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March 31, 2005

Guantanamo Bay Detention Center

~~CLASSIFIED~~ Annual Review Board ("ARB" or "Board") Submission on behalf of Lakhdar Boumediene 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behalf of its client, Lakhdar Boumediene.¹ It replaces our February 1, 2005, submission to the Board, which is hereby withdrawn.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. Boumediene "will take up arms against the United States or its allies," and Mr. Boumediene's "intelligence value." This Classified Submission will provide the Board with information concerning those factors to assist its determination that Mr. Boumediene does not pose a threat to the United States or its allies, and that there are no other factors supporting the need for Mr. Boumediene's continued detention.² Because the CSRT, as well as the underlying allegations, focus largely on the asserted relationships among Mr. Boumediene and the five other Bosnian-Algerians taken into custody by U.S. forces in Bosnia in January 2002, we respectfully

¹ (u) WCPHD provides this submission and the accompanying materials without waiving any claims submitted on behalf of Mr. Boumediene 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. Boumediene 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. Boumediene. The CSRT record, however, includes only a small portion of the written record reflecting information and statements provided by Mr. Boumediene 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). Counsel has not been furnished with documentation demonstrating either the facts or process used in such previous "multiple levels of review" for either Mr. Boumediene or for our other five clients.

(u) The Board should affirmatively enquire whether additional information is available that bears on the facts that Mr. Boumediene 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.

(u) To the extent the Board relies on any such additional information, we request that it also be made available for review by us as Mr. Boumediene'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* (D.D.C. 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).

Classified by Multiple Sources
Declassify on XI/OADR by prior Marking
SBU per US Dept of State

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request that this Board consider the Classified Submissions for all six of our clients when evaluating each of their cases.

~~(SBU)~~ The available facts show that Mr. Boumediene should be released and sent home to Bosnia and Herzegovina ("Bosnia") without further delay, as he presents no perceivable threat to the United States or its allies, and there are no other factors supporting the need for his continued detention. (b)(1)

(b)(1) and that the allegations that formed the basis of that error have been repeated and recycled in every evaluation of Mr. Boumediene since he entered U.S. custody. Given the lack of damning intelligence in his CSRT file, his early cooperation with interrogators, and other facts we have gathered, there is little chance that Mr. Boumediene is or ever was a risk to the United States or its allies, and there is little chance that he contains more valuable information than the candid answers he gave when he was first taken into custody over three years ago. Both justice and human decency now require Mr. Boumediene's release.

I. DISCUSSION OF ARB CRITERIA

A. Mr. Boumediene's Personal Information, Work History, and Family Status

(u) According to information contained his CSRT file and information we have gathered, Mr. Boumediene was born in Ain Soultan, Algeria in 1966. He is a dual citizen of Algeria and Bosnia.³ He was raised and educated in Algeria, where he studied to be a machine mechanic. He finished his education in 1985 and then served two years in the Algerian military as a Border Guard near Morocco. In 1988, he worked for the Cement Industrial Company in Saida, Algeria as a clerk. He left Algeria in November 1990 to find work in Pakistan. He was offered a job at a school in Babi, Pakistan – the Islamic Hira Institute – where he worked from 1991 until December 1993.

(u) In December 1993, he traveled to Yemen, believing that it was a prosperous country with work opportunities. Once in Yemen, he reported to the Algerian Embassy and received a registration card. He was unable to find work there, but found relief at the French Cultural Center where he took French and computer courses. His lack of employment and the impending civil war in Yemen, lead to his decision to leave Yemen for Albania in 1995.

(u) In Albania, Mr. Boumediene found work at the Red Crescent Society of the United Arab Emirates, a constituent member of the International Federation of the Red

³ (u) See Algerian Citizenship Certificate attached as Exhibit 1; Bosnian Citizenship Certificate attached as Exhibit 2.

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Cross and Red Crescent Societies.⁴ Mr. Boumediene married his wife, Abassia, in Albania in 1995. However, due to civil unrest in Albania, Mr. Boumediene requested a job transfer in 1997. His options were to be relocated to Indonesia, Somalia or Bosnia, and he chose the closest country, Bosnia. The Red Crescent Society relocated Mr. Boumediene and his family to Bosnia in 1997.

(u) Mr. Boumediene lived in Bosnia with his wife and two young children from April 1997 until his arrest in October 2001. In Bosnia, Mr. Boumediene continued to work for the Red Crescent Society of the UAE, and he oversaw distribution of aid to over 470 orphans in Sarajevo and Travnik. The recent war in Bosnia had left many children without fathers or parents. His job involved purchasing food, blankets, school supplies, and other necessities and distributing those supplies regularly to eligible children. See photographs attached as Exhibit 4. Orphans also came to the Red Crescent center on weekends for food, recreation, and language and computer classes. Occasionally his work required travel to other countries, like Hungary, to purchase supplies. The many children who were helped by Mr. Boumediene miss him, and many of the orphans' custodians have signed a petition on his behalf attesting to his honest, moral, and conscientious good work in the service of orphans. See *Petition* at Exhibit 5.

(u) Mr. Boumediene supervised six or seven other workers at the agency to coordinate the extensive relief effort and worked closely with fellow Algerian Mohamed Nechla, who Mr. Boumediene first met when the two worked for the Red Crescent Society in Albania. 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.

(u) As counsel for Mr. Boumediene, we recently interviewed Mr. Boumediene's supervisor, the Director at the Red Crescent Society of the UAE's office in Sarajevo. The Director confirmed that Mr. Boumediene was always a peaceful 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. 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 would welcome Messrs. Boumediene and Nechla back to their old jobs should this Board determine they should be released.

⁴ (u) The Red Crescent Society of the UAE, the employer of both Mr. Boumediene and Mr. Nechla, is supported by the government of the UAE and is not listed by the U.S. as a terrorist front organization. The UAE itself was then and is now a U.S. ally. See background information on the Red Crescent Society of the UAE attached to Joint App. at Ex. I.

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1. (u) Mr. Boumediene's Acquaintances and Friendships Do Not Demonstrate Dangerousness

(b)(7)(A)

⁵(u) This information is included in FBI interview notes, *see Encl. (2) CSRT Decision Report at Ex. R-3*, attached to Joint App. at Ex. G(e).

(u) Notably, on this point, Mr. Boumediene has always readily acknowledged his actions to interrogators from his earliest interrogations. What kind of terrorist would make such an "admission"? What kind of terrorist would openly hire an attorney for a "terrorist leader" three weeks after September 11, leave his business card to ensure his identification, then calmly return to his home and family (in a country then swarming with U.S. troops and intelligence personnel) to go on with his life as a relief worker - despite the open and well-marked trail he had just left linking him directly to someone he supposedly knew to be a major Al Qaida leader and therefore a marked man? If Mr. Boumediene's otherwise unexceptional assistance for a casual acquaintance were really so sinister, why would he then continue with his daily routine in Sarajevo for two more weeks waiting to be arrested? And why would he act in such a way in providing this modest assistance as to absolutely ensure his identification and apprehension by the authorities within a matter of two weeks? These are not the actions of a dangerous man, much less a trained terrorist.

