



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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COMMITTEE AGAINST TORTURE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Comments by the Government of Bosnia and Herzegovina to the conclusions  
and recommendations of the Committee against Torture  
(CAT/C/BIH/CO/1)**

[1 February 2006]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**Report on the visit paid by representatives of Bosnia and Herzegovina to the citizens of Bosnia and Herzegovina detained in the US Military Detention Camp “Delta” within the US Naval Military Base at Guantanamo Bay, Cuba**

**The Report prepared by Mr. Amir Pilav, LL.M. BiH Ministry of Justice**

1. With a view of implementation of the Decisions of the Human Rights Chamber for Bosnia and Herzegovina in cases No: CH/02/8679, CH/02/8689, CH/02/8690 and CH/02/8691 from 11 October 2002, in case No. CH/02/8961 from 4 April 2003 and case No. CH/02/9499 from 4 April 2003; conclusions of the BiH Council of Ministers from the 31st session held on 18 November 2003; decision of the BiH Ministry of Justice No. 02-011-6620/03 from 8 December 2003; letter of the BiH Ministry of Justice No. 02-011-6620/03 from 8 December 2003; note of the BiH Ministry of Foreign Affairs No. 10621-01-26603/2003 from 26 December 2003; upon approval of the Government of the United States of America (given to the BiH Ministry of Foreign Affairs by the note of the Embassy of the United States of America in Sarajevo by the note of the BiH Ministry of Foreign Affairs No. 10621-01-26603/2003 from 26 December 2003) I was sent on a business trip on behalf of the BiH Ministry of Justice with a mission to visit in the period from 26 to 29 July 2004 the BH citizens detained in the US military detention camp “Delta” within the US naval military base at Guantanamo Bay, Cuba.
2. It is useful to mention that the BiH Ministry of Justice by letter No. 02-011-6620/03 from 18 December 2003 requested the BiH Ministry of Foreign Affairs to ask the US Embassy in Sarajevo, along with the approval for the mentioned visit, answers to the following questions:
  - (a) Have the responsible US authorities in accordance with their regulations indicted any “Algerian group” member who is a BH citizen?
  - (b) Have the responsible US authorities in accordance with their regulations indicted any “Algerian group” member who is not a BH citizen?
  - (c) Do the responsible authorities have available data on the basis of which in the foreseeable future one could expect release of any “Algerian group” member who is a BH citizen or any “Algerian group” member who is not a BH citizen?
3. The approval given by the note of the US embassy in Sarajevo No. 04-1176/S from 15 July 2004 to the BiH Ministry of Foreign Affairs does not provide the answers to the mentioned questions, so we should expect the answer of the US Embassy on the remaining open questions until further notice.
4. Within the set mission as a representative of Bosnia and Herzegovina I was obliged to ask the BH citizens detained in the mentioned location questions according to the “List of Questions a BH representative should ask during his visit to “Algerian group members who are BH citizens, detained in the US military detention camp at Guantanamo Bay”. The list had previously been prepared by the representatives of the BiH Council of Ministers, the BiH Ministry of Justice and the BiH Ministry of Security and forwarded by diplomatic channels to the US Embassy by the note of the BiH Ministry of Foreign Affairs No. 10621-01-26603 from 26 December 2003.

