعدات
اللازمة لهؤلاء الناس، وكان من بين هذه الهيئات جمعية
العمل الأحمر الإماراتي التي قدمت يد العون لهؤلاء المحتاجين،
فجئت أنا من مكتب ألمانيا الذي كنت أعمل فيه إلى الوجود
سنة 1997م في شهر أبريل، وهذا بعد نهاية الحرب بثلاث سنوات
وتم هذا التحويل بموافقة المكتب الرئيسي في الإمارات العربية المتحدة
وكما تعلمون فإن الإمارات دولة خليفة لألمانيا، والعمل الأحمر
جمعية خيرية تابعة للدولة.

فبعد أن غلبت روح الأيتام وكنت أعرف عليهم وأحبهم حقا
صديقا، وكنت أحاول أن أعوضهم عن الأذى والدمع وكنت أحسح
عظم الألم، وأزورهم في بيوتهم حتى أعطيهم لباس العيد
وأعطيهم الحقبة المدرسية حتى ينهوا إلى المدرسة، وأعطيهم الفرائش
والساكنات الدافئة، وأعطيهم الطعام والمشاي، وكل ما يحتاجونه
فكانت هذه الرحمة والرحيل الضروري عليهم وعلى قلوب أبنائهم


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ولقد تربيتم على الأخلاق الحسنة والمعاملة الجيدة، فكنتم أعيان
 في الموحدة كمنظمة محترمة، مُعَدِّم في كلاس ٢٠٥٥، وللباحس - ولقد
 مُعْظَم وقت الإهتمام بعائلتي ثم الإهتمام بعاولاء الأيتام
 الذين يبلغ عددهم 5٥٥ بيتاً، أعمارهم ما بين ٦ سنوات و
 ١٢ سنة بما فيهم المسلمين والمسيحيين وكيف أَسَدَدْتُمْ فِي حَتَائِكُمْ
 ولقد عشت في البومنه والهرملك في سنوات متتاليات، ولقد
 كانت القوات الأمريكية تعين في البومنه كذلك، والقوات المتعددة
 للجديسات، ولم تتعرض هذه القوات إلى أي إساءة أو مُضايقة
 من أحد، ولن تتعرض أبداً، بل كنا فن في الهلال الأحمر نلتحق مع
 بعض هذه القوات في توزيع بعض المساعدات على الأيتام المحتاجين
 في بعض الأماكن البعيدة، وكانت علاقتنا علاقة طيبة معها لأنها
 جاءت لبشر السلام في البومنه بل إن خروج هذه القوات سيُعرض
 البلاد في حرب ثانية.
 فأُفْتِيكُمْ لَكُمْ أَنَّهُ مُخَصَّصٌ لَأُحْمِلَ خَطَرًا عَلَيْكُمْ وَلَا عَلَى حُفَايَاكُمْ وَلَا حَيَاتِكُمْ
 قِ الْمَسْتَقْبَلِ لِأَنَّ لَأُحْمِلَ كَرَفًا عَلَى أَحَدٍ أَبَدًا، وَقَدْ رَيْتُ أَوْلَادِي
 عَلَى حُبِّ النَّاسِ وَحُبِّ الْخَيْرِ لَهُمْ
 دَأَقْتُمْ لَكُمْ أَنَّنِي لَسْتُ إِنْسَانًا ارْتَهَابًا وَكَيْفَ يَجْتَرِحُ الْإِرْهَابُ فِي
 قَلْبِ عَطْفٍ عَلَى الْإِيْتَامِ



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- فاذا أردتم شهادة فاسئلوا عن هاؤلاء الأئمة الذين كتبنا أجمعين حينئذ يدًا
بأسئلتهم واحدةً واحدةً وقولوا لهم ماذا تعرفون عن هذا الإنسان الذي
كان يرميكم ويعتني بكم.
- وإذا أردتم شهادة ثانية فاسئلوا عن أهل مدينة بيهاتش قولوا لهم
ما تعرفون عن هذا الإنسان الذي كان يعيد بكم.
- وإذا أردتم شهادة ثالثة أطلبوا شهادة حسن السلوك والسيرة من
مكتبنا الرئيسي في أبو ظبي الذين تعرفون عندهم وهم يعرفونني جيدًا.
- وإذا أردتم شهادة رابعة فاسئلوا عن المحققين، فلقد كتبنا متعاونًا معهم
صديقًا لهم منذ ثلاث سنوات.
- وإذا أردتم شهادة خامسة فاسئلوا عن العساكر والمسؤولين في بيروت
كواثنتلما وكيف كانت أخلاقي معهم منذ أربع سنوات.
- وإذا أردتم شهادة سادسة هذا اللباس الأبيض الذي ألبسه
و لو كنتنا سبيًا لزم ألبسه.
- وإذا أردتم شهادة سابعة فاسئلوا عن حكومة الجومنة، فلقد صوتت
البرلمان اليونسوي بالأغلبية المتأخرة على التفاوض مع الأمريكان
لاسترجاعنا إلى الجومنة والعيش فيها كواحد من صلحين.


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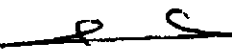
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وأخيرا أرحوا من تجلثم العجزم وعلو أمهم رئيس الحكمة
أن أخذوا قضيتي بقلب مملوء بالمرية والعدالة. وضبري
خطيأنا لأنني برئت من أي تفتنة ووجهت لي، وأنا إيمان
أتحمل مسؤولية عائلتي، لأنني إذا خرجت من هذا المكان
فسكون هم الوحيد لفتنة العيش لزوجه وأولادي، لأنني
فقدت وظيفة، عند ما جئت إلى هذا المكان.
وأنا إيمان أريد أن أعيش كذا وأساعد المحتاجين
والأيتام لأن هذه هميت في الحياة. فأنتم لكم مرة ثانية
أنه لا أشكل خطرناك أحد أبدا.



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