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(b)(7)(A)

~~(FOIA/LES)~~ There is no evidence that Mr. Boumediene knew Mr. Lahmar through his passing acquaintance with Mr. Bensayah or otherwise, prior to his arrest in October 2001.⁶

(u) Moreover, the fact that Mr. Boumediene formed friendships while living in Bosnia with Msrs. Nechla, Boudella, and Ait Idir, 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 expatriate Americans, living in Mexico or Central America, for example, to form associations and friendships with each other, and to gravitate to the same areas and communities. This is particularly true of Mr. Boumediene's close friendship with Mr. Nechla, who was not only a fellow Algerian, but a colleague who worked with him for the Red Crescent Society of the UAE in Bosnia and, before that, for the same organization doing the same general relief work in Albania.⁷

B.(u) Mr. Boumediene Was Apprehended On an Otherwise Ordinary Day at His Office in Bosnia, Far From Any Battlefield

~~(U//S//EU)~~ 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

(b)(1)

(u) The CSRT files reflect that both men were married in Albania to Algerian women from the same village. Both couples left Albania after the outbreak of war there 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, Ex. J.*

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(b)(1)

(u) On the day of his arrest, October 21, 2001, Mr. Boumediene was at work at the Red Crescent Society in Sarajevo. The Director, his employer, called Mr. Boumediene into his office where Mr. Boumediene was placed under arrest by Bosnian authorities in

(b)(1)

⁹ As early as October 25, 2001, it appears that Bosnian authorities "had reasonable doubt that a crime was committed as stated in article 168, line 1 of the FBIF Criminal Law (International Terrorism) . . ." See *Encl. (2) to Boudella CSRT Decision Report* at Exhibit R-8, attached to Joint App. at Ex. D. Nevertheless, that same document states that criminal charges were filed, and that their arrests were made "due to probable cause that they had planned and were planning" an attack on the American Embassy. (No doubt such inconsistencies led the Boudella CSRT to find this document "mostly unhelpful.")

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the presence of a United Nations officer. Mr. Boumediene was present while Bosnian authorities searched his office, seized his computer and miscellaneous disks, and then accompanied the authorities to his house to search his residence in his wife's presence. He was brought to the federal police station where he candidly answered questions and was ultimately placed in pre-trial incarceration.¹⁰ These basic facts are set out in a lengthy and exhaustive opinion by the Human Rights Chamber for Bosnia and Herzegovina written after its official inquiry and hearings. We attach a copy of its decision to the Joint Appendix at Exhibit B(c).¹¹

(u) Mr. Boumediene was not "captured." He was fully aware that Belkacem Bensayah had been arrested a couple of weeks earlier, and he had time and opportunity to flee. See discussion *supra* at Section A(1). Instead, he went to work each day and calmly and peacefully cooperated with Bosnian and UN authorities at the time of his arrest. These are not the acts of a dangerous individual, much less a would-be terrorist.

(u) After a thorough three-month investigation, the Chief Federal Prosecutor of Bosnia recommended, and the Bosnian Supreme Court accepted, that Mr. Boumediene and the other Bosnian Detainees should be released for lack of evidence, as reflected in that Court's January 17, 2002 decision attached to the Joint Appendix at Exhibit B(b).¹² Pursuant to the Bosnian Supreme Court's order, Mr. Boumediene and the Bosnian Detainees were ordered immediately released from prison; yet, despite their exoneration, and in front of family members and hundreds of others, they were promptly handed over to the United States military illegally on January 18, 2002 [REDACTED]

~~FOUO//LES~~ (b)(7)(A)

(u) ¹¹ The Human Rights Chamber of Bosnia and Herzegovina is a judicial body established under the U.S.-brokered Dayton Peace Agreement of 1995 to consider alleged or apparent violations of human rights in Bosnia and Herzegovina. Members of the Chamber (now called the Human Rights Commission, see www.hrc.ba for more information) sit as a panel and have the power to order provisional measures, to appoint experts, and to compel the production of witnesses and evidence. The decisions of the Chamber are final and binding and the parties, including the Bosnian government, are obligated to implement them fully.

(u) ¹² The Chief Bosnian Federal Prosecutor and the present President of the Supreme Court of Bosnia and Herzegovina have each confirmed to us as counsel in conversations in January 2005 that neither of their institutions ever found evidence implicating these men in any such plot. For more background on legal proceedings in Bosnia, please see the attached *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 the Joint Appendix at Ex. B.

(u) ¹³ The Human Rights Chamber determined that the action of Bosnian authorities in this regard was illegal. See *Boudellaa v. Bosnia and Herzegovina*, Nos. CH/02/8679, CH/02/8689, CH/02/8690 and

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(u) In June 2004, the Chief Federal Prosecutor of Bosnia formally ended any criminal investigation into Mr. Boumediene's alleged conduct,¹⁴ and Mr. Boumediene's Bosnian citizenship, stripped at the time of his arrest in 2001, has been officially reinstated.¹⁵ Mr. Boumediene is not charged with any crime under either Bosnian or U.S. laws.

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

(b)(1)

CH/02/8691 (Oct. 11, 2002) attached to Joint App. at Ex. B(c). Moreover, as early as October 25, 2001, it appears that Bosnian authorities "had reasonable doubt that a crime was committed as stated in article 168, line 1 of the FBIH Criminal Law (International Terrorism) . . ." See *Boudella CSRT Decision Report* at Exhibit R-8, attached to Joint App. at Ex. D(j).

¹⁴ (u) We attach to the Joint Appendix at Exhibit B(d) a letter (in English and Bosnian) from the Chief Prosecutor to the UN Office of the High Commission for Human Rights indicating that he dropped the investigations as of June 2004.

¹⁵ (u) *Bosnian Citizenship Certificate* attached as Exhibit 2.

¹⁶ (u) See also Lahmar Classified ARB Submission for a full discussion of this evidentiary development.

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~~(S//NF)~~

(b)(1)

[Redacted]

Id. (emphasis added).

~~(S//NF)~~

(b)(1)

[Redacted]

(b)(1)

[Redacted]

~~(FOUO)~~

(b)(7)(A)

[Redacted]

(b)(7)(A)

[Redacted]

~~(S//NF)~~

(b)(1)

(b)(1)

[Redacted]

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See, e.g., (b)(1)

[Redacted]

~~(S//NF)~~

(b)(1)

[Redacted]

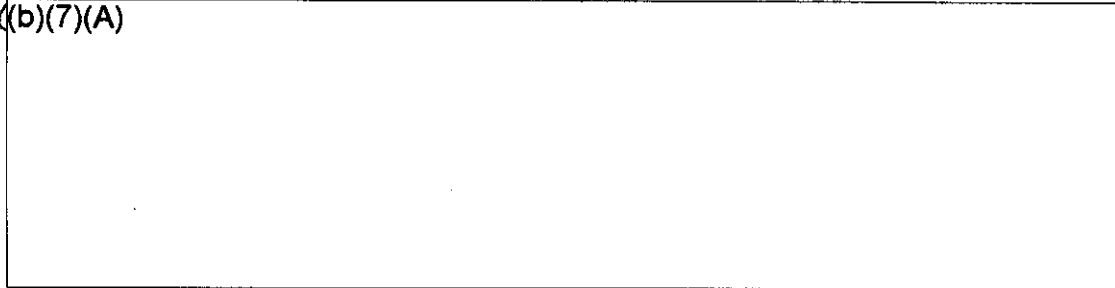
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(b)(7)(A)



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 [REDACTED], then SFOR Commander in Bosnia.¹⁹ 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 [REDACTED] 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 [REDACTED] "has no reason to suspect the honesty of my allegations and accusations," and that General [REDACTED] 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 [REDACTED] 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

¹⁹ (u) The letter is addressed to "Respected Mr. Commander of SFOR General [REDACTED]" Major General [REDACTED] 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 [REDACTED]. SFOR itself was replaced on December 2, 2004 by UFOR.