5. I was sent to the set mission together with Mr. Morslav Starovlah, an interpreter of English language in the BiH Ministry of Justice.
6. We left on our business trip on 23 July 2004 by an airplane from the Sarajevo International Airport. We departed from Sarajevo and arrived to Washington via Vienna.
7. During our stay in Washington necessary assistance was provided to us by the Embassy of Bosnia and Herzegovina in Washington.
8. We took off for Guantanamo by the US military plane on 26 July 2004 in the morning on local time from the US military base near Washington accompanied by me, Jim Carlton, a representative of the US Department of Defense. It was necessary to land and have short stay in Miami, Florida to take fuel and perform necessary customs procedures. We arrived at Guantanamo Airport on 26 July 2004 in late afternoon in local time.
9. During 27 July 2004, according to the plan foreseen by the US Department of Defense, accompanied by Mr. Miroslav Starovlah (an interpreter of the English language in the BiH Ministry of Justice) and Mr. Jim Carlton I had a contact and talks with three BH citizens detained in "Delta" military detention camp in a special interview room. I had a contact and talks with: Mr. Nechle Mohamed, Mr. Mustafa Ait Idir and Mr. Boumediene Lakhdar. Minutes on realized contacts with each of them are enclosed to the present report (Annexes 1, 2 and 3).
10. On 28 July 2004, according to the plan foreseen by the US Department of Defense, accompanied by Mr. Miroslav Starovlah (and interpreter of English language in the BiH Ministry of Justice) and Mr. Jim Carlton I had a contact and talk with the fourth BH citizen detained in "Delta" military detention camp in a special interview room. I had a contact and talks with Mr. Boudella Hadj. Minutes on realized contact with this BH citizen are enclosed to the present Report (Annex 4).
11. Since according to the statements of the representative of the US Department of Defense, approval from Washington for contact-visit was given only for BH citizens, there was no possibility for me as a representative of Bosnia and Herzegovina to visit the other two applicants before the Human rights Chamber for Bosnia and Herzegovina who for now do not have a BH citizenship; namely:
  - (a) Saber Lahmar, referred to by the decision of the Human Rights Chamber for Bosnia and Herzegovina in cases No: CH/02/8679, CH/02/8689, CH/02/8690 and CH/02/8691 from 11 October 2002; and
  - (b) Belkasem Bensayah, referred to by the Decision of the Human Rights Chamber for Bosnia and Herzegovina in case No: CH/02/9499 from 4 April 2003.
12. It was suggested by the US Department of Defense representative to have a contact and talks (as a BH representative) on 28 July 2004 with Tariq Mahmood Ahmed Al-Sawah, born on 2 November 1957 in Alexandria, Egypt, alleged BH citizen. However, I was not provided with valid evidence stipulated by the law of Bosnia and Herzegovina that the mentioned person

was a BH citizen. I was informed that Tariq Mahmood Ahmed Al-Sawah worked in World Islamic Relief in Zagreb since 1992; that he stayed in the Republic of Croatia during 1992; that he was a member of the RBiH Army 3rd Corps; that he went to Afghanistan where he trained the use of explosive; that he took part in battles in Afghanistan against the US military forces; that he was taken captive by the US military forces within military operations, as well that he allegedly had a BH passport.

13. The three mentioned decisions of the Human Rights Chamber, Conclusion of the BiH Council of Ministers from the 31st session held on 18 November 2003, my authorities determined by the Decision of the BiH Minister of Justice No. 02-011-6620/03 from 8 December 2003, as well as the "List Questions a BH representative should ask during his visit to "Algerian group" members who are BH citizens, detained in the US military detention camp at Guantanamo Bay" (which had previously been precised by the representatives of the BiH Council of Ministers, the BiH Ministry of Justice and the BiH Ministry of Security) do not refer to Tariq Mahmood Ahemd Al-Sawah. For the mentioned reasons, and considering that I was not provided with valid evidence stipulated by the BH laws that the named person was BH citizen, I did not realize a contact with a named Tariq Mahmood Ahmed Al-Sawah.

14. After visits paid and contacts with the mentioned citizens of Bosnia and Herzegovina at the mentioned location, on 29 July 2004 we took off for Washington from the Guantanamo Airport by the US military plane. It was necessary to land and have short stay in Miami, Florida to take fuel and perform necessary customs procedures. We arrived in Washington in evening in local time, accompanied by Mr. Jim Carlton. Costs of flight for representatives of Bosnia and Herzegovina who flied by this US military plane Washington-Guantanamo-Washington in accordance with conditions of approval (given to the BiH Ministry of Foreign Affairs by the note of the US Embassy in Sarajevo No. 04-1176/S from 15 July 2004), will be furnished later to the BiH Embassy in Washington by the US Department of Defense, with obligation that these costs be paid by the BH Government.

15. During our stay in Washington till return to Sarajevo necessary assistance was provided to us by the Embassy of Bosnia and Herzegovina in Washington.

16. We took off for Vienna from Washington on 31 July 2004 by airplane. We arrived in Vienna on 1 August 2004 in the morning. By flight from Vienna we arrived on the Sarajevo International Airport in the afternoon 1 August 2004.

17. In accordance with item 5 of the Decision of the BiH Minister Justice No. 02-011-6620/03 from 8 December 2003, as a representative of BiH appointed for the subject visit, I was obliged not to inform public on identity of persons determined for the subject visit, as well not to reveal information on visit, until the end of the visit. Upon permission of the BiH Minister of Justice, i.e. Decision of the BiH Minister of Justice 01-02-657/04 from 2 August 2004, as a head of delegation to visit BH citizens at Guantanamo Bay. I made a statement for the BH media on the mentioned visit, since there was a great interest for this visit.

18. In preparation of the present Report I used information collected by the BiH Ministry of Justice prior to the visit, as well as information I received as a BiH representative during the visit to Guantanamo from 26 to 29 July 2004, contained in the present Report and annexes thereto.

Also, I took into consideration certain obligations of BiH towards the Decisions of the Human Rights Chamber for Bosnia and Herzegovina in cases No: CH/02/8679, CH/02/8689, CH/02/8690 and CH/02/8691 from 11 October 2002, in case No CH/02/961 from 4 April 2003 and case No. CH/02/8691 from 11 October 2002, in case No CH/02/961 from 1 April 2003 (e.g. obligation to retain a counsel with recognized practice in a relevant legal field and before relevant courts, tribunals and other authorities with a view of taking all necessary operations to protect rights of applicants during their detainment in the USA, and to secure that each sued party (i.e. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina) bear half of lawyer's and attorneys fees, which has not been carried out by Bosnia and Herzegovina yet.

19. In the period from handing over of six applicants (before the Human Rights Chamber) by representatives of BiH to the US military forces in Sarajevo in January 2002 to preparation of the present Report, based on current information and documentation available to the BiH Ministry of Justice during preparation of the present Report, certain number of different previously commenced procedures against applicants (before the Human Rights Chamber for BiH) have not been completed, or applicants have not been properly submitted the decisions of competent institutions in BiH which decided on their rights. It is mainly the following proceedings:

(a) Investigative criminal proceedings before the F BiH Supreme Court in case No. Ki-101/01, under which applicants (before the Human Rights Chamber for BiH) as the accused had been commanded several month detention which was quashed in January 2002 immediately prior to handing over by representatives of BiH to the US military forces in Sarajevo. After the accused (applicants before the Human Rights Chamber for BiH) upon their taking form Bosnia and Herzegovina became beyond the F BiH Supreme Court reach upon proposal of the F BiH Prosecutors Office from 4 April 2002, the F BiH supreme Court by the Decision No. Ki\_101/01 from 9 April 2002 stopped preliminary investigation against the accused (applicants before the Human Rights Chamber for BiH). The mentioned Decision has not been served to the accused so far, but only to their defenders. As their right to lodge appeal is sui generis right, the mentioned decision has not become legally binding (cited by the F BiH Supreme Court in a letter N. So-1590/03 from 30 December 2003 addressed to the BiH Ministry of Justice). Defendants of the accused Belkasem Bensayh and Boudella Hadj made representation against this Decision; however, it was rejected by the Decision of the F BiH Supreme Court No. Kv-8/02 from 8 May 2002. After entering into force of the new F BiH Law of Criminal Procedure on 1 August 2003, the F BiH Law of Criminal Procedure on 1 August 2003, the F BiH in accordance with the obligation from Article 452 paragraph 2 of the F BiH Law of Criminal Procedure, submitted this document to further procedure to the F BiH Prosecutors Office in Sarajevo. However, the F BiH Supreme Court submitted the document to F BiH Prosecutors Office only on 30 December 2003, not in August 2003, as stipulated by Article 452 paragraph 2 of the F BiH Law of Criminal Procedure;