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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 [REDACTED] 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. [REDACTED]

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[REDACTED]
(b)(1)

C. Statements Made by Mr. Boumediene and Cooperation While in Detention

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[REDACTED]
(b)(7)(A)

²⁰ ~~SECRET~~ See Encl. (b)(1)
[REDACTED]

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about his personal history and any knowledge of Muslim charities, as discussed in more detail in Section I.F.

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

(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.²¹

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.* The Human Rights 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)*. Additionally, Mr. Boumediene's citizenship, which the Bosnian Government attempted to revoke shortly after his arrest, was officially restored by the Bosnian courts and is recognized by the Bosnian Government. *See Bosnian Citizenship Certificate* attached as Exhibit 2.

(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. And Slobodan Kovac, the Bosnian Minister of Justice, recently stated unequivocally, "Ministry of Justice of BiH is interested in getting these individuals back in BiH . . ." *See Statement by Bosnian Minister of Justice, Slobodan Kovac* (January 31, 2005) attached to Joint App. at Ex. B(h). In the same statement, the

²¹ (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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Ministry of Justice confirmed 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. *Id.*

(u) Mr. Boumediene is not the dangerous terrorist he is accused of being. On the contrary, the Bosnian Government has recognized his status as a Bosnian Citizen and initiated proceedings to secure his safe return to Bosnia.²²

(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. Boumediene Has Never and Would Never Take up Arms Against the United States

1. (u) Separate CSRTs Found No Evidence of Embassy Bombing Plot

a. (u) Finding of the Ait Idir Tribunal

~~(S//NF)~~ (b)(1)
(b)(1)

²² (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.

²³ ~~(S//NF)~~ (b)(1)

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to Ait Idir CSRT Decision Report at Exhibit R-27, attached to Joint App. at Ex. C(cc)
(describing some of the information that gave rise to the initial suspicion).

~~(S)~~ (b)(1)

b. (u) Finding of Boudella Tribunal.

~~(S)~~ (b)(1)

(u) This Board is mandated by its own procedures to make an assessment, as these other two Tribunals did, of the reliability of any piece of information presented in the 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 procedures specifically recognize that information that is "vague, unsupported, or not established through reliable sources" is considered less reliable.

(u) Notably, there is no evidence cited in Mr. Boumediene's CSRT record—or the CSRT records of the other five—linking them to any purported bomb plot—no allegations that they possessed maps, sketches, bombs or bomb-making components, weapons, or any other tangible evidence that would show their intent or demonstrate their involvement in such a plan. 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 conclusions of Ait Idir and Boudella Tribunals calling into question the existence of any plot involving the six.

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2. (u) *There is No Basis in the Record for the Allegation that Mr. Boumediene Planned to go to Afghanistan in October 2001*

~~(S//NF)~~
(b)(7)(A)

~~(S//NF)~~ (b)(1)

There was no such evidence – this is what the Bosnian Chief Prosecutor determined when he recommended Mr. Boumediene’s release back in January 2002.

3. (u) *There is No Basis in the Record to Support the Assertion that Mr. Boumediene is a Member of the Armed Islamic Group ("GIA"), or is a Former Mujahedin Member.*

a. (u) *Alleged Links to GIA Not Supported by the CSRT File*

~~(S//NF)~~

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~~(S//NF)~~ The Boudella CSRT, presented with the same documents as the CSRT for Mr. Boumediene,

(b)(1)

~~(S//NF)~~

(b)(1)

(u) Moreover, 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). Mr. Boumediene was not living in Algeria after 1990, however, and therefore could not have been involved with GIA, which carried out its activities against targets in Algeria. 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. Boumediene'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.*

~~SECRET//NOFORN~~

~~SECRET/NOFORN~~

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Guantanamo Bay Detention Center

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(emphasis supplied), attached to Joint App. at Ex. E(e). This official U.S. government information hardly supports a serious contention that Mr. Boumediene—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.]

(b)(1)

(u) In sum, Mr. Boumediene is not a member of GIA, was never a member of the GIA and does not pose any threat to the U.S., France, or other allies that such a member might pose.

b. (u) Allegation that Mr. Boumediene is a Former Bosnian Mujahedin Does Not Demonstrate Dangerousness

(u) Similarly, there is no basis in the record to support the assertion that Mr. Boumediene is a former mujahedin fighter. He came to Bosnia through a job transfer with the Red Crescent Society of the UAE and spent his years in Bosnia working for that charitable organization and living with his wife and children.

~~(CONF)~~ To the extent the CSRT found persuasive, for purposes of its enemy combatant determination, evidence purporting to show [REDACTED] those findings do not show that Mr. Boumediene presents a threat to the United States. In fact, during the war in Bosnia, the United States was allied with the mujahedin. The United States came to the aid of Bosnian Muslims—as did the mujahedin—defending against Serbian “ethnic cleansing” from 1992-1995. See *generally To End A War*, Richard Holbrooke (1998).²⁴ Even if it were true that [REDACTED] there is no basis to conclude that such involvement—which would have been in alignment with U.S. interests at the time—makes him a danger to the United States today.

4. (u) *There Is No Basis on the Record for Any Conclusion that Mr. Boumediene Had Links to Known or Suspected Terrorists*

²⁴(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 of the Bosnian conflict, are the subject of on-going prosecutions in The Hague by the International Tribunal for War Crimes in the former Yugoslavia.

~~SECRET/NOFORN~~

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Wilmer Cutler Pickering Hale and Dorr LLP Boston, MA 02109

~~(S//NF)~~ (b)(1)

[Redacted]

~~(S//NF)~~ (b)(1)

(b)(1)

[Redacted]

~~(S//NF)~~ (b)(1)

(b)(1)

[Redacted]

~~(S//NF)~~ (b)(1)

(b)(1)

[Redacted]

²⁵ (u) Counsel refers the Administrative Review Board to its procedural instructions at paragraph 3(e)(3), which requires the Board to assess, and to document its assessment of, the reliability of evidence before it – and to consider information that is “vague, unsupported, or not established through reliable sources generally is considered less reliable and may be given less weight.” *Encl. (2) to Department of Defense Memorandum, Implementation of Administrative Review Procedures for Enemy Combatants Detained at U.S. Naval Base Guantanamo Bay, Cuba* (September 14, 2004).

~~SECRET//NOFORN~~

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[REDACTED]

The requests for information were "closed out" without provision of anything other than summary information, mostly about Belkacem Bensayah, not Mr. Boumediene. No actual supporting evidence was provided to answer the Tribunal's many questions. See *Encl. (2) to Boumediene CSRT Decision Report* at Ex. R-15, attached to Joint App. at Ex. G(q).

(U) While the record shows that the Tribunal members had many questions outstanding about the reliability of evidence supporting allegations against Mr. Boumediene, the CSRT ultimately chose to accept the recommendation to classify Mr. Boumediene as an enemy combatant rather than to demand a detailed response to its inquiry.