(b) The BiH Ministry of Justice had several times in the period from January 2004 to 19 July 2004, i.e. immediately prior to departure of BH representatives for Guantanamo Bay, requested the F BiH Prosecutors Office to make prosecutor's decision for this case in a sense of the F BiH Law of Criminal Procedure (kept in the f BiH Prosecutors Office under No. KT-115/01), i.e. to issue an order on failure to conduct investigation or an order on conducting investigation against applicants as the accused persons;

(c) Response of the F BiH Prosecutors Office from 21 July 2004 (addressed to the BiH Ministry of Justice) was furnished to the BH representative only on 9 August 2004, i.e. after return from Guantanamo Bay visit from 26 to 29 July 2004; so the BH representative had not been familiarized with the information contained in a letter of the F BiH Prosecutors Office prior to contacts with the BH citizens in Guantanamo;

(d) In the information the F BiH Prosecutors Office addressed to the BiH Ministry of Justice in a letter No. KT-115/01 from 21 July 2004, the F BiH Prosecutors Office stated that in the previous period it had carried out detailed analyses of all conducted investigative operations during investigation and established factors, after which in a sense of Article 239 paragraph 1 of the F BiH Law Criminal Procedure, it issued an order on 24 June 2005 to stop investigation against Belkacem Bensayah, Saber Lahmar, Ait Idir Mustafa, Khled El Arbed (the above-mentioned decisions of the Human Rights Chamber for BiH do not refer to him), Boudella Hadj, Boumediene Lakhdar and Nechle Mohamed for the crime of international terrorism from Article 168 paragraph 1 with regards to Article 20 paragraph 1 of the F BiH Criminal Code for the reasons stated in Article 239 paragraph 1 items, a) and b) of the F BiH Law of Criminal Procedure;

(e) In the same letter the F BiH Prosecutors Office states that there was justifiable doubt that accused Saber Lahmar had committed crime of certification of untrue matter from Article 353 paragraph 1 of the F BiH Criminal Code, and that extradition could be requested only for the accused Saber Lahmar, who was not a BH citizen, but Algerian citizen. By a letter from 9 August 2004 the BiH Ministry of Justice requested the F BiH Prosecutors Office to submit documentation necessary to lodge extradition appeal for Saber Lahmar from the USA to BiH;

(f) The case which is prosecuted upon an indictment of Municipal Prosecutor in Tuzia No. 642/01 from 26 October 2001 (which became binding) before Municipal Court in Zenica under No. K-529/01 against Belkacem Bansayah (applicants before the Human Rights Chamber for BiH) for criminal act of certification of untrue matter from Article 353 paragraph 2 related to paragraph 1 of the F BiH Criminal Code, in which Municipal Court in Zenica has not so far initiated to competent BiH Ministry of Justice to lodge extradition appeal for the accused Balkacem Bansazah from the USA to BiH. According to the letter of Municipal Court in Zenica No. K-529/01 from 8 March 2004 addressed to the BiH Ministry of Justice, the mentioned court cannot request the BiH Ministry of Justice to lodge extradition appeal for the accused Belkacem Bansayah, since his identity had not been established during criminal proceedings. In other words, the mentioned court had requested the Algerian Interpol via the ex-BiH Ministry of Civil Affairs and Communications to submit original or a copy of papillar lines of the accused for the reason of establishing his identity. However, the court has not received these data so far;