F. (A) Mr. Boumediene Has No Intelligence Value

The classified CSRT record shows that the principal reason Mr. Boumediene was detained was [REDACTED]

[REDACTED] There is almost no mention of the purported U.S. Embassy bombing plot, the pretext for his arrest, in any of the classified summaries of his interrogations. Rather, the interrogators' questions [REDACTED]

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), it shows Mr. Boumediene poses no risk.²⁶ Mr. Boumediene was never interrogated about his participation in any activity that actually has resulted in harm to the United States or its allies, and the record reflects no evidence of any actual plan to undertake such activity.

(b)(1)

²⁶ [REDACTED] Even if this Board were to consider intelligence value as a criteria in connection with its decision whether to release Mr. Boumediene, the record demonstrates that any such value he may have had with respect to providing [REDACTED] has been exhausted. The fact of his friendships with Mesum. Nechla, Boudeila and Ait Idir does not demonstrate that he has any intelligence value, and his interview answers make clear that he does not support and has not been involved with terrorists in Bosnia or elsewhere and therefore has no information to add on that subject.

~~SECRET//NOFORN~~

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The record amply reflects that Mr. Boumediene has been questioned repeatedly ~~_____~~ and by all appearances, any information he had on this topic has been disclosed during his over three-year long detention.²⁷ Year four of interrogation on the same topic is just as unlikely to yield new or useful information as years one, two, and three have been, because Mr. Boumediene simply has no information that would be of any intelligence value to the United States.

G.(4) Summary of Mr. Boumediene's Health

Mr. Boumediene's mental health has deteriorated substantially due to his ongoing detention in Guantanamo. Counsel have requested and been denied access to Mr. Boumediene's medical records in Guantanamo but were able to survey Mr. Boumediene'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 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.*

Based on his review of Mr. Boumediene's responses to the questionnaire, Dr. Matthews determined that Mr. Boumediene may be suffering from clinical depression due to his treatment and prolonged detention at Guantanamo. See *Letter from Forensic Psychiatrist, Dr. Daryl B. Matthews*, attached as Exhibit 6. Mr. Boumediene also may be suffering from Post Traumatic Stress Disorder, based on his nightmares, numbing, feeling of detachment and other symptoms. The experiences Mr. Boumediene has encountered in detention, including beatings and forced isolation, are well-known to trigger major depression and stress disorders in previously healthy people. Dr. Matthews concludes that Mr. Boumediene is likely to suffer continuing and exacerbated symptoms of

²⁷ ~~_____~~
(b)(1)

Board should make its own independent assessment of Mr. Boumediene, in light of the information and analysis provided in this Submission and the Board's procedural guidelines.

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depression and stress disorder if he is not removed from the stressors he currently faces in detention.

II. (u) REQUEST FOR EVIDENCE NOT PROVIDED TO CSRT OR COUNSEL

~~(S//NF)~~

(b)(1)

III. (u) CONCLUSION

(u) Nothing in the record provided to us, as counsel for Mr. Boumediene, 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. Boumediene 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. Mr. Boumediene 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. Boumediene was unfortunately and mistakenly swept up in the confusion and fear following the events of September 11, 2001. Mr. Boumediene has devoted his adult life to assisting others in need. He is eager to return to his family.

(u) The ARB panel cannot give Mr. Boumediene 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 based on

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information from unreliable sources 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. Boumediene 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.

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

Respectfully Submitted,

Stephen H. Oleskey ^{MS}

Stephen H. Oleskey

Robert C. Kirsch

Douglas Curtis

Melissa A. Hoffer

Wilmer Cutler Pickering Hale and Dorr LLP

60 State Street

Boston, MA 02109

617.526.6000

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Lakhdar Boumediene **Exhibits to ARB Submission**

1. Algerian Citizenship Certificate
2. Bosnian Citizenship Certificate
3. Photographs of Mr. Boumediene and his family
4. Photographs of Mr. Boumediene working with children in Bosnia
5. Petition with fifty signatures from trustees of orphans
6. Letter from Forensic Psychiatrist Dr. Daryl B. Matthews (March 24, 2005)

UNCLASSIFIED

UNCLASSIFIED

Boumediene Exhibit 1

UNCLASSIFIED

N° 11/05 A.C

ATTESTATION
DE
NATIONALITE

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

Nom : BOUMEDIENE

Prénom : Lakhdar

Né le : 27/04/1966 à : Ain Soultan

Fils de : Kada et de : DJEBLI Rahma

Titulaire du passeport n° 0705513 délivré par notre Ambassade le
27/09/2001 valable au 26/09/2006.

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

Ferouk LLOUD

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Boumediene Exhibit 2

UNCLASSIFIED

UNCLASSIFIED

Općina Centar Sarajevo
Bina 11, ul. Zvezde i administrativan
kanton "Službene novine Kantona
Sarajevo" broj 30/01)

BOSNA I HERCEGOVINA
FEDERACIJA BOSNE I HERCEGOVINE
Općina Centar Sarajevo
Općina Centar Sarajevo

OPĆINA CENTAR SARAJEVO
Služba za opću upravu i lokalnu samoupravu

Broj : 08/13-2-19845/05
Datum: 03.02.2005. godine

Na osnovu člana 35. Zakona o državljanstvu Bosne i Hercegovine (objavljeno u "Službenom glasniku BiH", broj 4/97), i člana 36. Zakona o državljanstvu BiH ("Službeni list FBiH", broj 43/01), a na zahtjev Dizdarević Nadža, Služba za upravu i lokalnu samoupravu izdaje:

UVJERENJE

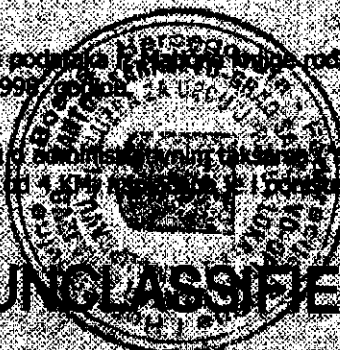
da je

Prezime i ime	Boumediene Lakhdar
Jedinstveni matični broj	///
Datum rođenja	27.04.1966
Mjesto, općina i država rođenja	Aynnsultan, Alžir/, Alžir
Ime jednog roditelja	/// Kada

DRŽAVLJANIN BOSNE I HERCEGOVINE I FEDERACIJE BIH

Ovo uvjerenje izdaje se na osnovu podataka iz matičnih knjiga rođenih Općine Centar Sarajevo, na strani 1, pod rednim brojem 11597, za 1998. godinu.

Taksa po tarifnom broju 7. Zakona o javnim službama i taksama ("Službene novine Kantona Sarajevo", broj 6/97, 14/97 i 10/98) u iznosu od 4 KM (četiri KM) iznosi 215 dinara.