(g) The BiH Ministry of Justice submitted the prayer of the Municipal Court in Zenica No. K 529/01 from 29 January 2004, by which the submission of original or copy of papillar lines of the accused Belkacem Bansazah was requested from the Algerian Interpol, to the BiH Ministry of Security by a letter from 24 March 2004. By the time of preparation of the present Report, the subject document of the BiH Ministry of Justice No. 02-011-6620/03 does not contain response of the Algerian Interpol, that is the BiH Ministry of Security on the subject prayer of the Municipal Court in Zenica No. 529/01 from 29 January 2004;

(h) Administrative procedures before the F BiH Ministry of Interior, that is administrative disputes before the F BiH Supreme Court which were determining of applicants before the Human Rights Chamber for BiH were BH citizens of they were deprived of BiH nationality;

(i) The competent institutions in Bosnia and Herzegovina have not so far served the applicants before the Human Rights Chamber for BiH, who have been under supervision of the US military forces since 18 January 2002, decisions on their rights in a manner stipulated by the BiH laws, i.e. through diplomatic channels. Therefore, the applicants have not been informed on the relevant decisions of the Human Rights Chamber of BiH referring to them, decisions of courts and governing bodies in the mentioned proceedings (criminal proceedings, administrative proceedings, and administrative dispute) before the contact with a representative of BiH in Guantanamo;

(j) By the above-mentioned operations, namely failure to take necessary operations, institutions of Bosnia and Herzegovina in this way again endangered exercising of human rights and freedoms of the applicants before the Human Rights Chamber for BiH;

(k) With a view of implementation of the remaining parts of decisions of the Human Rights Chamber for BiH in cases No: CH/02/8679, CH/02/8689, CH/02/8690 and CH/02/8691 from 11 October 2002, in case No. CH/02/8961 from 4 April 2003, which have not been fully implemented so far; with a view of preventing possible further violation of human rights and freedoms of applicants and more successful organs of the Federation of BiH in implementation of parts of decisions of the Human Rights Chamber of BiH referring to the mentioned cases which have not been implemented so far, it is proposed that the BiH Council of Ministers adopt the following measures:

- (i) After considering the Report prepared by Amir Pilav, LL.M a representative of BiH and Head of Delegation for visit to BiH citizens detained in the US military detention camp "Delta" within the US naval military base at Guantanamo Bay, Cuba, the BiH Council of Ministers adopted the mentioned Report;
- (ii) Pursuant to Article 8 paragraph 2 of the Law on Civil Service in the institutions of BiH with a view of carrying out special task on taking all necessary measures with a view of full realization of decisions of the Human Rights Chamber for BiH in cases No: CH/02/8679, CH/02/8689, CH/02/8690 and CH/02/8691 from 11 October 2002, in case No. CH/02/8961 from 4 April 2003 and case No. CH/02/9499 from 4 April 2003; preventing possible further violation of human rights and freedoms of applicants in BiH and coordination of operations of institutions of BiH with competent institutions and organs of the Federation of BiH in implementation of the mentioned decisions of the Human Rights Chamber for BiH, the BiH Council of Ministers entrusts the Secretary with Special Duty established within the BiH Ministry of Justice as of the day of passing this decision;

- (iii) The BiH Ministry of Justice shall provide the Secretary with Special Duty from item 2 all necessary technical, administrative and financial support for his undisturbed work;
- (iv) The Secretary with Special Duty from item 2 for his work and management shall be responsible to the BiH Council of Ministers and shall be obliged to submit quarterly reports to the BiH Council of Ministers on measures taken and results realized until final realization of all tasks from item 2;
- (v) The Secretary with Special Duty from item 2 shall be entrusted to obtain all necessary evidence of Tariq Mahmood Ahmed Al-Sawah, born on 2 November 1957 in Alexandria, Egypt is a BH citizen, and if so to take all necessary measures with a view of visiting the named person who is detained in the US military detention camp “Delta” within the US naval military base at Guantanamo Bay, Cuba;
- (vi) The BiH Council of Ministers by the time of appointment of the Secretary with Special Duty from item 2 in accordance with the Law on Civil Service in the institutions of BiH for the acting Secretary with Special Duty from item 2 shall appoint ...