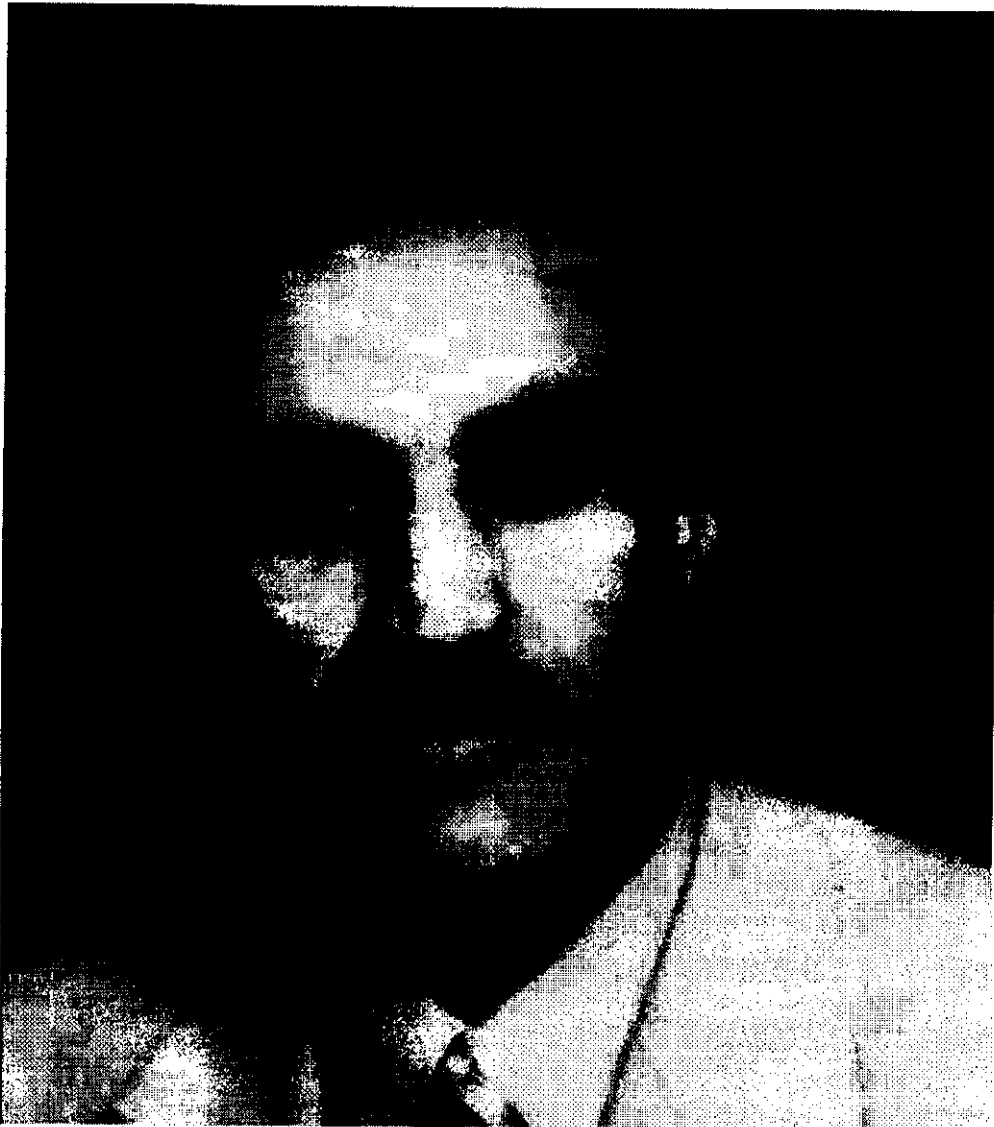
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MATIČAR
Migic Sandra

UNCLASSIFIED
Boumediene Exhibit 3

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Lakhdar Boumediene

UNCLASSIFIED

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Lakhdar Boumediene's wife,
Abassia.

UNCLASSIFIED

UNCLASSIFIED

Boumediene Exhibit 4

UNCLASSIFIED

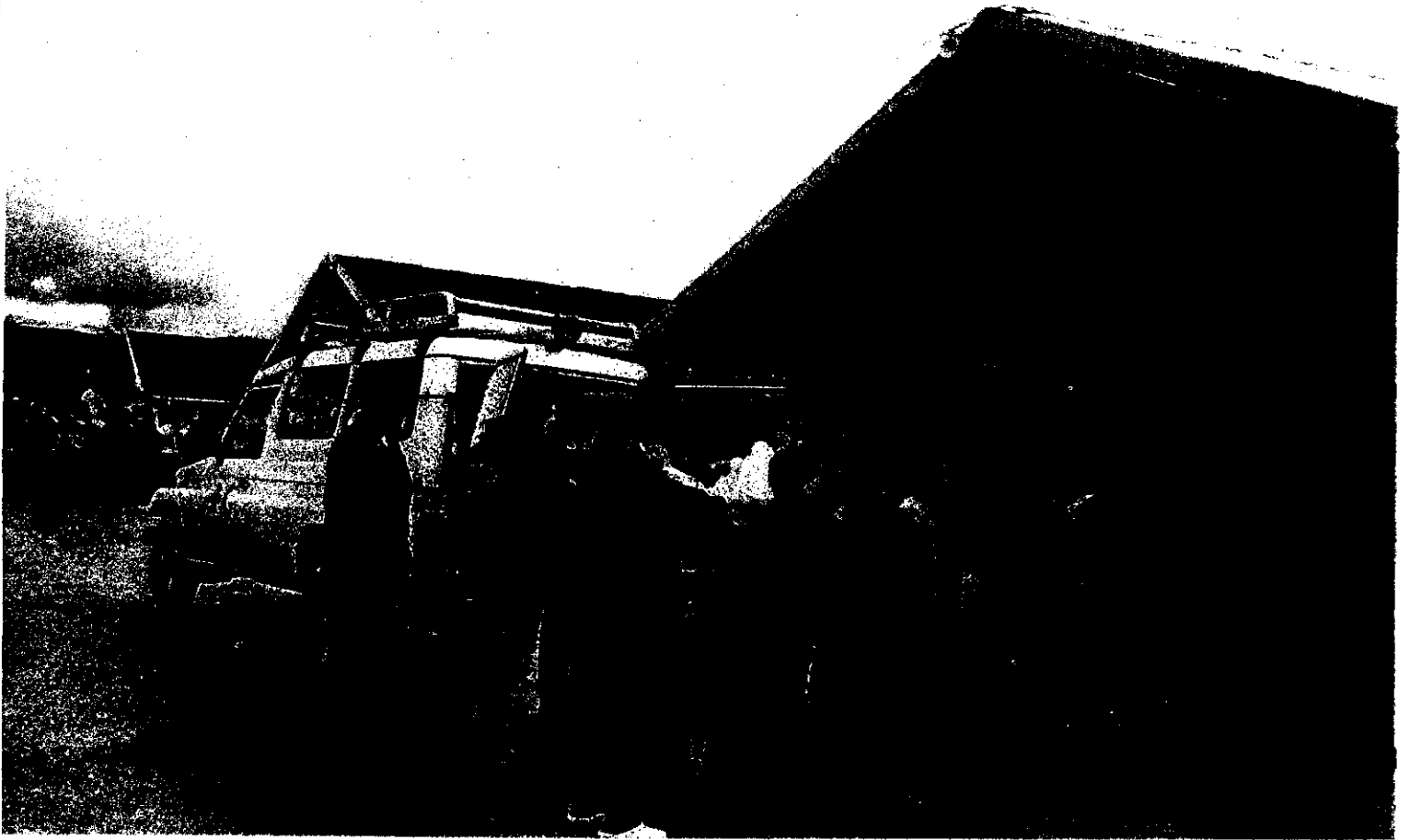
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Lakhmar Boumediene (in khaki pants with trimmed beard) delivering supplies to children

UNCLASSIFIED

UNCLASSIFIED



Lakhmar Boumediene (with
trimmed beard) delivering supplies
to children

UNCLASSIFIED

UNCLASSIFIED



Lakhmar Boumediene (in khaki pants with trimmed beard) delivering supplies to children

UNCLASSIFIED

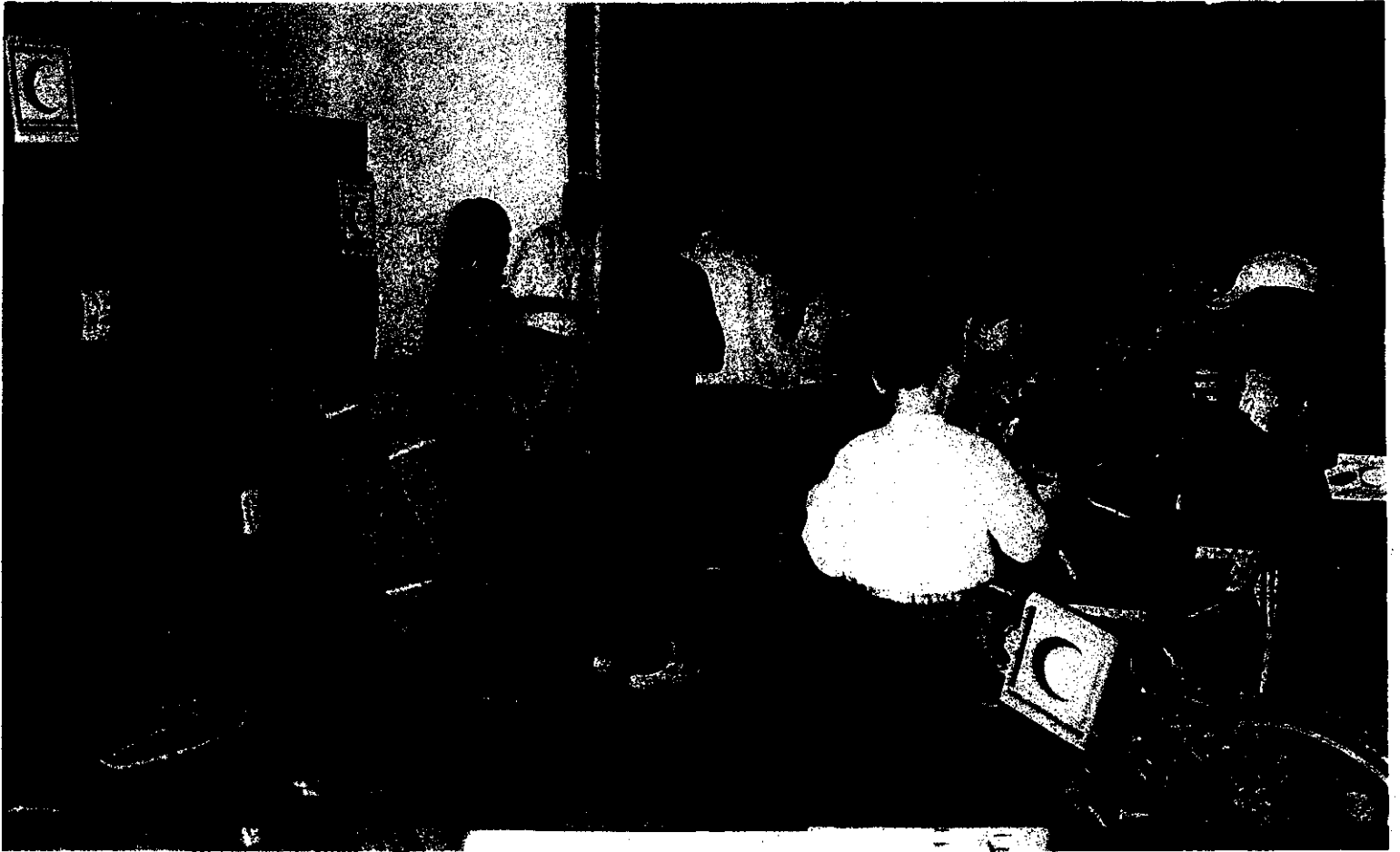
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Lakhmar Boumediene (in khaki pants with trimmed beard) delivering supplies to children

UNCLASSIFIED

UNCLASSIFIED



Lakhmar Boumediene (on left in khaki pants with trimmed beard) delivering bicycles to Bosnian children

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Bosnian children with their bicycles