#### **Alternative I**

20. If the BiH Council of Ministers considers for any reason there no presumptions that the Secretary with Special Duty with the BiH Ministry of Justice is entrusted for carrying out of all activities proposed by the present Report, for the first alternative for carrying out of activities proposed by the present Report. I propose the Expert Group be entrusted, composed of representatives of the BiH Ministry of Justice (Expert Group Coordinator), the BiH Ministry of Foreign Affairs, the BiH Ministry of Security, the BiH Ministry of Human Rights and Refugees and the BiH Ministry of Finance and Treasury. In this case due to scope of the set obligations (primarily be on the Coordinator), it would be necessary to state that inability of the Coordinator to carry out other regular assignments in the BiH Ministry of Justice shall be justified.

#### **Alternative II**

21. If the BiH Council of Ministers considers for any reason there are no presumptions that the Secretary with Special Duty with the BiH Ministry of Justice is entrusted for carrying out of all activities proposed by the present Report, for the second alternative for carrying out of activities proposed by the present Report, I propose that the BiH Ministry of Justice be entrusted to appoint a person tasked with this assignment. In this case due to scope of the set obligations (primarily be on the Coordinator), it would be necessary to state that inability of the Coordinator to carry out other regular assignments in the BiH Ministry of Justice.

22. After a year, revision procedure may be reviewed and decision may be reversed. The Administrative Review Board submits report/administrative recommendation to Mr. Gordon England, Deputy Secretary of Defense, who makes the final decision.

23. From the contacts I had as a representative of BiH with the mentioned four BH citizens detained in Guantanamo, it could be concluded that they have certain degree of knowledge on forthcoming above-mentioned review process.

**Annexes**

1. Minutes on realized contact with a BH citizen Nichie Mohamed (with Enclosures 1 and 2);
2. Minutes on realized contact with a BH citizen Mustafa Ait Idir (with Enclosures 1 and 2);
3. Minutes on realized contact with a BH citizen Boumedienne Lakhdar (with Enclosures 1 and 2);
4. Minutes on realized contact with a BH citizen Boudella Hadj (with Enclosures 1 and 2).

**Proposal of Conclusions of the BiH Ministry of Justice regarding the Report on the visit paid by representatives of BiH to the BH citizens detained in the US Military detention camp “Delta” within the US naval military base at Guantanamo Bay, Cuba**

**I**

24. Having considered the Report from 10 August 2004, supplemented by Annex I to the Report from 18 August 2004, prepared by Mr. Amir Pilav, LLM, a representative of the BiH Ministry of Justice and Head Delegation for visit to BH citizens detained in the US military detention camp “Delta” within the US naval base at Guantanamo Bay, Cuba, the BiH Council of Ministers has accepted the mentioned Report.

**II**

25. The BiH Ministry of Justice is entrusted to appoint a person to carry out the following tasks, namely:

(a) To provide for translation into English and Arabic languages of relevant decision of the Human Rights Chamber for BiH referring to applicants before the Human Rights Chamber for BiH detained in the US military detention camp “Delta” within the US naval base at Guantanamo Bay, buy, and to post them though diplomatic channels to the USA to be served to Nechle Mohamed, Mustafa Ait Idir, Boumediene Lakhdar, Boudella Hadj, Saber Lahmar and Beikacem Bansayah;

(b) To obtain all relevant decisions of the F BiH Ministry of Interior, the F BiH Supreme Court and other institutions of Bosnia and Herzegovina referring to proceedings against applicants before the Human Rights Chamber for BiH regarding deprivation of BH citizenship, that is quashing of such decisions, as well as decisions made as regards the refusal of entry to applicants;

(c) To provide for translation into English and Arabic languages of relevant decisions from item 2 of the present Annex, and to post them though diplomatic channels to the USA to be served to: Nechle Mohamed, Mustafa Ait Idir, Boumediene Lakhdar, Boudella Hadj, Saber Lahmar and Beikacem Bansayah;