UNCLASSIFIED

UNCLASSIFIED



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

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UNCLASSIFIED

Ujedinjenih Arapskih

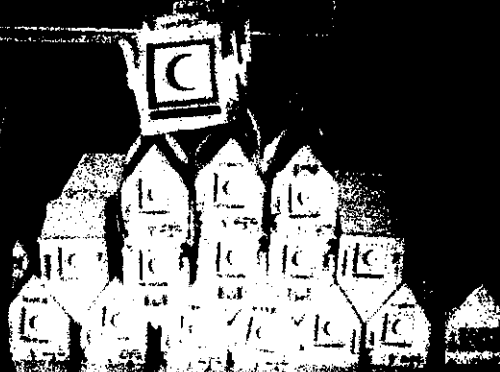
دولة الامارات العربية المتحدة



مكتب الدوسنة و الهرسك

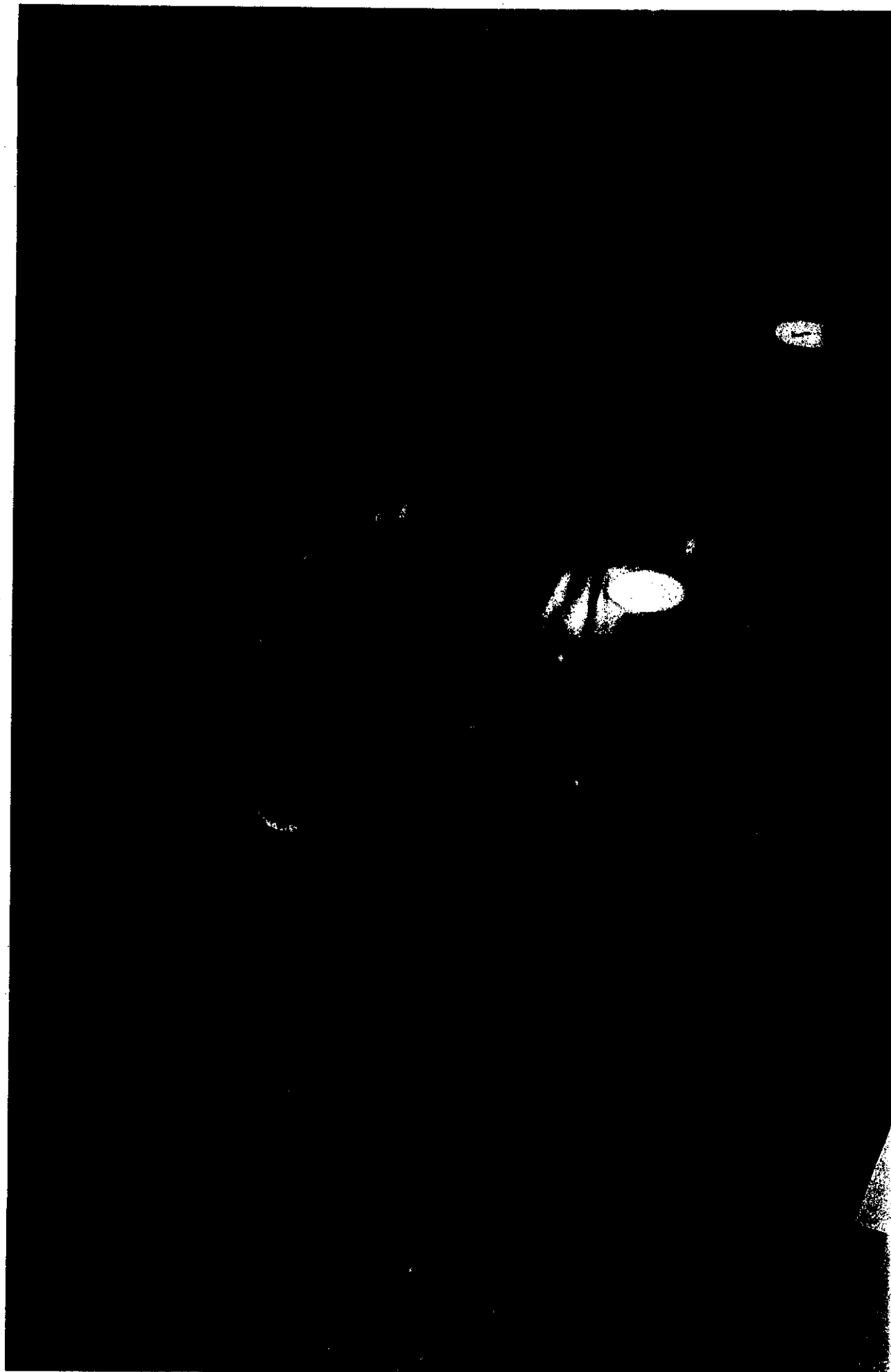
انشطة ابناء سرايفو

BAJRAM UBAREK

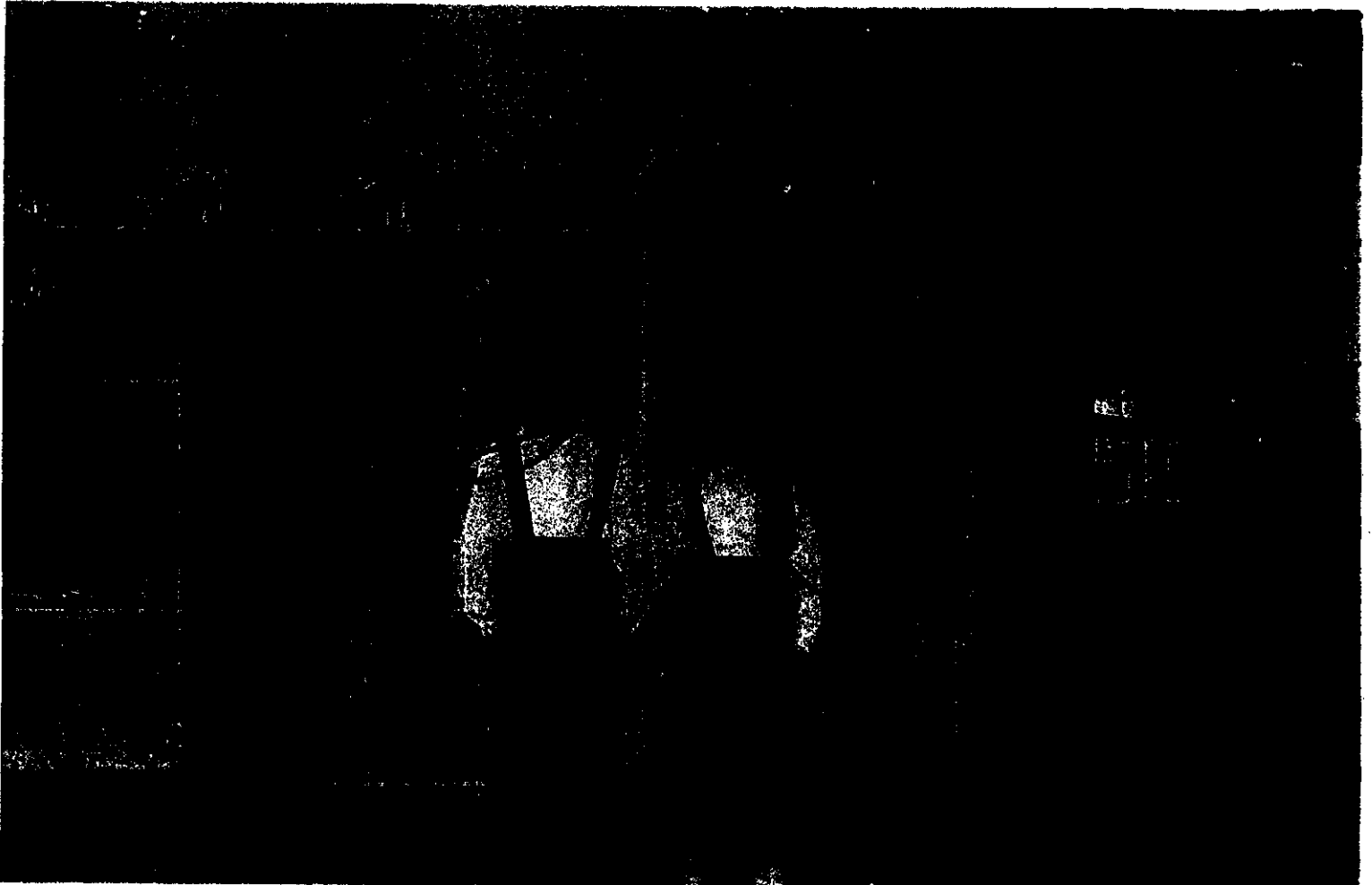


A program for Bosnian children
through the Red Crescent Society of
the UAE

UNCLASSIFIED



UNCLASSIFIED



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

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

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Boumediene Exhibit 5

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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 Boumediene Lakhdar, 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.

<u>Number</u>	<u>Full name and surname</u>	<u>BiH Identification Card Number</u>	<u>Signature</u>
1.	Zehra Barjaktarević	04BQD3731	
2.	Muška Mudželet	04BQC0354	
3.	Samija Mujezinović	03BTA4669	
4.	Meliha Sehmedović	03BSA9799	
5.	Emina Čaušević	04BRE0813	
6.	Fatima Jakubović	04BQB7866	
7.	Hašija Mehmedović	04BQB9153	
8.	Habiba Zimić	03BQA4531	
9.	Tirketa Hasanović	04BQA9244	
10.	Begzada Salkić	04BQB4873	
11.	Razija Omerović	04BQC5290	
12.	Azamina Hasanović	03BTC1979	
13.	Suvada Muminović	04BTF3742	
14.	Azra Ćedić	04BQD4643	
15.	Hidajeta Mujčić	04BQC8479	
16.	Zahida Klina	04BSD2027	

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17.	Nura Salkić	03BZB7404
18.	Jasmina Spahić	03BSA4827
19.	Munevera Kašić	04BNC2217
20.	Sija Jašarević	03BMB0723
21.	Advija Delić	03BNA1354
22.	Zekija Čović	04BOA0210
23.	Mimeza Dlakić	04BOA6496
24.	Medina Hodžić	03BNA2896
25.	Mehdija Sejdinović	04BNA3626
26.	Zumra Hodžić	04BTH8929
27.	Jasmina Branković	04BSF9275
28.	Hamida Džananović	03BNA2870
29.	Šahza Mehić	03BNA2832
30.	Zumra Zimić	04BNB6418
31.	Hata Smajlović	04BPA3572
32.	Safa Pirić	04BQC7923
33.	Mersida Šehić	04BTH3487
34.	Fatima Melez	04BTI2367
35.	Adila Planja	04BNA3564
36.	Kadeta Sulejmanović	04BNA8220
37.	Rašida Tucak	04BPD4334
38.	Begajeta Vejzović	04BQB6888
39.	Kadeta Rizvanović	04BQB9603
40.	Habiba Ćatić	04BQC2788
41.	Suada Ridžić	04BQC7546
42.	Mirsada Harbaš	04BQA8446
43.	Anisa Siručić	04BQD4250
44.	Advija Kohšić	04BQB3984
45.	Zejna Aljović	04BSE5583

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46.	Amela Kolar	04BMO1913
47.	Tima Hodžić	04BQB1911
48.	Fatima Kadrić	04BQC3808
49.	Fata Huseinović	03BSA8774
50.	Fazila Lutvić	04BTF0122

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.