(d) To obtain all relevant decisions of the F BiH Supreme Court and the F BiH Prosecutors Office referring to case(s) being prosecuted at the moment against any applicant before the Human Rights Chamber for BiH;

(e) To provide for translation into English and Arabic languages of relevant decisions from item 4 of the present Annex, and to post them though diplomatic channels to the USA to be served to: Nechle Mohamed, Mustafa Ait Idir, Boumediene Lakhdar, Boudella Hadj, Saber Lahmar and Beikacem Bansayah;

(f) To take all necessary measures to create preconditions for the BiH Ministry of Justice to lodge to the US competent institution extradition appeal for the accused

Belkacem Bansayah from the USA to BiH regarding a case being prosecuted against him before the Municipal Court in Zenica, as well as the accused Saber Lahmar regarding a case being prosecuted against him before the F BiH Prosecutors Office in Sarajevo;

(g) To take all necessary activities in cooperation with the Government of the Federation of BiH, in order to allow the Federation of BiH to pay in the shortest possible time its part of obligations according to relevant decisions of the Human Rights Chamber for BiH by virtue of compensation of non-pecuniary damage to applicants;

(h) Through the BiH Ministry of Foreign Affairs request through diplomatic channels the following information:

- (i) Have the responsible US authorities in accordance with their regulations indicated any applicant before the Human Rights Chamber for BiH who is not a BH citizen?
- (ii) Have the responsible US authorities in accordance with their regulations indicted any applicant before the Human Rights Chamber for BiH who is not a BH citizen?
- (iii) Do the responsible authorities have available data on the basis of which in the foreseeable future one could expect release of any applicant before the Human Rights Chamber for BiH who is a BH citizen or any applicant before the Human Rights Chamber for BiH who is not a BH citizen?
- (iv) In which phase there are proceedings against applicants before the Human Rights Chamber for BiH before the Administrative Review Board?

(i) Depending on the phase of phase of proceedings against applicants before the Human Rights Chamber for BiH before the Administrative Review Board, to take all necessary measures with a view of entering into negotiations on extradition of the mentioned detainees into Bosnia and Herzegovina, if there is possibility to reach such agreement with the US Government;

(j) To obtain all necessary evidence to prove if Tariq Mahmood Ahmed Al-Sawah, born on 2 November 1957 in Alexandria, Egypt is a BH citizen, and if so to take all necessary measures with a view of visiting the named person who is detained in the US military detention camp "Delta" within the US naval military base at Guantanamo Bay, Cuba;

(k) Depending on the fact if a case has been or will be instituted in the foreseeable future against any applicant, to take all necessary measures with a view of retaining of a counsel with recognized practice in a relevant legal field and before relevant courts, tribunals and other authorities with a view of taking all necessary operations to protect rights of applicants during their detainment in the USA, and to secure that each sued party (i.e. Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina) bear half of lawyer's and attorneys fees, which has not been provided for by Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina so far;

(l) Depending on bringing possible verdicts in the USA against applicant before the Human Rights Chamber for BiH, to take other additional measures in accordance with relevant decisions of the Human Rights Chamber for BiH;

(m) To take all other necessary measures which are not explicit specified in the present conclusions, whose aim is to implement in full all relevant decisions towards applicants before the Human Rights Chamber for BiH;

(n) To contact wives of the applicants before the Human Rights Chamber for BiH, and to inform them on the visit of BH representatives paid to their husbands. To inform them also on the next steps the BiH Council of Ministers plans to take with a view of full implementation of all relevant decisions of the Human Rights Chamber for BiH, and to give all wives the photos of their husbands taken by competent US authorities, enclosed in Annexes to the Report prepared by the Mr. Amir Pilav, LLM on 10 August 2004.

### III

26. During carrying out of the tasks specified in Part II of the proposed conclusions, inability of a person appointed to carry out other regular assignments in the BiH Ministry of Justice, shall be justified.

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