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WILMER CUTLER PICKERING
HALE AND DORR

Stephen H. Oleskey
60 State Street
Boston, MA 02109

PETICIJA

Pod punom moralnom i krivicnom odgovornoscu izjavljujem da mi je licno poznat BOUMEDIENE LAKHDAR da je dugi niz godina od 16.07.1997 do 21.10.2001 obavljao duznost sefa odjela za jetime. Svoj posao je obavljao savjesno, odgovorno, moralno i iskreno pomazuci svojim radom nama i nasoj djeci. Njemu smo se mogli uvijek obratiti za pomoc i svaki put bi naisli na razumijevanje.

R.BR.	IME I PREZIME	BR.L.K.	POTPIS
1	Bajraktarovic Zehra	04BAD3731	Bajraktarovic Zehra
2	MUSKA MUZELET	04BA00354	Muzelet Muska
3	MUZZINOVIC SAMIRA	03BTA4669	Muzzinovic Samira
4	SEHMEHEDOVIC MELHA	03BSA3739	Melha Sehemedovic
5	CAUSEVIC EMINA	04BRE0813	Causovic Emina
6	JAKUBOVIC FATIMA	04BA07566	Fatima Jakubovic
7	MEHMEOVIC HASIJA	04BA09153	Mehmedovic Hasija
8	ZIMIC HABIBA	03BA44531	Zimic Habiba
9	HASANOVIC FILRETA	04BBA9244	Hasanovic Filreta
10	SALKIC BEGZADA	04BA34873	Salkic Begzada
11	OMEROVIC CAZIJA	04BAC5290	Omerovic Caziya
12	HASANOVIC AZEMINA	03BTC1979	Hasanovic Azemina
13	MUMINOVIC LUVADA	04BTF3742	Muminovic Luvada
14	ČEDIĆ AZRA	04BRD4643	Čedić Azra
15	MUJČIĆ HIDAJETA	04BPC4720	Mujčić Hidajeta
16	KLINO ZAHIDA	04BSD2027	Klino Zahida
17	SALKIC NURA	03BTB7404	Salkic Nura
18	SPAHIC JAGMINA	03BSA4827	Spahic Jagmina
19	KASIC MUNEVECA	04BMC2217	Kasic Muneveca
20	JASAREVIC SIJA	03BMB0723	Jasarevic Sija
21	DELIC ADVIJA	03BNA1354	Delic Advija
22	ČIČIĆ ZEKIJA	1450A0210	Čičić Zekija
23	Hadžić Elvedina	04D0A6496	Hadžić Elvedina
24	Hadžić Elvedina	03BNA2896	Hadžić Elvedina
25	SEJDIĆ MEHDIJA	04BNS626	Seđić Mehdija
26	Hadžić Suha	34815TH8922	Hadžić Suha
27	Hadžević Jusmina	04BSF9275	Hadžević Jusmina
28	Džananović Hamida	03BNA2870	Dž. Hamida
29	MEHIĆ SAHZA	03ONA2P32	Mehić Sahza
30	ZUMRA ZIMIC	04BNA3648	Zumra Zimic

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31	SMAJLOVIC' FATA	04BPA3572	SMAJLOVIC' HATA
32	PIRIC' SAFA	04BQC7923	PIRIC' SAFA
33	SEHIC' MERSIDA	04BTH3487	Sehic' Mersida
34	MELER' FATIMA	04BT12367	Meler' Fatima
35	PLANJA ADILA	04BN3564	Planja Adila
36	SULEJMANOVIC' KADETA	04BNA8220	Sulejmanovic' Kadeta
37	TUCAK RASIDA	04BPD4334	Tucak Rasida
38	VEJZOVIC' BEGAJETA	04BQ86888	Veizovic' Begajeta
39	RIZVANOVIC' KADETA	04BQB9603	Rizvanovic' Kadeta
40	CATIC' HABIBA	04BQC2788	Catic' Habiba
41	REDZIC' SUADA	04BQC7546	Redzic' Suada
42	HARBAS' MIRSADA	04BQA8446	HARBAS' MIRSADA
43	SIRUCIC' EMISA	04BQA07250	SIRUCIC' EMISA
44	KOSPIC' ADVIJA	04BQB3984	Kospic' Advija
45	ALJOVIC' ZEJNA	04BSE5583	Aljovic' Zejna
46	KOLAR' AMELA	04BMC1913	Kolar' AMELA
47	HODZIC' TIJANA	04BQB9911	Hodzic' Tijana
48	KADIC' FATIMA	04BQC3208	Kadic' F.
49	MUSEINOVIC' FATA	03BSA8774	MUSEINOVIC' FATA
50	LUTVIC' FAZILA	04BTF0122	Lutvic' Fazila

Preticiju potpisali staratelji jetima koji primaju pomoc od organizacije RED CRESCENT FOR U.A.E. ured u BIH.

UNCLASSIFIED

Boumediene Exhibit 6

UNCLASSIFIED

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FORENSIC PSYCHIATRY

DARYL B. MATTHEWS, M.D., PH.D.
345 QUEEN STREET, SUITE 900
HONOLULU, HAWAII, 96813
PHONE: 808-735-8505
FAX: 808-356-0793
EMAIL: dmatthews@jhu.edu

DIPLOMATE IN PSYCHIATRY AND FORENSIC
PSYCHIATRY, AMERICAN BOARD OF
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March 24, 2005

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

Re: Lakhdar Boumediene

Dear Mr. Oleskey:

You have asked me to provide you with assistance in evaluating Mr. Boumediene'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. Boumediene endorsed sufficient symptoms to suggest that he may meet the clinical criteria for a depressive disorder. These symptoms included decrease in appetite, loss of energy, insomnia, and loss of sexual interest.

Mr. Boumediene 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, intrusive distressing recollections of traumatic events/images, and nightmares.

Mr. Boumediene reported being subjected to beatings, forced isolation, violation of very important religious practices, near suffocation, and being kept in painful positions. He

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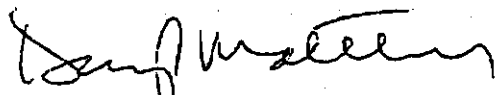
also reported having to witness torture of other detainees and witnessing rape or sexual abuse of other detainees. These experiences are well known to precipitate major depression and stress disorders in previously healthy individuals.

It should be noted that the manner in which Mr. Boumediene 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 or torture, given electric shock, or to have been threatened with execution, and did not claim a many symptoms that might appear to be related to depression or trauma responses.)

In my opinion Mr. Boumediene, 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.

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